

---

..Title

## MODERNIZATION OF CITY ORDINANCES TO REFLECT LANGUAGE THAT IS RESPECTFUL TO PEOPLE WITH DISABILITIES

..body

WHEREAS, People with disabilities are a critical part of the fabric of New Haven, Connecticut, and the United States; and

WHEREAS, Congress enacted the landmark Americans with Disabilities Act “to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities; and,

WHEREAS, the integration mandate of the Americans with Disabilities Act is intended to eliminate the barriers to community participation for people with disabilities including, employment, state and local government programs, and public accommodations: and,

WHEREAS, the Board of Alders recognizes the importance and impact of language on perceptions and treatment of people with disabilities and wants to ensure respectful language when addressing and referring to all its citizens.

NOW, THEREFORE BE IT ORDAINED by the Board of Alders that the Text Amendments are hereby adopted and made a part of the enumerated Ordinances.

BE IT FURTHER ORDAINED that said Text Amendments shall take effect on October 1, 2022.

### Sec. 12½-43.2. Disability Handicap.

- (a) A person may not discriminate in the sale or rental or otherwise make unavailable or deny a dwelling to any buyer or renter because of ~~a handicap~~ the disability of:
  - (1) That buyer or renter;
  - (2) A person residing in or intending to reside in that dwelling after it is sold, rented or made available; or
  - (3) Any person associated with that buyer or renter.
- (b) A person may not discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provisions of services or facilities in connection with the dwelling because of ~~a handicap~~ the disability of:
  - (1) That person;
  - (2) A person residing in or intending to reside in that dwelling after it is sold, rented or made available; or
  - (3) Any person associated with that person.
- (c) For purposes of this section only, discrimination includes:

- 
- (1) A refusal to permit, at the expense of the ~~handicapped of the~~ person with a disability, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises;
  - (2) A refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; or
  - (3) In connection with the design and construction of covered multifamily dwelling for first occupancy after March 13, 1991, a failure to design and construct those dwellings in a manner that:
    - a. The dwellings have at least one (1) building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site.
    - b. With respect to dwellings with a building entrance on an accessible route:
      - (i) The public use and common use portion of the dwellings are readily accessible to and usable by ~~handicapped~~ persons with disabilities;
      - (ii) All the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by ~~handicapped~~ persons with disabilities in wheelchairs; and
      - (iii) All premises within covered multifamily dwelling units contain an accessible route into and through the dwelling, light switches, electrical outlets, thermostats and other environmental controls in accessible locations, reinforcements in bathroom walls to allow later installation of grab bars, and usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space. (Compliance with the appropriate requirements of the American National Standard for Accessible and Usable Buildings & Facilities for Building and Facilities Providing Accessibility and Usability for Physically Handicapped People ["ANSI A 117.1"] satisfies the requirements of this subsection.
  - (4) With respect to dwellings located above the first floor with at least one (1) elevator as its only ~~handicap~~ accessible means of ingress and egress for persons with disabilities to any floor above the ground-floor:
    - (i) A failure to provide twenty-four (24) hour advance written notice of scheduled maintenance on the elevators or failure to conduct scheduled maintenances in accordance with industry standards and manufacturer's recommended maintenance;
    - (ii) Improper or inadequate maintenance causes repeated or persistent failures resulting in inoperable or out-of-service elevators; or
    - (iii) Failure to promptly repair elevators and restore elevator service. For purposes of this subsection, an elevator that is the only means of ~~handicap~~ access for persons with disabilities to a floor above a ground floor shall be deemed in violation of this
-

---

subsection if it is out of service for more than three (3) days unless:

- (1) The owner or operator demonstrates that the delay in repair is due to circumstances beyond its control; and
- (2) The owner demonstrates that it has offered to pay suitable alternative housing for all ~~handicap~~-tenants with disabilities and their families residing in the dwelling until the repair is complete.

(d) As used in this subsection, the term "covered multifamily dwellings" means:

- (1) Buildings consisting of four (4) or more units if the buildings have one (1) or more elevators; and
  - (2) Ground-floor units in other buildings consisting of four (4) or more units.
- (e) Nothing in this section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(Ord. of 1-6-92; Ord. of 6-1-92; Ord. of 3-12-01; Ord. No. 2016-0025 , 6-6-16)

Note(s)—See the editor's note to § 12½-43.1.

---

**Sec. 12½-43. Prohibited activity.**

It shall be a discriminatory practice in violation of this article for the lessor or other person:

- (a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, creed, color, religion, national origin, ancestry, sex, gender identity or expression, marital status, sexual orientation, age, lawful source of income, ~~handicap~~, disability, or familial status.
- (b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith, because of race, color, religion, creed, sex, gender identity or expression, marital status, sexual orientation, age, familial status, national origin, ancestry, ~~handicap~~ disability, or unlawful source of income.
- (c) To make, print, or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, creed, color, religion, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status, sexual orientation, ~~handicap~~ disability, or an intention to make any such preference, limitation or discrimination.
- (d) (1) To represent to any person because of race, color, religion, creed, sex, gender identity or expression, marital status, sexual orientation, age, familial status, national origin, ancestry, ~~handicap~~ disability, or lawful source of income that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available; and  
(2) It shall be a violation of this subdivision for any person to restrict or attempt to restrict the choices of any buyer or renter to purchase or rent a dwelling:
  - (i) To an area which is substantially populated, even if less than a majority, be persons of the same protected class as the buyer or renter;
  - (ii) While such person is authorized to offer for sale or rent another dwelling which meets the housing criteria as expressed by the buyer or renter to such person; and
  - (iii) Such other dwelling is in an area which is not substantially populated by persons of the same protected class as the buyer or renter. As used in this subdivision, "area" means municipality, neighborhood or other geographic subdivision which may include an apartment or condominium complex; and "protected class" means race, color, religion, creed, sex, gender identity or expression, marital status, sexual orientation, age, familial status, national origin, ancestry, ~~handicap~~ disability, or lawful source of income.
- (e) To coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of or on account of his/her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by G.S. section 46a-64c, as amended by Public Act No. 92-257, section 2.

- 
- (f) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, creed, sex, gender identity or expression, marital status, sexual orientation, age, familial status, national origin, ancestry, handicap disability, or lawful source of income.
  - (g) For any person or other entity engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in terms or conditions of such a transaction, because of race, color, religion, creed, sex, gender identity or expression, marital status, sexual orientation, age, familial status, national origin, ancestry, handicap disability, or lawful source of income.
  - (h) To deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him/her in the terms or conditions of such access, membership or participation, on account of race, color, religion, creed, sex, gender identity or expression, marital status, sexual orientation, age, familial status, national origin, ancestry, handicap disability, or lawful source of income.
  - (i) To raise rents because of, or in anticipation of, any effect of this article.
  - (j) To evict or attempt to evict any person if a motivating factor for the eviction is the occupancy or potential occupancy of a minor child or children.
- (Ord. of 5-5-80, § 3; Ord. of 1-6-92; Ord. of 6-1-92; Ord. of 3-12-01; Ord. No. 1666, 11-10-11 )

---

**Sec. 12½-50. Prima facie presumption of discrimination.**

The fact that an employer does pay or reimburse membership fees or other expenses associated with participation by its employees in an exclusionary private organization establishes prima facie that such participation confers an employment advantage or constitutes or results in discrimination in a term, privilege or condition of employment on the basis of race, color, religion, creed, sex, gender identity or expression, marital status, sexual orientation, age, familial status, national origin, ancestry, or ~~handicap~~ disability. The employer shall have the opportunity of demonstrating to the commission that such an employment advantage or discrimination does not exist.

(Ord. of 9-26-83; Ord. No. 1666, 11-10-11 )

---

**Sec. 12½-4. Same—Functions; statutory provisions adopted re equal opportunities.**

The function of the commission shall be:

- (a) To promote mutual understanding and respect among, and encourage and assure equality of opportunity for, all the people of New Haven without regard for their race, color, religion, creed, sex, gender identity or expression, marital status, sexual orientation, age, familial status, national origin, ancestry, or ~~handicap-disability~~ to conduct such programs of education, study, research, investigation and action, as well as contribute to carrying out the purposes and provisions of this chapter; and to cooperate with governmental and nongovernmental agencies and organizations in the field of intergroup relations and equal opportunities; and
- (b) To undertake in New Haven through local official action the implementation of G.S. section 46a-58 (prohibiting the deprivation of rights, privileges or immunities secured or protected by the constitution or laws of Connecticut or of the United States on account of religion, national origin, alienage, color, race, creed, sex, marital status, age, lawful source of income, familial status, blindness, or ~~handicap-disability~~); G.S. section 46a-59 (prohibiting discrimination in association of licensed persons); G.S. section 46a-60 (prohibiting discriminatory employment practices); G.S. section 46a-64 (prohibiting discrimination in places of public accommodation, including housing); or G.S. section 46a-66 (prohibiting discriminatory credit practices), the provisions whereof are incorporated herein by reference. References in this chapter to such sections of the Connecticut General Statutes shall include amendment thereof as may be made from time to time.

(Ord. of 5-14-64, § 4; Ord. of 10-6-69, Ord. of 5-6-74; Ord. of 1-8-79; Ord. of 1-21-86; Ord. of 1-6-92; Ord. of 6-1-92;  
Ord. of 3-12-01; Ord. No. 1666, 11-10-11 )

---

**Sec. 27-32. Ice, snow, sleet—Duty of abutting owner to remove or abate.**

- (a) *Removal.* The owner of land or a building, bridge or premises fronting upon the sidewalk, or connected with a footway, shall remove snow, sleet or ice within a minimum of forty-two (42) inches of such property including ~~handicap~~ accessible ramps within twenty-four (24) hours after a storm ends.
- (b) *Abatement.* If the owner of the property referred to in subsection (a) cannot entirely remove the snow, sleet or ice within the aforesaid parameters, he/she shall cover the affected portion(s) with an abrasive substance so as to keep the property in a reasonably safe condition at all times.
- (c) *Penalty.* If a property owner fails to comply with subsections (a) and (b), above, within twenty-four (24) hours after receiving notice to remove the snow, sleet or ice from an appropriate city official, said owner shall be punished by a one hundred dollar (\$100.00) fine, or an amount up to the maximum allowed under state statute. Each day that the violation continues shall constitute a separate offense.

(Code of 1985, § 27-9; Ord. of 10-17-88, § 16 Ord. No. 1426, 9-28-06; Ord. No. 1587, 4-20-09)



---

**Sec. 12½-48. Definitions.**

In this article, the following definitions shall apply:

*City:* The City of New Haven.

*City contract:* Any contract between the city and an employer to be paid in whole or in part by public funds or in kind contributions from the city.

*Commission:* Commission on equal opportunities of the City of New Haven.

*Employer:* Any person who is a party to a city contract and who employs three (3) or more employees exclusive of parents, spouse or children.

*Person:* One (1) or more individuals, partnerships, associations, organizations, legal representatives, trustees or other legal entities.

*Employees:* All individuals employed by an employer including those working full- or part-time and executive and administrative officers and personnel. The term "employees" shall extend to all such employees and shall not be limited to those performing or doing work under the city contract.

*Exclusionary private organization:* Any organization, club or association which bars, restricts or limits membership or use of its dining or recreational facilities on the basis of race, color, religion, creed, sex, gender identity or expression, marital status, sexual orientation, age, familial status, national origin, ancestry, or ~~handicap disability~~.

(Ord. of 9-26-83; Ord. No. 1666, 11-10-11 )

---

**Sec. 12½-49. Contract requirements.**

- (a) Each city contract shall provide that payment or reimbursement by the employer of membership fees or other expenses associated with participation by its employees in an exclusionary private organization, insofar as such participation confers an employment advantage or constitutes or results in discrimination with regard to hiring, tenure or employment, promotions, terms, privileges, or conditions of employment on the basis of race, color, religion, creed, sex, gender identity or expression, marital status, sexual orientation, age, familial status, national origin, ancestry, or ~~handicap~~ disability constitutes a substantial breach of such city contract entitling the city to all rights and remedies provided in the city contract or otherwise available in law or equity. The city contract also provides that the employer will require like covenants in all subcontracts which are entered into by the employer under such city contract.
- (b) Each city contract also require the employer to cooperate with the commission in any manner which the commission deems reasonable and necessary for the commission to carry out its responsibilities under this article and that failure to so cooperate constitutes a substantial breach of the city contract entitling the city to all rights and remedies provided in the city contract or otherwise available in law or equity.

(Ord. of 9-26-83; Ord. No. 1666, 11-10-11 )

---

**Sec. 12½-2. Findings.**

- (a) The population of New Haven is composed of people of diverse races, genders and gender identities, colors, religious creeds and national origins. It is essential to the health, safety and welfare of the city and its inhabitants that those differences serve only as bases of individual and community strength and integrity and not as causes of discrimination, segregation and restricted opportunities. Discrimination and its consequences cost the city and its people dearly. They cause unsafe and unsanitary housing, unemployment and underemployment, and waste of human potential. They also cause increased crime, juvenile delinquency, disease, fire, public disorder, deficiencies in the city's education system, higher welfare costs, and loss of tax revenue.
- (b) Denial of equal opportunities to any person on the basis of race, color, religion, creed, sex, gender identity or expression, marital status, sexual orientation, age, familial status or national origin, ancestry, or ~~handicap~~ disability is against the public policy of the state. Government initiative to repair the consequences of past denials of equal opportunities, and to prevent such denials in the future, promotes the state's public policy. Because New Haven's population is more diverse in race, gender and gender identities, color, religion, creed and national origin than the population of less densely populated areas of Connecticut, and the need for intergroup respect and understanding is therefore greater, it is essential that official local action be taken to promote and assure equality of opportunity for all residents of the city.

(Ord. of 5-14-64, § 2; Ord. of 5-6-74; Ord. of 8-6-90, § 1; Ord. of 1-6-92; Ord. of 6-1-92; Ord. of 3-12-01; Ord. No. 1666, 11-10-11 )

---

#### **Sec. 17-11.10. Pushcarts.**

- (a) A licensed vendor, including a restaurant vendor, shall not vend from a pushcart unless it complies with the standards set out in this subsection. The height of the pushcart, including canopies, umbrellas, or transparent enclosures, shall not exceed ten (10) feet. The maximum length of the pushcart shall be eight (8) feet, and maximum width shall be five (5) feet. Each pushcart shall have a minimum of two (2) wheels and no more than four (4) wheels and shall be functional and decorative.
- (b) Pushcarts shall be built of durable materials that are easy to keep clean and are appropriate for exterior use and which will withstand strong winds. If wood is used it shall be painted or otherwise coated to create a glossy finish. No bare or pressure treated wood without an additional glossy finish coating is permitted. Each pushcart shall have stability features such as brakes or chocks to firmly fix its location. Pushcart tongues (including, but not limited to, hitches, or handles) must detach and be stored out of the way or be folded away while the pushcart is stationary and in use. Pushcarts are to be open and the licensed vendor shall not stand in, be partially or fully enclosed by, or operate within the pushcart.
- (c) Pushcart vending or sidewalk sales shall not be conducted in front of the entrance or exit to any building or driveway, within twenty (20) feet of any building entrance, exit, or alcove, driveway, mailbox, fire hydrant, traffic signal, bus stop, or loading zone.
- (d) Pushcarts are to be located fully within the boundaries of the paved sidewalk surface and/or tree belt while on public space, provided, however, that on those streets where no paved sidewalk exists, carts shall be so placed as to not interfere with pedestrian or vehicular traffic. No part of any pushcart may extend over the curb line, nor shall it be positioned in such manner as to obstruct a crosswalk, ~~handicap-accessible~~ ramp, fire hydrant, driveway or access to any building. Pushcarts must be positioned to allow an unobstructed pedestrian walkway at least five (5) feet in width, or in accordance with section 17-45 of this Code. Where a five (5) foot width does not exist, vending shall be prohibited.
- (e) No conveyance, enclosed or open, larger than a pushcart's maximum size of eight (8) feet in length and five (5) feet in width, shall be permitted on any sidewalk unless otherwise permitted by special vending district regulation. Vending conveyances exceeding pushcart maximum size must adhere to the same regulations as food trucks.

(Ord. No. 1819 , 4-19-17)

---

**Sec. 12½-42. Definitions.**

- (a) *Minor child* means any person less than eighteen (18) years of age.
- (b) *Elderly person* means any person who has attained the age of sixty (60) or more years.
- (c) *Lessor* means the owner, real estate broker, assignee or other person having the right of ownership, the right of possession or the right to rent or lease any housing accommodation, or any agent or employee of such person.
- (d) *Dwelling* means any building, structure, mobile manufactured home park or portion thereof which is occupied as, or designed or intended for occupancy as, a residency by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, mobile manufactured home park or portion thereof.
- (e) *Family* includes a single individual.
- (f) *Person* includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, receivers and fiduciaries.
- (g) *To rent* includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.
- (h) ~~Handicap~~ Disability means, with respect to a person:
  - (1) A physical or mental impairment which substantially limits one (1) or more of such person's major life activities;
  - (2) A record of having such an impairment; or
  - (3) Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance.
- (i) *Aggrieved person* includes any person who:
  - (1) Claims to have been injured by a discriminatory housing practice; or
  - (2) Believes that such person will be injured by a discriminatory housing practice that is about to occur.
- (j) *Complainant* means the person (including the executive director) who files a complaint under section 12½-6.
- (k) *Familial status* means one (1) or more individuals who have not attained the age of eighteen (18) years being domiciled with:
  - (1) A parent or other person having legal custody of such individual or individuals; or
  - (2) The designee of such parent or other person having such custody, with the written permission of such parent or other person; or
  - (3) Any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

- 
- (l) *Conciliation* means the attempted resolution of issues raised by complaint, or by the investigation of such complaint, through informal negotiation involving the aggrieved person, the respondent, and the chairperson.
- (m) *Conciliation agreement* means a written agreement setting forth the resolution of the issues in conciliation.
- (n) *Respondent* means:
- (1) The person or other entity accused in a complaint of an unfair housing practice; and
  - (2) Any other person or entity identified in the course of investigation and notified as required with respect to respondents so identified under section 12½-6(a).
- (o) *Residential real estate-related transaction* means:
- (1) The making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a dwelling or secured by residential real estate; or
  - (2) The selling, brokering or appraising of residential real property.

(Ord. of 5-5-80, § 2; Ord. of 1-6-92; Ord. of 6-1-92; Ord. of 3-12-01)

---

**Sec. 29-35. Parking prohibited in certain places.**

No operator shall stop, stand, or leave any horse or other animal or vehicle, in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic sign or signal:

- (a) Within an intersection, or
- (b) Within twenty-five (25) feet of an intersection, or a marked crosswalk, or
- (c) On a crosswalk, or
- (d) In front of and so as to obstruct a driveway, or
- (e) On any street so as to obstruct traffic, or
- (f) Within ten (10) feet of any fire hydrant, or
- (g) On the side of any street within twenty-five (25) feet of any stop sign, or
- (h) On any street that is posted to prohibit parking pursuant to traffic authority regulations, or
- (i) On any street posted no parking for street maintenance pursuant to regulation or permit by the director of public works, or
- (j) On any sidewalk, or
- (k) In any handicapped or reserved parking space without a permit to use such space, or
- (l) In any space for more than seventy-two (72) consecutive hours, provided that nothing in this subsection (l) shall be so construed as to apply to those spaces posted as residential parking spaces in a residential parking zone created pursuant to section 29-55 of this Code of General Ordinances.

(Traffic Reg. of 7-7-52, § 18; Ord. of 3-7-88, § 6)

Cross reference(s)—Damaging or blocking access to hydrants prohibited, § 13-706.

---

**Sec. 12<sup>1</sup>/<sub>2</sub>-1.1. Definitions.**

- (a) Blind refers to an individual whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or whose visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty (20) degrees.
  - (b) *Commission* means the commission on equal opportunities created by this article.
  - (c) *Commission counsel* means the counsel employed by the commission.
  - (d) *Commissioner* means a member of said commission.
  - (e) *Court* means the superior court for the Judicial District of New Haven or any judge of said court.
  - (f) *Discrimination* includes segregation and separation.
  - (g) *Discriminatory employment practice* means any discriminatory practice specified in G.S. section 46a-60.
  - (h) *Discriminatory practice* means a violation of C.G.S. section 46a-58, 46a-59, 46a-60, 46a-64, 46a-64c, 46a-66, 46a-68, sections 46a-70 to 46a-78, inclusive, subsection (a) of section 46a-80, or sections 46a-81c- to 46a- 81f, inclusive.
  - (i) *Employee* means any person employed by an employer but shall not include any person employed by his or her parents, parents-in-law, spouse or child, or a person employed in the domestic service of any other person.
  - (j) *Employer* includes the city and the departments, agencies, commissions and officers thereof, and any person with three (3) or more persons in his/her or its employ.
  - (k) *Employment agency* means any person undertaking with or without compensation to procure employees or opportunities to work.
  - (l) *Labor organization* means any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment.
  - (m) ~~Mental retardation~~ Intellectual Disability means mental retardation as defined in G.S. section 1-1g.
  - (n) *Person* means one (1) or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers and the city and all departments, agencies, commissions and officers thereof.
  - (o) *Physically disabled* refers to any individual who has any chronic physical ~~handicap~~ disability, infirmity or impairment, whether congenital or resulting from bodily injury, organic processes or changes or from illness, including, but not limited to, epilepsy, deafness or hearing impairment or reliance on a wheelchair or other remedial appliance or device.
  - (p) *Respondent* means any person alleged in a complaint filed pursuant to this chapter to have committed a discriminatory practice.
  - (q) *Discrimination on the basis of sex* includes but is not limited to discrimination related to pregnancy, child- bearing capacity, sterilization, fertility or related medical conditions.
- 
- (r) *Discrimination on the basis of religious creed* includes but is not limited to discrimination related to



---

all aspects of religious observances and practice as well as belief, unless an employer demonstrates that he/she is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

- (s) *Learning disability* refers to an individual who exhibits a severe discrepancy between educational performance and measured intellectual ability and who exhibits a disorder in one (1) or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in a diminished ability to listen, speak, read, write, spell or to do mathematical calculations.
- (t) *Mental disability* refers to an individual who has a record of, or is regarded as having one or more mental disorders, as defined in the most recent edition of the American Psychiatric association's "Diagnostic and statistical Manual of Mental Disorders."
- (u) *Sexual orientation* means actual or supposed heterosexuality, homosexuality or bisexuality.
- (v) *Gender identity or expression* means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.

(Ord. of 1-8-78; Ord. of 8-6-90, § 2; Ord. of 1-6-92; Ord. of 6-1-92; Ord. of 3-12-01; Ord. No. 1666, 11-10-11 )

---

## Sec. 16½-12. Definitions.

Unless the context requires otherwise,

*Commission* means the commission on disabilities of the City of New Haven.

*Disability* means any condition or characteristic that renders a person a "person with disabilities" as defined below.

*Person with disabilities* means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment. As used herein:

- (a) *Physical or mental impairment* means (1) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory; including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or (2) any mental or psychological disorder, such as ~~mental retardation~~, intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities. This term includes, but is not limited to, however, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, ~~mental retardation~~, intellectual disability, emotional illness, drug addiction and alcoholism.
- (b) *Major life activities* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- (c) *Has a record of such an impairment* means has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.
- (d) *Is regarded as having an impairment* means (1) has a physical or mental impairment that does not substantially limit major life activities, but that is treated by the commission as constituting such a limitation; or (2) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment.

(Ord. of 2-11-81, § 2, Ord. of 4-6-87)

---

**Sec. 17-11.3. Application.**

- (a) In order to obtain a vendor license under this article, an interested person must file an application with the issuer, and provide all of the following information in addition to the information required by section 17-1.3 of this Code:
  - (1) A valid Connecticut state tax number.
  - (2) A statement describing the kind and character of the merchandise, services, samples or subscriptions being offered for sale.
  - (3) The proposed location(s) at which the merchandise, services, samples or subscriptions are to be offered.
- (b) Additionally, an applicant must supply all of the following information:
  - (1) The applicant's photograph, with proof of his or her identity and address.
  - (2) If selling food, a valid health permit from the city health department.
  - (3) If a conveyance is to be used, a photograph and description of it, including its dimensions.
  - (4) If a motor vehicle is to be used, a description of it, with copies of the applicant's motor vehicle registration and operator's license.
  - (5) If a leased motor vehicle is used, a copy of the applicant's leasing agreement.
  - (6) Proof of the applicant's insurance, as set forth in vendor license regulations.
  - (7) Disclosure of person or persons having any ownership interest in the vending enterprise for which a permit is being requested.
  - (8) A valid state sales and use tax permit.
  - (9) A site plan showing the location of the vending conveyance in relation to curbs, sidewalks, and public infrastructure, including but not limited to hydrants, bus stops, traffic signals, handicap accessible ramps, crosswalks, utility poles, street trees and adjacent property lines and building entrances.
  - (10) Payment of the applicable license fee or fees, as prescribed in section 17-201 of this Code and published annually in the city's general fund budget document.

(Ord. No. 1819 , 4-19-17)

---

**Sec. 12½-26. Pre-award conference.**

- (a) Following receipt and review of the employment information required by the contract compliance division and prior to award of a contract, the apparent successful bidder and his major subcontractors shall be required to attend a pre-award conference, if called by the contract compliance director, at which time such bidder and major subcontractors shall submit affirmative action programs to promote equal opportunity in employment. At such pre-award conference the contract compliance director shall notify the apparent successful bidder and his major subcontractors about section 12½-31 and the penalties for noncompliance. The contract compliance director shall determine whether or not the apparent successful bidder has complied with sections 12½-22 through 12½-25, and then shall submit his determination and recommendation thereon to the commission and the director of the department involved. After receiving the recommendation of the contract compliance director, the executive director of the commission shall process the award recommendation to the awarding agency.
- (b) In the event of noncompliance, the executive director shall recommend that the apparent successful bidder be declared nonresponsive.
- (c) No contract over fifty thousand dollars (\$50,000.00) may be finally awarded until the contract compliance director, or his representative, has had reasonable time to review submissions from contractors, vendors and convene a pre-award conference. The contract compliance director shall notify the awarding department, at once, as to the intention to convene such a conference.
- (d) No major subcontractor on any construction project over one hundred twenty-five thousand dollars (\$125,000.00) shall arrive on such project until such time as the necessary pre-construction compliance information, as designated by the contract compliance director, has been submitted. Failure to submit such information shall prohibit the awarding authority from authorizing such a subcontractor to begin work.
- (e) Contractor's affirmative action plans shall address the possibility of inclusion of ~~handicapped~~ persons with disabilities in their labor forces. The contracting agency shall be responsible for collection necessary information to determine the degree of compliance, if any, and the apparent ability to comply. This data must be submitted to the contract compliance division for review and approval.

(Ord. of 12-5-77; Ord. of 6-6-83; Ord. of 6-18-90, § 1(i), (j); Ord. of 1-5-98, § 2; Ord. of 3-12-01; Ord. No. 1292, § 2, 11-19-01 ; Ord. No. 1347, § 13, 5-3-04)



---

**Sec. 29-30. Penalties for violation of parking regulations.**

- (a) Penalties shall be levied as follows against the registered owners of motor vehicles found in violation of parking regulations:

GROUP I: \$25.00 penalty for violation of parking regulation:

Beyond posted time	Meter expired
Meter repeater	Occupying 2 spaces
Away from curb	
72-hour parking	

GROUP II: \$30.00 penalty for violation of parking regulation:

Parking prohibited	Obstructing driveway
Mayor's proclamation	Entrance to public building
Unauthorized off street	Residential parking zone
Loading zone	

GROUP III: \$50.00 penalty for violation of parking regulation:

Fire zone	10 feet of hydrant
Illegal repair	Street cleaning
25 feet of corner	Safety zone
25 feet of stop sign	Bus stop
Vehicle on sidewalk	No standing
25 feet of crosswalk	Obstructing traffic
Wrong way on a one-way street	Wrong side of street
Delinquent parking tickets (tow ordered)	

GROUP IV: \$100.00 penalty for violation of parking regulation:

Snow Emergency	
Commercial vehicle in residential area	

GROUP V: \$150.00 penalty for violation of parking regulation:

<u>Handicapped Zone Reserved</u> <u>Parking Space</u>	
--	--

---

If voluntary appearance and payment are made within the specified period of fifteen (15) calendar days at the office of the tag division of the city, or if payment is made by use of the postal system within said period, acceptance of such payment by the city shall constitute waiver of the right to further prosecution for each such violation. Any person wishing to contest a violation of this section may request and file an application for contestment at the Department of Traffic and Parking, City of New Haven, at 200 Orange Street, during the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday, within fifteen (15) calendar days of the time indicated on the notice of violation of parking regulation. Nothing in this section shall prevent the city from prosecuting and levying fines up to the maximum provided in state statutes for violation of traffic regulations or pursuing lawful civil remedies whenever the requirements of this section are not fully complied with.

- (b) In the event the penalties set forth herein are not paid in full within fifteen (15) calendar days following the date of the violation, said penalty shall double. In the event the penalties set forth herein are not paid in full within thirty (30) calendar days following the date of the violation the penalty established in section 29-30(a) shall triple, such penalty shall not exceed two hundred fifty dollars (\$250.00).
- (c) Every four (4) months, the controller shall provide the board of aldermen with a complete list of those persons owing parking penalties to the city.

(Traffic Reg. of 5-31-56; Ord. of 5-3-76; Ord. 3-26-80, §§ 1—4; Ord. of 5-28-80, § 11; Ord. of 5-4-81; Ord. of 11-3-82; Ord. of 3-7-88, § 2; Ord. 3-21-88; Ord. of 5-29-90; Ord. of 12-11-00; Ord. No. 1331, 5-5-03; Ord. No. 1554, 6-4-07; Ord. No. 1555, 6-4-07; Ord. No. 1747, 5-27-14 ; Ord. No. 1839 , 5-29-18)

---

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

*Description and purpose.* These districts exist for the protection of areas, most of them large in size, that have been and are being developed predominantly for single-family dwellings. Accordingly, the use of land and buildings within such areas is limited to single-family detached dwellings, and to such non-residential uses as generally support and harmonize with a low-density residential area. The non-residential uses permitted in RS-2 Districts, subject to adequate conditions and safeguards, are hereby found and declared to be the only appropriate such uses for such areas. It is hereby found and declared, further, that these regulations are necessary to the protection of these areas and that their protection is essential to the maintenance of a balanced community of sound residential areas of diverse types.

All RS-2 Districts are subject to the general provisions for residence districts set forth in Article IV as well as to all other provisions of this ordinance.

*Uses permitted.* In an RS-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) **Single-family detached dwellings.** There shall be only one principal **structure** on a lot.

**Building** requirements:

- a. **Minimum lot area:** 7,500 sq. ft.
  - b. **Minimum average lot width:** 60 ft., except for nonconforming **lots** under subsection 67(e).
  - c. **Maximum building coverage:** Total coverage of **principal** and **accessory buildings** not to exceed 30% of lot area.
  - d. **Maximum building height:** Such height shall not exceed either three **stories** or an **average height** of 35 feet. Provided that no point on a side or rear **building** wall shall be so located that it is closer to a **side** or **rear lot line** than one foot for each two feet that such point is above the average **finished lot grade** along such side or rear **building** wall.
  - e. **Minimum yards:**
    - Front**—25 ft., except that where 75 percent or more of the entire street frontage (in feet) on the same side of the same street between the nearest two intersecting streets has been developed with **buildings** with **front yards** smaller than 25 feet, 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).
    - Rear**—25 ft.
    - Side**—one at least eight ft. and the other at least 12 ft.; in the case of a **corner lot**, at least eight ft. for the one **side yard**.
-



- 
- f. *Minimum parking:* One **parking space** for the first bedroom, and one-half parking space for each additional bedroom, rounded to the next higher number if a fraction. All **parking spaces** shall be located on the same **lot** and shall conform to section 29 and the remainder of the General Provisions for Residence Districts in Article IV.
  - g. *Maximum impervious surface coverage:* Total coverage of **building(s)** and paved area (parking and walkways) shall not exceed 70 percent of the **lot area**.
- (2) *Residential accessory **buildings, structures and uses**, as regulated by paragraph 1 above and by the General Provisions for Residence Districts.*
- (3) *Conversion of an existing **building** to a greater number of **dwelling units** by a variance as follows:*
- Any other provisions of this ordinance to the contrary notwithstanding, no variance shall be granted from the **use** regulations of these districts for conversion of an existing **building** to a greater number of **dwelling units** except in accordance with the following standards:
- a. It must be clearly demonstrated that continued **use** of the **building** with its existing number of **dwelling units** would create such hardship as would practically destroy or greatly decrease its value, provided that:
    - 1. The evidence offered to demonstrate such hardship shall not relate to such deterioration of the **building** as would suggest its removal and reuse of the land for **single-family detached dwellings** in accordance with the provisions of these districts; and,
    - 2. Before granting a variance for conversion of a **principal building**, the Board shall find that such hardship cannot be sufficiently mitigated by subdivision of the **lot** for one or more additional **lots** conforming to the standards of these districts for **single-family detached dwellings** or by conversion of an existing **accessory building** to a **single-family detached dwelling** where such subdivision or such conversion would have a lesser impact upon the surrounding area than would conversion of the **principal building** to a greater number of **dwelling units** in accordance with the standards of this paragraph (3).
  - b. The **building** shall have been erected more than 30 years before conversion, and any increase of its **gross floor area** beyond 20% during the ten years immediately preceding conversion shall not be deemed to contribute to hardship under subparagraph a of this paragraph (3).
  - c. Any variance granted for conversion of a **building** to a greater number of **dwelling units** shall be for the minimum number of **dwelling units** necessary to mitigate the hardship and in no case for more **dwelling units** than are allowable under the requirement that the **lot** in question contain an average of 7,500 sq. ft. of **lot area** per **dwelling unit** after conversion.
  - d. Off-street **parking spaces** shall be provided on the same lot as the **building** being converted equal to the number of **dwelling units** on the lot after conversion.
-

- 
- e. Stairways leading to the second or any higher floor shall be located within the walls of the **building** wherever practicable, and stairways and fire escapes shall otherwise be located on the rear wall in preference to either side wall and in no case on a front wall or side wall facing a street.
  - f. Except for the provision of stairways and fire escapes in accordance with the preceding paragraphs, there shall be no major structural change in the exterior of the **building** in connection with the conversion, and after conversion the **building** shall retain substantially the appearance it had before such conversion.
- (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 people with disabilities**, 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.***

(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.
- e. ***Group daycare home.***

(Ord. No. 1368, §§ 3, 4, 2-7-05; Ord. No. 1598, § 2, 9-8-09; Ord. No. 1685, Sched. D, 8-6-12; Ord. No. 1726, Sched. A, 12-2-13)

---

## Section 19. Custodial care facilities.

*Description and purpose.* These provisions exist in recognition of state law, which make allowances for custodial care alternatives to traditional prison settings. These provisions are further intended to provide opportunities for custodial care facilities to locate and operate in New Haven in a manner which (1) is of a size and scale that is appropriate for the structure; (2) is of a size and scale that is consistent with residential uses in the surrounding area; (3) avoids undue concentration of such facilities; (4) avoids undue conflict with other social needs programs; and (5) avoids undue conflict with youth populations, by restricting siting near schools, parks and day care centers.

- (a) *Definition.* CUSTODIAL CARE FACILITY. A facility which provides custodial care and treatment in a protective living environment for persons accused or convicted of a misdemeanor or a non-violent felony and residing voluntarily or by court placement, including, without limitation, correctional and post correctional facilities, halfway houses, transitional housing, juvenile detention facilities and temporary detention facilities, such as alternative to incarceration programs approved by the Chief Court Administrator in accord with the Connecticut General Statutes Sec. 53a-39a. This provision is not intended to address disabled individuals pursuant to the Fair Housing Act.
  - (b) *Development standards.* The following standards shall apply:
    - (1) *General standards.* A custodial care facility shall comply with the standards relating to minimum lot area, average lot width, building coverage, maximum impervious surface coverage, maximum building height, and minimum yards for the underlying zoning district.
    - (2) *Residential development standard.* A custodial care facility shall be developed in a manner consistent with that of a residential structure and is, therefore, subject to the following regulations regardless of the underlying zoning district: Structures within required yards (section 25); Fences and enclosure walls (section 26); Signs (section 27); and Corner visibility (section 28). See 19.B.11 for parking standard.
    - (3) *Permitted locations.* A custodial care facility shall be permitted only by special exception in the following locations and no other:
      - a. A custodial care facility, with up to six or less residents, shall be allowed only by Special Exception in the following districts: RM-1 and RM-2; and
      - b. A custodial care facility, with up to 30 residents shall be allowed only by special exception in the following districts: BA, BA-1 BD, and BD-1. In a BA-1 district residential portions of custodial care facilities are limited to above ground floor occupancy.
    - (4) *Prohibited Locations.* Custodial care facilities are prohibited in the following zoning districts:
      - a. Residential: RS-1, RS-2, RH-1, RH-2 and RO;
      - b. Business: BB, BC, BD-3 and BE; and
      - c. Industrial: IL, IM and IH.
    - (5) *Minimum lot area.* A Custodial Care Facility shall have a minimum lot area of:
      - a. 6,000 s.f. in RM-1 districts; and
-

- 
- b. 5,400 s.f. in RM-2, BA, BA-1, BD and BD-1 districts.
- (6) *Minimum lot area per resident.* There shall be a minimum of 500 s.f. of lot area for each of the first 20 residents. For facilities with more than 20 residents, there shall be a minimum of 500 s.f. of lot area for each of the first 20 residents and 1,000 s.f. for every one (1) resident above the first 20 residents.
- (7) *Location restriction.* A custodial care facility shall not be located within 1,500 linear feet of a lawfully existing custodial care and/or alternative incarceration facility. The distance shall be measured in linear feet from the edge of the property line of the proposed custodial care facility to the edge of the property line of the use(s) listed above.
- (8) *Minimum exterior usable open space.* There shall be a minimum amount of usable open space as follows:
- a. 100 s.f. per resident in a Residence District; and
  - b. 75 s.f. per resident in a Business District. The area of front and side yards shall not be included to meet this requirement.
- (9) *Minimum interior recreational space.* There shall be a minimum of 50 s.f. per resident useable interior recreation space.
- (10) *Staff.* There shall be at least one (1) resident caretaker and at least one (1) staff person per 20 residents or portion thereof, on premises at all times.
- (11) *Parking standard.* Custodial care facilities are to be developed in a manner consistent with that of a residential structure, and are therefore subject to parking standards pursuant to Section 29. The parking requirement shall be as follows:
- a. Resident caretaker. One (1) off-street parking space for the resident caretaker;
  - b. Staff. One (1) off-street parking space for each day time full or part-time staff person at peak staff requirement time;
  - c. Resident. One (1) parking space per resident owning a motor vehicle; and
  - d. Visitor. One (1) parking space for each six (6) residents or portion thereof.
- (c) *Standards for review.* Special exceptions for custodial care facilities shall be granted only where the Board of Zoning Appeals finds that the proposed facility is in accord with the public convenience and welfare after taking into account the standards for review found in section 63.(d); compliance with the development standards found in section 19.(b); demonstration of need in the community and degree to which the applicant considered a number of in-city and regional locations; consistency with the comprehensive plan of development; the proximity and potential for adverse impact on public and private schools, emergency shelter facilities, and licensed day care centers.

(Ord. No. 1368, § 4, 2-7-05; Ord. No. 1614, § 1, 3-1-10; Ord. No. 1685, Sched. D, 8-6-12)

---

TABLE 1. SUMMARY SCHEDULE OF PERMITTED USES IN  
RESIDENCE DISTRICTS

Note(s)—This summary schedule is for convenience in use of the ordinance. In case of conflict, the District Regulations shall prevail.

Key: R: As-of-Right SP: Special Permit SE: Special Exception X: Not Permitted

		Zoning District						
Use Category		RS - 1	RS - 2	RM - 1	RM - 2	R H- 1	R H- 2	RO
<b>Residential, Temporary &amp; Agricultural:</b>								
	Single-family detached dwellings	R	R	R	R	R	R	R
	Other single-family dwellings	X	X	R	R	R	R	R
	Two-family and multi-family dwellings	X	X	R	R	R	R	R
	Limited conversion of dwellings by variance	see	text	X	X	X	X	X
	Residential accessory buildings structures and uses	R	R	R	R	R	R	R
	Zero lot line developments	X	X	X	X	X	R	X
	Rooming, boarding and lodging houses	X	X	X	X	X	R	X
	Automobile trailer camps	X	X	X	X	X	SE	X
	Temporary uses and structures	SE	SE	SE	SE	SE	SE	S E
	Live-work loft conversions (§ 18A)	SP	SP	SP	SP	SP	SP	S P
	Agriculture	X	R	R	R	X	R	R
<b>Parking &amp; Rights-of-Way:</b>								
	Accessory parking for permitted uses on separate lots: non-residential	SE	SE	SE	SE	SE	SE	S E
	Accessory parking on separate lots: residential	X	X	SE	SE	SE	SE	S E
	Transition parking	X	X	SE	SE	X	SE	S E
	Railroads and other rights-of-way	X	SE	SE	SE	X	SE	S E
<b>Government &amp; Institutional:</b>								
	Parks, playgrounds	R	R	R	R	R	R	R
	Reservoirs, Dams, Public utility substations and pumping stations, Telephone exchanges, Police and Fire stations, Post offices	R	R	R	R	R	R	R
	Charitable and philanthropic organizations	X	X	X	X	X	R	X
	Non-profit recreation facilities, community centers, clubs	X	SE	SE	SE	X	SE	S E
	Non-profit cultural activities	X	R	R	R	X	R	R
	Other non-profit social organizations	X	X	X	X	X	SE	X
	Antenna or wireless site, subject to § 49, standards	SP	SP	SP	SP	SP	SP	S P

---

	Custodial care facilities, with six or less residents, (See section 19)	X	X	SE	SE	X	X	X
<b>Medical &amp; Religious:</b>								
	Convalescent homes, rest homes, nursing homes, sanitariums, homes for the aged and <del>handicapped</del> people <u>with disabilities</u> , orphanages	X	X	SE	SE	X	SE	S E
	General and special hospitals	X	R	R	R	X	R	R
	Limited expansion of religious uses	SE	X	X	X	SE	X	X
	Religious institutions	X	R	R	R	X	R	R
<b>Educational, Fraternities &amp; Sororities:</b>								
	Elementary and secondary schools	X	R	R	R	X	R	R
	Colleges and universities	X	R	R	R	X	R	R
	Fraternities & sororities on land owned by an educational institution	X	X	SE	SE	X	SE	S E
	Fraternities & sororities not on land owned by an educational institution	X	X	X	X	X	SE	X
	Limited expansion of educational uses	SE	X	X	X	SE	X	X
<b>Daycare:</b>								
	Family daycare home	R	R	R	R	R	R	R

---



---

	Group daycare home	X	SE	SE	SE	X	SE	S E
	Child daycare center	X	X	SE	SE	X	SE	S E
<b>Retail &amp; Office:</b>								
	Convenience goods & services (See Section 31 Standards)	X	X	R	R	X	R	R
	Customary home occupations and Professional home offices	X	X	R	R	X	R	R
	Retail (15% of floor area)	X	X	X	X	X	R <sup>1</sup>	X
	Professional offices (15% of floor area) <sup>2</sup>	X	X	X	X	X	R <sup>3</sup>	X
	Professional, Government and Service offices (no floor area limit)	X	X	X	X	X	X	R

<sup>1</sup> Retail located in a **building** that fronts on an arterial is permitted as of right. Retail located in all other

**buildings** in the RH-2 District is permitted by special exception.

<sup>2</sup> If a **building** has both retail and professional offices, the total square feet of both is limited to 15% of the gross floor area.

<sup>3</sup> Professional offices located in a **building** that fronts on an arterial are permitted as of right. Professional offices located in other **buildings** are permitted by special exception.

(Ord. No. 1368, § 7, 2-7-05; Ord. No. 1685, Sched. D, 8-6-12; Ord. No. 1726, Sched. A, 12-2-13)

---

RESIDENTIAL DISTRICTS:

TABLE 2. SUMMARY OF DENSITY, BULK, PARKING AND  
LOADING REGULATIONS

Note(s)—This Summary Schedule is for convenience in use of the ordinance. In case of conflict, the District Regulations shall prevail.  
Terms in boldface italics are defined in Section 1Note(s)— of this Ordinance.

		Residential Districts							Business & Industrial Districts									
MINIMUM STANDARDS		RS1	RS2	RM1	RM2	RH1	RH2	RO	BA	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IH
Lot Area (Square Feet)		7500	7500	6000	5400	7500 <sup>7</sup>	5400	7500	None	None	None	None	None	None	None	None	None	None
Lot Area per Dwelling Unit	<sup>1</sup> Standard	7500	7500	3500	2000	NA	NA	NA	2000	2000	3500	NA	NA	NA	NA	NA	X	X
(Square Feet)	Efficiency	NA	NA	2500	1400	NA	NA	NA	1400	1400	2000	NA	NA	NA	NA	X	X	X
	Elderly	NA	NA	1750	1000	NA	NA	NA	1000	1000	1750	NA	NA	NA	NA	X	X	X
Yards (In Feet)	Front	25	25	20	17	25	5	25	See Section 43									
	Rear	25	25	25	2	25	10	25	See Section 43									
	Side	8,12	8,12	8,12	8,10	10,10 <sup>7</sup>	0	10	See Section 43									
	<sup>2</sup> Corner	8	8	8	8	10	0	10	See Section 43									
Usable Open Space per Dwelling Unit (Square Feet)		X	X	X	X	125	125	125	X	X	X	X	X	NA	50	X	X	X
Elderly Housing Units						100	100	100										
Average Lot Width (In Feet) <sup>3</sup>		60	60	50	50	60	40	60	X	X	X	X	X	NA	NA	X	X	X
MAXIMUM									Created: 2021-04-06 13:09:57 [EST]									

(Supp. No. 27)

STANDARDS																			
Total Building Coverage (%)		30	30	30	30	25 <sup>4</sup>	50 <sup>4</sup>	25 <sup>4</sup>		NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

---

Created: 2021-04-06 13:09:57 [EST]

(Supp. No. 27)

		All buildings				Principal												
						Buildings												
Building height, Lesser of: Number of Stories	3	3	3	4	No Direct Limit				No Direct Limit					200 feet <sup>8</sup>	No Direct Limit			
Average Height (In Feet)	35	35	35	45	No Direct Limit				No Direct Limit							No Direct Limit		
Floor Area Ratio (FAR)	NA	NA	NA	NA	.5-1.7	2.0	.5-1.7		2.0	2.0	2.0	6.0	6.0	6.0 <sup>9</sup>	6.0	6.0	3.0	4.0
<b>PARKING AND LOADING</b>																		
Per Dwelling Unit: Elderly	NA	NA	½	½	½	⅓	½		½	½	½	0	½	½	½	NA	NA	NA
Standard	See note 5. below		1	1	1	.75	1		1	1	1	1	0	1	1	NA	NA	NA
For Public Housing Authority Lots	NA	NA	NA	NA	NA	½	NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
For Commercial or Industrial Use:																		
General Office, Per 600 N.S.F.	NA	NA	NA	NA	1	0	1		1	1	1	0	0	*10	0	1	1	1
<sup>6</sup> Retail, Per 200 N.S.F. Sales/Service Area	NA	NA	NA	NA	1	0	NA		1	1	1	0	0	*10	0	1	1	1
Per Medical Practitioner	NA	NA	NA	NA	NA	0	3		3	X	X	0	0	*10	*10	X	X	X
Other Uses	NA	See § 45 Zoning Ordinance Text For Other Uses Not Listed Here												*10	*10	See § 45		
Commercial or Industrial Use Loading	See § 45(a)(1)(b) Ordinance Text - Depends On Whether Use Is Concerned With Handling Of Goods																	

**Key:** NA-Not Applicable; X-Not Permitted.

**Notes:**

<sup>1</sup> See Ordinance text for standard for developed blockfronts with lesser setbacks.

<sup>2</sup> Corner lot: Any yard facing a street is a front yard. Rear and side yards are by owner choice.

<sup>3</sup> Variable. Lower building coverage permits a higher floor area ratio (FAR), which is a ratio of gross building area to land area.

<sup>4</sup> See subsection 15(b)(2) for expansion of certain institutional uses.

<sup>5</sup> For ***single family dwellings*** that are ***detached dwellings*** in the RS1 and RS2 Districts, one parking space for the first bedroom and ½ parking space for each additional bedroom, rounded to the next higher whole number if a fraction. All parking spaces shall be located on the same lot. For an efficiency unit, one parking space.

<sup>6</sup> For stores less than 5,000 square feet. One parking space per 100 square feet sales or service area is required for space over 5,000 square feet.

See section 15(b)(2) for expansion of certain institutional uses.

<sup>8</sup> Ten-foot height bonus available under § 43(c)(2).

<sup>9</sup> When a rear or side lot line in a BD-2 District abuts a residential district, FAR shall not exceed 2.5.

<sup>10</sup> See section 45(a), section 45(a)(7) and section 12(b)(1)h.

(Ord. No. 1377, 5-16-05; Ord. No. 1412 (Rev. Sched. A, § 2), 5-1-06; Ord. No. 1726, Sched. A, 12-2-13)

[EST]

---

---

## Section 1. Definitions.

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

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

**ACCESSORY BUILDING:** See BUILDING, ACCESSORY.

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

**ACCESSORY USE:** See USE, ACCESSORY.

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

**ADVERTISING SIGN:** See SIGN, ADVERTISING.

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

**AREA:** See LOT AREA.

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

**AREA OF SIGN:** See SIGN, AREA OF.

**AREA PER DWELLING UNIT:** See LOT AREA PER DWELLING UNIT. **AREA PER SLEEPING ROOM:**

See LOT AREA PER SLEEPING ROOM.

**ASSISTED LIVING FACILITY:** A facility consisting of private residential units which provides a managed group living environment, including the provision of assisted living services as described in Regs., Conn. State Agencies § 17b-342-2(c)(1).

**ATTACHED DWELLING:** See DWELLING, ATTACHED.

---

---

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

**AVERAGE HEIGHT (OF A BUILDING):** See

**HEIGHT, AVERAGE. AVERAGE LOT WIDTH:** See

**LOT WIDTH, AVERAGE.**

**BELT SIGN:** See SIGN, BELT.

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

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

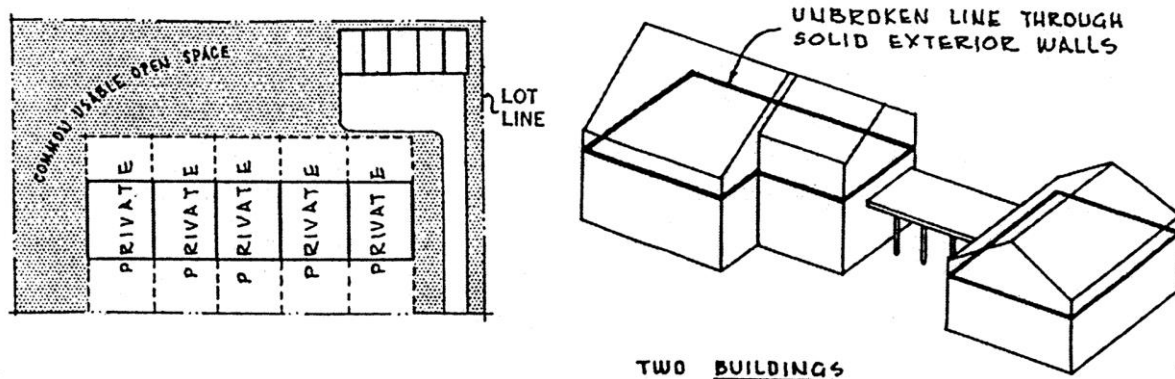
**BUILDING:** A *structure* which is completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced an unbroken line for the complete circumference of the *structure*, which is permanently affixed to a *lot* or *lots*, and used or intended for the shelter, support of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

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

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

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

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



---

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

**BUILDING FOUNDATION WALL:** A wall of the foundation upon which a *building* rests. **BUSINESS SIGN:** See SIGN, BUSINESS.

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

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

**CHILD DAYCARE CENTER:** See DAYCARE.

**COMMON AMENITY SPACE:** (i) Common amenity interior space that is available to all residents of a *residential principal building* or a *mixed use building* for their use and enjoyment, such as bicycle rooms, business centers, gyms, laundry rooms, common restrooms, lobbies, party rooms, indoor pools, shared overnight guest quarters, theaters, libraries, game rooms, common recreational/function rooms, conference rooms, but not including utility or similar rooms, corridors, or in a *mixed use building*, commercial space; (ii) storage space not located within a *dwelling unit* but which is assigned to an individual *dwelling unit*, and (iii) *usable open space* that is provided in addition to the *usable open space* that is required to be provided under this ordinance.

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

**CONFERENCE CENTER:** A *building* or group of *buildings* used for business and professional conferences and seminars accommodating up to 500 people along with associated accessory functions, such as lodging and facilities for eating and recreation designed to be used primarily for conference attendees. The provision of rooms for rent and meals generally available to the public shall not be considered associated accessory uses.

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

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

**CONVENTION CENTER:** A *building* or group of *buildings* designed to accommodate 300 or more people used for business or professional conventions, conferences, seminars, product displays, trade shows, special events, recreational activities, and entertainment or athletic functions, along with accessory functions, including temporary outdoor displays, and food and beverage preparation and service for on-premises consumption, excluding the provision of rooms for rent.

**CORNER LOT:** See LOT, CORNER.

---



---

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

COVERAGE: See BUILDING COVERAGE.

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

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

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

DETACHED DWELLINGS: See DWELLING, DETACHED.

DIRECTLY ILLUMINATED SIGN: See SIGN, DIRECTLY ILLUMINATED.

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

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

- (1) Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
  - (2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
  - (3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
-

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

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

---

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

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

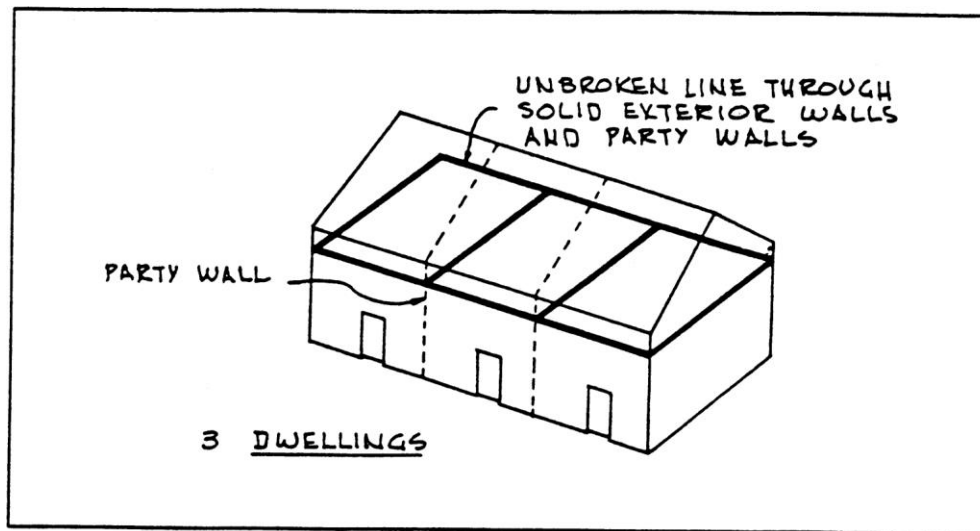
- (a) 10% or more of the square footage or active display area of such store, restaurant, bar, social club, premises or other establishment is devoted to or occupied by drug paraphernalia; or
- (b) 10% or more of the monthly gross revenue of such store, restaurant, bar, social club, premises or other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

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

---

---

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



3  
Dwellings

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

DWELLING, DETACHED: A **dwelling** having open space on

all sides. DWELLING, MULTI-FAMILY: A **dwelling** having three or more **dwelling units**.

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

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

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

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

ECO ROOF (also known as a green roof, living or vegetated roof): An **Eco roof** is the area atop a roof surface on a building or a parking structure, open to the sky and air, which is surfaced with soil and living plant materials for the purpose of retaining rainwater and absorbing heat from sunlight. An **Eco roof** is planted over a roofing system with waterproofed membrane and provision for drainage and is created by adding layers of growing medium and plants. Extensive Eco roofs generally have a soil depth of less than six inches. Intensive Eco roofs typically have a soil depth of more than six inches. An **Eco roof** may be accessible only for maintenance or may be accessible to public. ~~At-grade or partially at-grade green spaces over subsurface structures such as tunnels, parking structures, and basements may be considered as an Eco roof for bonuses if constructed and~~

---

performing in the same manner as an Intensive Eco roof, and approved by the City Plan Commission taking into consideration advice of the City Plan Department and the Department of Engineering, or by the City Plan Department, taking into consideration the advice of the Department of Engineering, where only administrative site plan review is required. Eco roofs must be installed by an accredited Green Roof Professional (GRP).

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

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

ENTRANCE, PRINCIPAL: A point of access for pedestrians to a ***building***, which entrance faces a ***street*** and determines a property address for the ***building***. A ***building*** may have more than one principal entrance.

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

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

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

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

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

FAMILY DAYCARE HOME: See DAYCARE.

FINISHED LOT GRADE: See LOT GRADE, FINISHED.

FLOOR AREA, GROSS: The sum of the gross horizontal areas of the several floors of a ***building***, measured from the exterior faces of exterior walls (and from the center lines of party walls if the portions of the ***building*** separated by such party walls are to be treated separately),

---

including:

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

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

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

FOUNDATION WALL: See BUILDING

FOUNDATION WALL. FRONT LOT LINE:

See LOT LINE, FRONT.

FRONT YARD: See YARD, FRONT.

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

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

GREEN STORMWATER INFRASTRUCTURE: Green Stormwater Infrastructure includes a range of soil-water- plant systems that intercept stormwater, infiltrate a portion of it into the ground, and transfer a portion of it into the air through evapotranspiration.

GROSS FLOOR AREA: See FLOOR AREA,

GROSS. GROUND SIGN: See SIGN,

GROUND.

GROUP DAYCARE HOME: See DAYCARE.

HEALTH CARE CLINIC: An outpatient clinic licensed by the Connecticut Department of Public Health pursuant to Regs., Conn. State Agencies § 19-13-D45 or an outpatient clinic that provides the services described in said regulation which is operated by a partnership or an individual and licensed by the Connecticut Department of Public Health, an outpatient hospital clinic, a

---

---

medical walk-in clinic, a physical therapy office, an occupational therapy office, an outpatient chronic dialysis center, a community health center, a public health center, an industrial health facility as that term is defined in Regs., Conn. State Agencies § 19-13-D1.(b)(3)(F), an occupational health clinic, a clinic operated by a union exclusively for its members and their dependents, a family planning and reproductive health service center, a primary care clinic, a clinical or diagnostic laboratory, a sports medicine clinic, an emergency services clinic, a wellness center, a dental clinic, an imaging center, and/or a mental health center, but not including an Outpatient Surgical Center listed in Section 42.

HEALTH PRACTITIONER'S OFFICE: Office of a physician, osteopath, dentist, audiologist, naturopath, optometrist, psychologist, social worker, chiropractor, and/or nurse practitioner but not including an office which is defined as a Health Care Clinic or an Outpatient Surgical Center listed in Section 42.

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

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

HIGH TECHNOLOGY EQUIPMENT DESIGN AND FABRICATION: A use which has as its principal function the research, development, engineering, design, assembly, fabrication, machining and/or light manufacturing of high technology equipment used in *high technology uses*, instrumentation and computer software and the associated warehousing of such equipment.

HIGH TECHNOLOGY USES: A use, including a research and/or development laboratory, which has as its principal function the research, development, engineering, design, assembly, fabrication, or machining and/or light manufacturing of *high technology uses*, including but not limited to uses associated with agricultural technology, biological or pharmaceutical technology, software technology, telecommunications, biomedical technology, defense and aerospace technologies or other technology oriented or emerging industrial or business activity and the associated warehousing of such products as permitted by applicable state and/or federal law.

HIGH TECHNOLOGY SERVICES: A use which has as its principal function the providing of services to *high technology uses*, including but not limited to computer information transfer, communication, distribution, management, processing, administrative, experimental, developmental, technical, or testing services.

INDIRECTLY ILLUMINATED SIGN: See SIGN, INDIRECTLY ILLUMINATED.

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

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

LEED CERTIFIED-LEVEL: The lowest level of the LEED rating systems.

---

---

LEED GOLD RATING: The second highest level of the LEED rating systems. LEED PLATINUM RATING: The highest level of the LEED rating systems.

LEED RATING SYSTEM: The particular LEED rating system that applies to a building.

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

LEED SILVER RATING: The second lowest level of the LEED rating systems.

LIVE-WORK CONVERSION AND LIVE-WORK UNIT: A unit that contains both a residential use and a commercial/work activity including but not limited to Home Occupations and residences with a professional office described in subsection 13(b)(2)a. as well as other commercial and fabrication uses subject to the requirements of sections 18A and 18B.

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

LODGER: See ROOMER, BOARDER OR LODGER.

LODGING HOUSE: See ROOMING, BOARDING OR LODGING HOUSE.

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

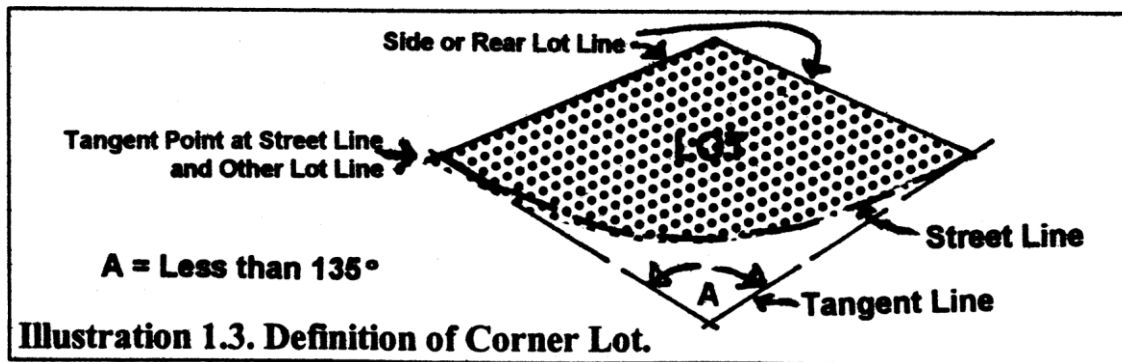
Notwithstanding the provisions of this ordinance, the following shall be deemed to constitute a lot: any parcel of land subject to a declaration recorded prior to the enactment of this amendment under the Common Interest Ownership Act as delineated in the General Statutes of the State of Connecticut,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

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

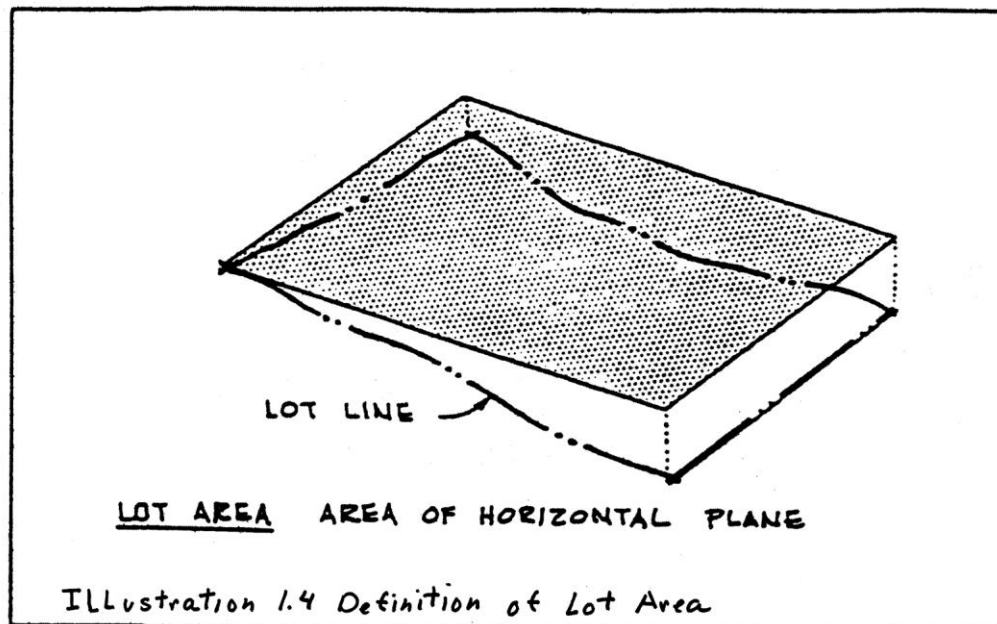
A series of two or more attached and/or semi-detached dwellings may under certain conditions be considered to occupy a single lot regardless of ownership (see BUILDING definition).

---





Corner Lot



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

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

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

---

## Lot Area

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

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

LOT, DOUBLE FRONTAGE: An interior **lot** having a frontage on more than one street.

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

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

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

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

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

LOT LINE, SIDE: Any **lot line** which is not a **street line** or a **rear lot line**.

LOT WIDTH, AVERAGE: The average horizontal distance between the **side lot lines**, or in a case where there is only one **side lot line**, between such **side lot line** and the opposite **rear lot line** or **street line**.

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

### *Definition of Lot Lines*

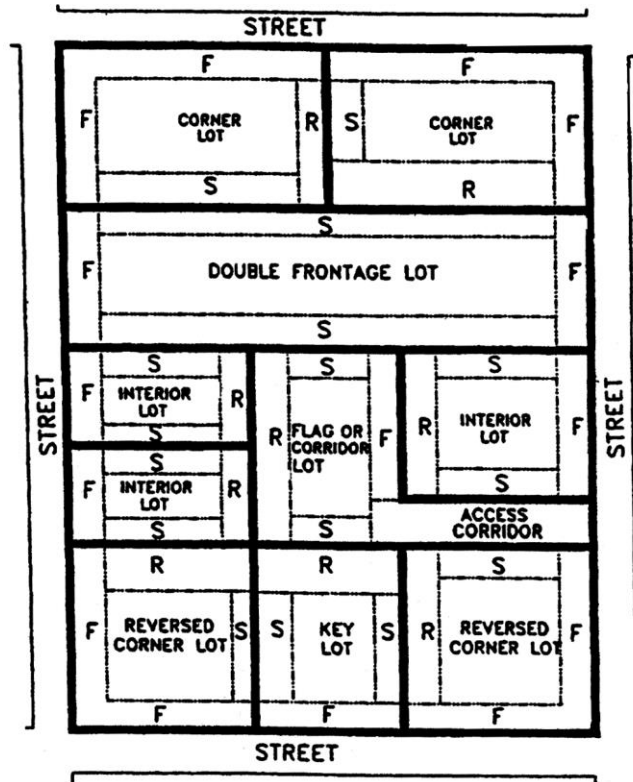
---

**KEY:**

**F** = Front

**S** = Side

**R** = Rear



**Illustration 1.5. Definition of Lot Lines.**

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

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

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

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

---

NONCONFORMING USE: See USE,

NONCONFORMING. NON-

ILLUMINATING SIGN: See SIGN, NON-

ILLUMINATED. NURSERY: See DAYCARE.

OPEN SPACE, USABLE: Space on a **lot** or on or attached to a **building** or located in a **multi-lot residential development** which is unoccupied by **principal** or **accessory buildings** and is not devoted to a parking structure, a parking lot (although landscaped islands in a parking lot can be counted toward satisfying **usable open space** requirements) or service driveways. **Usable open space** includes but is not limited to parks, lawns, running trails, wildlife viewing areas, ponds, balconies, patios, courtyards, gardens, private yards, plazas, greens, squares, paths and walkways, rooftop green spaces and patios, terraces, playgrounds, swimming pools, tennis courts, and other outdoor spaces devoted to recreation, relaxation or gathering opportunities and which meet the following minimum standards:

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

PARKING, SHARED: An arrangement in which two or more **uses** or **structures** with different peak parking demands use the same off-street **parking spaces** to meet off-street parking requirements. **Publicly shared parking** is an arrangement where at least 50 percent of the off-street parking provided for a **building** is available for public use, in terms of allocation of time when the parking spaces are available to the public. **Privately shared parking** is an arrangement where two or more **uses** and/or **structures** agree to share the same parking spaces.

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

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

POLE SIGN: See SIGN, POLE.

---

PRINCIPAL BUILDING: See BUILDING,

---

PRINCIPAL. PRINCIPAL USE: See USE,

PRINCIPAL.

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

REAR LOT LINE: See LOT

LINE, REAR. REAR YARD: See

YARD, REAR.

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

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

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

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

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

---

hotel or motel).

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

SCHOOL: Any public, private, parochial, charitable, charter or nonprofit elementary or secondary school, junior college or university, other than a trade or business school, including instructional and recreational uses, with or without living quarters, restaurants, dining rooms, kitchens, heating plants and other support facilities for students, teachers and employees, including support to multiple facilities, student bodies, and/or teacher groups, as well as any other facilities or uses which may be approved or required in the future by the Connecticut State Department of Education.

SEMI-DETACHED DWELLING: See DWELLING,

SEMI-DETACHED. SIDE LOT LINE: See LOT

LINE, SIDE.

SIDE YARD: See YARD, SIDE.

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

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

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

SIGN, BELT: A **sign** placed flat against the front wall of a **building**.

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

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

---

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

---

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

SIGN, NON-ILLUMINATED: A **sign** which is not **illuminated**, either **directly** or **indirectly**.

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

SIGN, PROJECTING or BLADE: A **sign** attached to and projecting out from a **building** face or wall, generally at right angles to the **building**, including **signs** that project into the right-of-way.

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

SLEEPING ROOM: Any room used or intended to be used for sleeping purposes.

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

STREET: A right of way for pedestrian, vehicular and bicycle traffic, whether designated as a sidewalk, path, street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or otherwise designated which has been dedicated or acquired for public uses and has been accepted by the Board of Aldermen as a public right-of-way.

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

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

TWO-FAMILY DWELLINGS: See

DWELLING, TWO-FAMILY. USABLE OPEN

SPACE: See OPEN SPACE, USABLE.

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

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

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

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

---

USE, PRINCIPAL: The main **use** on a **lot**.

---

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

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

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

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

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

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

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

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

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

*Definition of Yard Types*

---

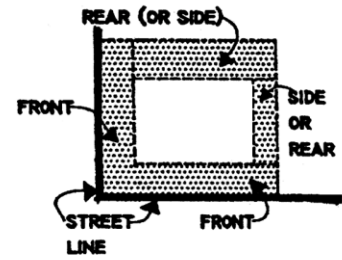
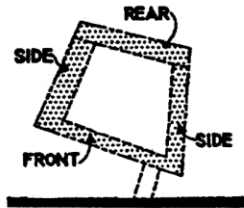
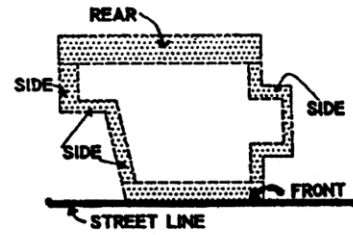
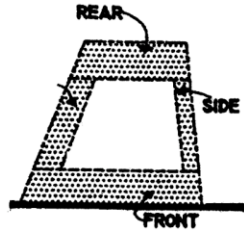


**KEY:**

**F** = Front Yard

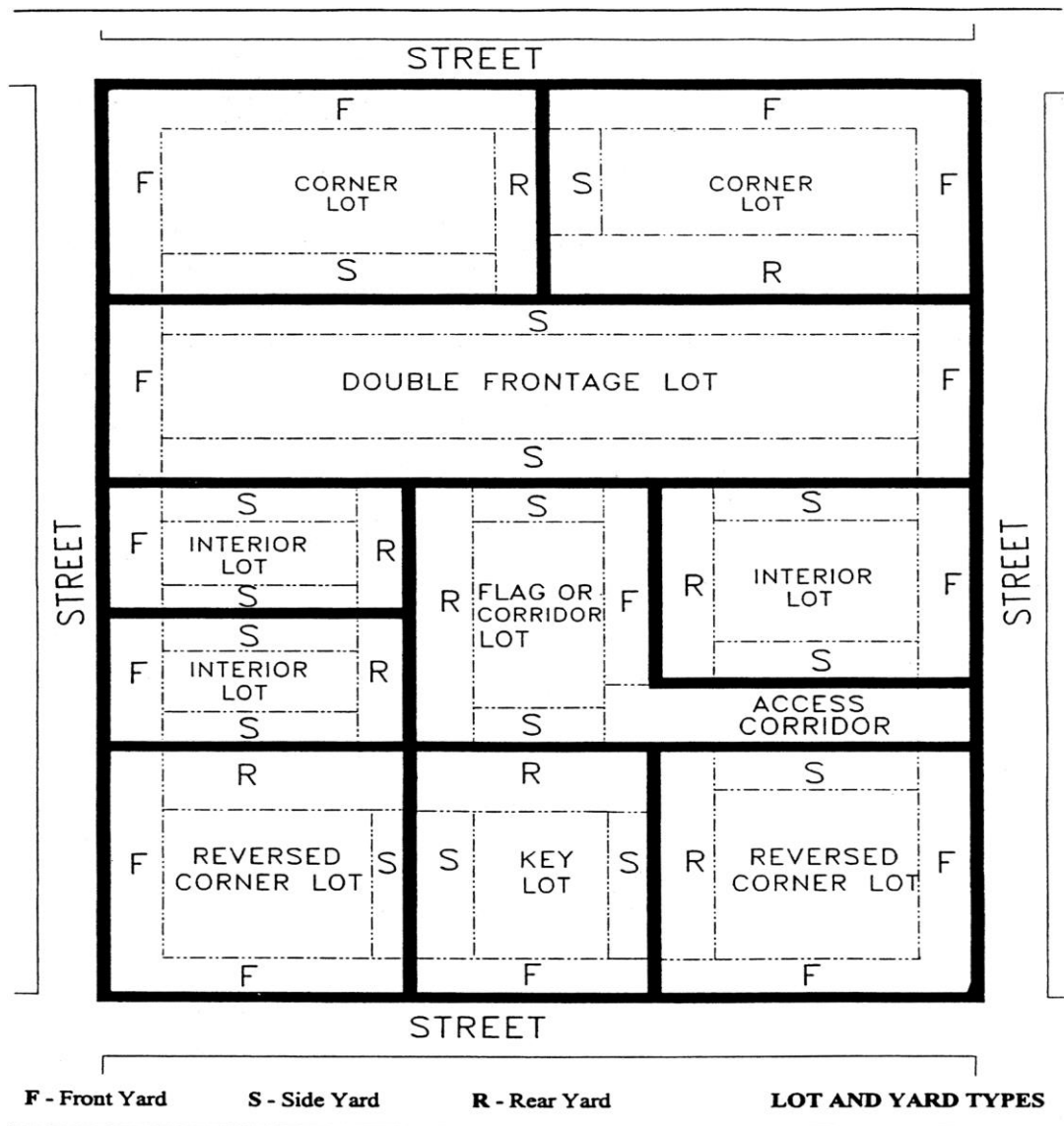
**S** = Side Yard

**R** = Rear Yard



**Illustration 1.6. Definition of Yard Types.**

# *Lot and Yard Types*



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