

# Exhibit A - TOC Ordinance Text Amendment - Redlined Copy

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## Section 42. Use regulations for business and industrial districts.

The following table describes the **uses** permitted in each business or industrial district.

In any case where a **use** is not specifically referred to by the following table, its status under this section shall be determined by the zoning enforcement officer, by reference to a clearly analogous use or uses that are specifically referred to by the table. When the status of a use has been so determined by the zoning enforcement officer, such determination shall thereafter have general applicability to all uses of the same type. For uses that are not specified and are not clearly analogous to uses specifically referred to in the following table, an application must be made either for an amendment to the zoning ordinance or for a use variance with the Board of Zoning Appeals.

**Accessory uses** customarily incidental to uses in the table are permitted in connection with such uses. Such **accessory uses** may include residences of caretakers and other such persons who must live in the area for the convenience of business or industry, and their dependents.

Matters closely related to use are regulated by:

- (1) Bulk and yards § 43 and § 47
- (2) Signs § 60.3
- (3) Parking and loading § 45
- (4) Automotive and drive-in establishments § 45
- (5) Outdoor activities and storage § 46
- (6) Performance standards § 48

### ZONING DISTRICT ABBREVIATIONS

BA:	General Business
BA-1:	Neighborhood Center Mixed Use
BA-2:	Village Center
BB:	Automotive Sales
BC:	Marine Commercial
BD:	Central Business
BD-1:	Central Business/Residential
BD-2:	Central/Business/Medical
BD-3:	Central Business/Mixed-Use
BE:	Wholesale and Distribution
CGD:	Commercial Gateway District
IL:	Light Industry
IM:	Light Industry/Marine
IH:	Heavy Industry

INTERPRETATION OF USE TABLE

R:	Permitted as of right
SE:	Permitted only by special exception under § 63(d) of this ordinance
SP:	Permitted only by special permit under § 64(e) of this ordinance
X:	Not permitted

Parking:	Key letters refer to Parking Standards in § 45(a)(1)a.
Loading:	Key letters refer to Loading Standards in § 45(a)(1)b.

TABLE 3. USE TABLE

	Use	TOC Zone (Proposed)
<b>A.</b>	<b>Residential Uses</b>	
	1. Dwelling units in multi-family dwellings located above first stories of structures at a maximum density of one unit per 1000 sq. ft. of gross floor area of entire building and limited to gross floor areas as defined in the New Haven Zoning Ordinance. <b>Except that the TOC zone shall have a maximum density of one unit per 500 sq. ft. of gross floor area of entire building, limited to gross floor area as defined in the New Haven Zoning Ordinance, and except that properties subject to Development or Land Disposition Agreements involving the City of New Haven shall not be subject to the above density limitations</b>	<del>R</del> -SP

	<p>2. Dwelling units in multi-family dwellings located on first stories only in combination with upper story residential use (if applicable) at a maximum density of one unit per 1000 sq. ft. of gross floor area of entire building and limited to gross floor areas as defined in the New Haven Zoning Ordinance. Except that properties subject to Development or Land Disposition Agreements involving the City of New Haven shall not be subject to the above density limitation</p>	<p>X</p>
	<p>3. Dwelling units in existing structures of at least 50,000 sq. ft. gross floor area and no less than two stories in height built prior to 1963, at a maximum density of one unit per 1000 sq. ft. of existing gross floor area and limited to gross floor areas as defined in the New Haven Zoning Ordinance except that a maximum five percent increase in building gross floor area for non-habitable areas of interior circulation (i.e., elevators, stairwells and common hallways) is permitted regardless of site floor to area ratio. Commercial Use in such structures or on such properties limited to those permitted in both the IL District by right or Special</p>	<p>SP</p>

	Permit and either in BA, BA-1, BD-2 or BD-3 Districts by right, Special Exception or Special Permit and excluding all uses listed in Sections M. (Automotive) and O. (Construction and Related Goods and Services) of this table (Table 3)	
	4. Custodial care facilities (See § 19)	X
	5. Live-Work Loft Residences Pursuant To Article III Section 18A	SP
	6. Live-Work Unit—(Post 1963 and new structures) (See definition)	<u>SP</u> ✖
	7. Assisted Living (see definition), Elderly and Disabled Housing	<del>R</del> - <u>SP</u>
<b>B.</b>	<b>Transient Lodging</b>	
	Rooming or boarding house.	<u>SP</u> ✖
	Hotel, Bed Breakfast or Tourist Home, 12 or fewer guest rooms	<del>R</del> - <u>SP</u>
	Hotel, Bed Breakfast or Tourist Home, 13 or more guest rooms	<del>R</del> - <u>SP</u>
	Motel.	X
<b>C.</b>	<b>Sale of Food, Drink &amp; Pharmaceuticals</b>	
	STORE SELLING ITS GOODS PREDOMINANTLY AT RETAIL ON PREMISES, AS FOLLOWS:	
	Bakery (Wholesale bakery, see § 42 S. Heavy Commercial).	R
	Pharmacy or Cosmetic store, including sale of goods and services customarily incidental thereto.	R

	Convenience store	R
	Food specialty store, including but not limited to following lines: Eggs, fish, meat (excluding slaughtering and eviscerating), poultry (excluding slaughtering), fruits, nuts, candy, teas, coffee, confection, dairy products, health foods, vegetables.	R
	Grocery, Delicatessen, Supermarket or other store carrying a variety of food and related goods.	R
	<b>Mixed Use Building</b>	<u>R</u>
	Package Alcoholic liquor, subject to § 42.1. provisions.	R
	Poultry market, including slaughtering of poultry for sale on the premises (for other slaughtering, see § 42 T.).	X
<b>D.</b>	<b>Personal Services</b>	
	Barber shop, beauty shop, reducing salon.	R
	Laundry, cleaner, dyer, clothing storage establishment (all, including pick-up station), or self-service laundromat, all performing services entirely for retail trade on premises. (For wholesale cleaning, laundering, dyeing, diaper service see § 42 S).	R
	Health clubs, gyms, personal training, with associated classes	R
	Tailor, dressmaker, shoe shine or shoe repair shop.	R

	Repair shop for repairs or adjustments to appliances, watches, locks and similar items.	R
	Photographic studio.	R
	Travel agency, travel ticket office.	R
	Vocational, trade or business school.	R
	Driving school	<u>R</u> X
	Funeral home.	X
	Gun and weapons repair, firearms training.	X
	Firing range.	X
	Pawn shop or swap shop (may include second-hand goods, precious metals purchase or resale), provided no location is within 1,500 feet from the outside entrance to another such use.	X
<b>E.</b>	<b>Eating, Drinking Places &amp; Entertainment</b>	
	ESTABLISHMENTS SELLING FOOD OR BEVERAGES FOR IMMEDIATE CONSUMPTION ON OR OFF PREMISES, INCLUDING ESTABLISHMENT WHERE LIVE ENTERTAINMENT IS A PRINCIPAL OR ACCESSORY USE.	
	FOR PURPOSES OF THIS ZONING ORDINANCE A CHANGE FROM ONE CLASSIFICATION OF EATING, DRINKING OR ENTERTAINMENT ESTABLISHMENT TO	

	ANOTHER SHALL BE CONSIDERED A NEW USE.	
	EATING AND DRINKING PLACES	
	Establishment selling food for immediate consumption on or off premises.	R
	Micro-brewery or Micro-distillery	<a href="#">SE</a>
	Restaurant, as defined in Article I, Section 1, selling or serving alcoholic beverages for immediate consumption on or off premises, including accessory entertainment, or permitting immediate consumption of alcoholic beverages on or off premises, including accessory entertainment.	R
	Other establishment selling or serving alcoholic beverages for immediate consumption on or off premises, including accessory entertainment, or permitting immediate consumption of alcoholic beverages on or off premises, including accessory entertainment.	R
	Drive-in establishment selling food for immediate consumption on or off premises—More than 250 feet from any residential use.	X
	Drive-in establishment selling food for immediate consumption on or off	X

	premises—Within 250 feet of any residential use.	
	<b>ADULT ENTERTAINMENT ESTABLISHMENTS</b>	
	Adult cabaret less than 1,500 feet from another adult cabaret, bar in the same structure, or adult use as defined in § 42.3 of this ordinance.	X
	Adult cabaret more than 1,500 feet from another adult cabaret, bar in the same structure, or adult use as defined in § 42.3 of this ordinance:	
	With Liquor Service.	X
	No Liquor Service.	X
<b>F.</b>	<b>Vending Machines</b>	
	Vending machine selling food or personal articles or services, so placed that it is not beyond any street or building line, not within any required yard, and does not interfere with pedestrian or vehicular traffic.	R
	Pedestrian-accessible automatic teller machines (ATM) located in fully enclosed buildings or structures	R
<b>G.</b>	<b>General Merchandise and Clothing</b>	
	STORE SELLING OR RENTING ITS GOODS PREDOMINANTLY AT RETAIL ON THE PREMISES, AS FOLLOWS:	
	Apparel, including all apparel specialties.	R



	Department store (includes sale of specific items mentioned elsewhere in table, if customarily sold in store).	R
	Variety store (including sale of specific items mentioned in this table, if customarily sold in store).	R
<b>H.</b>	<b>Personal Goods</b>	
	SPECIALTY STORE SELLING OR RENTING ITS GOODS PREDOMINANTLY AT RETAIL ON THE PREMISES, INCLUDING BUT NOT LIMITED TO THE FOLLOWING LINES:	
	Books, News Tobacco, Gifts, Cards, Art supplies, Stationery, Pets, Toys, Coins, Flowers, Jewelry, Leather goods, Luggage, Novelties, Sporting goods, Bicycles, Stamps, Hobbies, Art Work, Photo supplies, Music, Musical Instruments, Optical goods, Religious articles.	R
	Gun shops and accessory goods sales including ammunition, subject to § 42.4 zoning ordinance, provisions.	X
<b>I.</b>	<b>Home Goods and Furnishings</b>	
	STORE SELLING OR RENTING ITS GOODS PREDOMINANTLY AT RETAIL ON THE PREMISES, AS FOLLOWS:	
	China, glass, pottery.	R

	Antiques and second hand goods, excluding motor vehicles/parts, and excluding materials held only for discard or reprocessing.	R
	Fabrics, curtains, linens knitting & upholstery supplies.	R
	Furniture, floor covering, appliances.	R
	Farm & garden supplies, includes greenhouse, nursery.	R
	Hardware, paint, wallpaper.	R
	SPECIALTY HOME GOODS & SKILLED TRADES WITH A COMBINATION OF ON PREMISES FABRICATION AND SALES, AS FOLLOWS:	
	Art work, art supplies, baskets, books, candles, curtains, dresses, fabrics, furniture, gifts, glass, jewelry, linens, musical instruments, optical goods, pottery, photography, printing, sporting goods, stationary, toys, upholstery.	R
	Music, Film and Recording Studio	<u>R SP</u>
<b>J.</b>	<b>Financial Services</b>	
	Bank or other credit agency. (With drive-through)	<u>XX</u>
	Bank or other credit agency (no drive-through)	R
	Broker investment company.	R
	Insurance company or agency.	R
	Remuneration, money order, notary establishments	<u>R X</u>

	Check cashing or payday loan establishments	X
<b>K.</b>	<b>Office</b>	
	OFFICE—NO STORAGE OF A STOCK IN TRADE (EXCEPT SAMPLES) OR HEAVY MATERIALS OR EQUIPMENT, & NO COMMODITIES SALE ON PREMISES, AS FOLLOWS:	
	General, charitable, philanthropic, other professional.	R
	Co-working	<u>R</u>
	Radio or television stations studio and/or offices only.	R
	Utility, including exchange.	R
	Wholesale or distribution.	SP
<b>L.</b>	<b>Amusements</b>	
	ESTABLISHMENT SO ARRANGED THAT LIGHTS, NOISE, VIBRATION, AND ALL OTHER POSSIBLE DISTURBING ASPECTS CONNECTED WITH ITS OPERATION ARE ENCLOSED, SCREENED OR OTHERWISE CONTROLLED TO THE EXTENT THAT THE OPERATION OF THE ESTABLISHMENT WILL NOT UNDULY INTERFERE WITH THE USE AND ENJOYMENT OF STREETS OR PROPERTIES IN THE SURROUNDING AREA, AS FOLLOWS:	
	Adult businesses, including adult bookstores, Adult theaters, adult entertainment centers, massage parlors, saunas, subject to § 42.3 provisions.	X

	Assembly hall.	<a href="#">SE SP</a>
	Bowling alley, billiard or pool hall, indoor amusement center.	SE
	Fair, carnival.	X
	Game machines as an accessory use, subject to § 42.2 provisions.	R
	Game rooms, subject to § 42.2 provisions.	SE
	Miniature golf, golf driving range.	SE
	Music or dancing school.	R
	Public access park (passive or action recreation), open space or community garden	R
	Social club, athletic club, lodge, veterans or fraternal organization, recreation facilities and community centers.	SE
	State sponsored off-track betting facilities and teletrak facilities, teletheater or other legalized wagering systems, facilities & services.	SE
	Theater, excluding drive-in, 250 or fewer seats.	R
	Theater, excluding drive-in, 251 or more seats.	R
	Trampoline center.	<a href="#">SE R</a>
<b>M.</b>	<b>Automotive</b>	
	ESTABLISHMENT CONFORMING TO STATE OF CONNECTICUT REGULATIONS AND § 45, AS FOLLOWS:	
	Sale of automotive accessories, parts, tires, batteries, other supplies.	<a href="#">X R</a>

	Gasoline station, as defined by Ch. 250, C.G.S.	X
	Car wash (a/k/a auto laundry).	X
	Motorcycles: Sale or rental with inventory, repair.	SE
	Automobiles, automobile trailers, and trucks.	
	1. Repair of such vehicles, no full body paint spraying or body and fender work except replacement.	<u>X</u> SE
	2. Repair of such vehicles, including full body paint spraying and all body and fender work.	<u>X</u> SE
	3. Rental of such vehicles with inventory. Inventory within structure shall be permitted by special exception.	<u>SE</u> R
	4. Sale of such vehicles with inventory when used, where incidental to operation of a gas station or repair garage, and where no more than five used vehicles for sale are kept on premises at one time.	X
	5. Sale of such vehicles with inventory when used, with no limit on quantity of vehicles.	X
	6. Sale of such vehicles with inventory when new:	
	a. Automobiles.	X
	b. Automobile trailers or trucks.	X
	Sale or rental of any vehicle described above, with no inventory of such vehicles	<u>SE</u> R

	kept on premises, but with incidental show models and demonstrator vehicles permitted in case of sales.	
	Motor vehicle fleet operation	X
<b>N.</b>	<b>Marine</b>	
	Marina, yacht club with up to four slips.	X
	Marina, yacht club with more than four slips.	X
	Fishing, fish sales (including shellfish).	X
	Sale of boats, boat parts & accessories, fishing equipment, boat fuel & ice, & similar supplies.	X
	Boat rental or charter, boat sightseeing.	X
	Boat building, repair, service and storage:	
	100 foot length or less.	X
	Over 100 foot length.	X
	Deep-sea shipping facility or Seaplane base.	X
	Salvage or dredging company.	X
<b>O.</b>	<b>Construction &amp; Related Goods &amp; Services</b>	
	Home improvement company, interior decorator, upholsterer, furniture repairer, general contractor, special trade contractor or worker, building materials, sign making, fuel or ice, with all storage of goods, materials & equipment (other than off-street parking and loading of vehicles) and all processing	R

	and manufacturing kept within a completely enclosed building(s) & the entire establishment occupies 2,000 square feet or less of net floor area.	
	Same uses as above, with no limit as to floor area or enclosure, except as specified in § 46 & § 47(c).	X
	Off-site Construction Staging Area:	
	Less than 1,000 SF total area.	<u>X</u> SP
	1,000 SF or more total.	<u>X</u> SP
	Monument sales establishment, with incidental processing to order (excluding shaping of stones & similar processes).	X
	Monument sales establishment or monument works, with no limit as to processes.	X
<b>P.</b>	<b>Business Goods</b>	
	ESTABLISHMENT SELLING OR RENTING ITS GOODS PREDOMINANTLY AT RETAIL ON PREMISES, AS FOLLOWS:	
	Office equipment and supplies.	R
	Business machines or scales.	R
	Restaurant or bar supply.	R
	Dental, hospital, beauty, barber, store or lab supply.	R
<b>Q.</b>	<b>Business &amp; Miscellaneous Personal &amp; Public Services</b>	
	Off premises signs, as regulated by § 44.1:	
	Mini-panel.	SE

	Poster, Bulletin or Spectacular.	X
	On premises signs, as regulated by § 44.	R
	Ambulance service.	<u>X</u> <u>R</u>
	Cat Café	X
	Caterer.	R
	Cold storage facility renting only individual lockers for home customer storage of food. (For other cold storage facilities, see § 42 S. Heavy Commercial.)	X
	Conference Center	SP
	Convention Center	SP
	Commercial kennel or other establishment, where the care, breeding or sale of animals is the principal purpose of the enterprise, with no animals to be located within 500 feet of any residentially zoned property.	X
	Delivery service establishment, vehicles limited to one ton capacity (also see § 42 S. Heavy Commercial).	X
	Employment agency.	R
	Event Center	<u>R</u>
	Government Building or Facility	<u>R</u>
	Internal building cleaning, window cleaning.	<u>R</u> <u>SE</u>
	News distribution enterprise.	X
	Printing, engraving, or other reproduction services, limited to 2,000 square feet net floor area.	SE



	Printing, engraving, or other reproduction services with no limit as to floor area.	X
	Public or private pumping station	R
	Research or testing laboratory, including research and/or development laboratories which are High Technology Uses, limited to 2,000 S.F. net floor area used for laboratory purposes	R
	Research or testing laboratory with no floor area limit, including research and/or development laboratories which are High Technology Uses	R
	Other High Technology Uses, High Technology Services and High Technology Equipment Design and Fabrication (see definitions)	R
	Self storage facility.	X
	Special workplace daycare Family Daycare Home, Group Daycare Home, and Child Daycare Center.	R
	Uniform sales or rental establishment.	R
	Vending machine operator or repairer.	<a href="#">SP R</a>
	Veterinarian, pet daycare and pet groomer (excluding establishment where care, breeding or sale of animals is the enterprise's main purpose and/or where animals are boarded	<a href="#">SP SE</a>

	overnight) with all facilities within fully enclosed building(s).	
<b>R.</b>	<b>Transportation</b>	
	On or off-site parking lot or parking structure for employees, customers, or visitors for any business or industrial use, or commercial parking lot or parking structure, also as regulated by § 45 of this ordinance and excluding auto sales, service and rental except as otherwise permitted by this Use Table.	SP
	On or off-site parking lot or parking structure containing between 26 and 200 parking spaces for employees, customers, or visitors for any business or industrial use, or commercial parking lot or parking structure, also as regulated by § 45 of this ordinance and excluding auto sales, service and rental except as otherwise permitted by this Use Table.	SP
	On or off-site parking lot or parking structure capable of containing 200 or more parking spaces for employees, customers, or visitors for any business or industrial use, or any commercial parking lot or parking structure capable of containing 200 or more parking spaces, also as regulated by § 45 of this ordinance and excluding	SP

	auto sales, service and rental except as otherwise permitted by this Use Table.	
	Intercity passenger station or terminal, Railroad passenger station, or Heliport.	R
	Storage of commercial vehicles (where not an accessory use to another permitted use).	X
	Taxi dispatching station (no vehicle storage).	R
	Taxi terminal.	<u>SP</u> ✕
	Transportation or other right-of-way.	R
	Truck or rail freight yard or terminal.	X
<b>S.</b>	<b>Heavy Commercial</b>	
	Brewery, distillery, winery or meadery	<u>SP</u>
	Cleaning, laundering, dyeing, or diaper service plant.	X
	Cold storage facility, no limit as to customer type.	X
	External building cleaning, disinfecting, or exterminating establishment.	X
	Food processing or wholesale bakery.	X
	Warehousing, or moving and storage establishment.	X
	Meat processing (excluding slaughtering, eviscerating and rendering)	<u>X</u>
	Wholesaling or distribution, including the handling of stock and incidental retailing.	X

T.	Industrial	
	Manufacturing, processing, storage, or other commercial or industrial use not specifically mentioned, subject to other provisions of this & not analogous to any use specifically mentioned ordinance and in particular § 46, outdoor activities & storage, waste, dumping, quarries and § 48, performance standards.	X
	Antenna or wireless site:	
	1. On existing structure, subject to § 49 standards.	R
	2. On new tower, subject to § 49 standards.	X
	<b>Artisan Manufacturing</b>	<u>X</u>
	Asphalt manufacture or refining or preparation except where incidental to construction.	X
	Celluloid or pyroxylin manufacture or explosive or inflammable cellulose or pyroxylin products manufacture.	X
	Coal tar or mineral dye manufacture or tar distillation (except as by-products of public utility, gas or power manufacture; and the products or by-products of any plant which furnishes gas, gas material or power to a public utility or for public distribution).	X
	Creosote manufacture or treatment.	X

	Dumping, as defined and regulated by §46(e) and subject to other applicable regulations.	X
	Emery cloth, sand paper, carborundum or pumice manufacture.	X
	Explosive or fireworks manufacture.	X
	Fertilizer manufacture from organic material or its compounding for sale.	X
	Glue or size manufacture or processes involving recovery from fish or animal material.	X
	Gypsum, cement, plaster or plaster of Paris manufacture.	X
	Household hazardous waste collection centers, as defined and regulated by § 46(g), subject to other applicable regulations.	X
	Junkyard, as defined and regulated by § 46, subject to all State of Connecticut and other applicable regulations.	X
	Motor vehicle recycling facility, as defined and regulated by § 46 and subject to all State of Connecticut & other applicable regulations.	X
	<b>Micro-Manufacturing</b>	<u>X</u>
	Nitrating process.	X
	Outdoor storage of fuels, chemicals or building materials (whether in tanks or other containers), except as incidental to other activities.	X

	Outdoor storage of materials related to boat manufacturing.	X
	Outdoor storage of up to 500 square feet of materials, customary and incidental to principal use of the property.	X
	Outdoor storage of more than 500 square feet of material.	X
	Petroleum refining.	X
	Public sewage disposal plant or incinerator.	X
	Quarry, as defined and regulated by § 46(f)	X
	Slaughterhouse or stockyards, rendering or reduction of animal matter.	X
	Sulfurous, sulfuric, nitric, picric or hydrochloric or other corrosive acid manufacture or the manufacture of poison gases, bleaching powder or chlorine, except as incidental to a permitted use.	X
	Transmitting tower for radio or television station.	X
	Waste processing and transfer.	X
	Wood or bone distillation.	X
<b>U.</b>	<b>Medical</b>	
	Nursing Homes/Rest Homes/Residential Care Homes as defined in Conn. Gen. Stat. §§ 19a-490 and 19a-521	<b>SP</b>
	General and Special Inpatient Hospitals	<b>SP</b>
	Home Health Care Agencies/Assisted Living	<b>SP</b>

	Service Agencies as defined in Conn. Gen. Stat. § 19a-490	
	Health Practitioners' Office (See definition)	<u>R SP</u>
	Health Care Clinic (See definition)	<b>SP</b>
	Outpatient Surgical Facilities/Ambulatory Surgical Center licensed by the Connecticut Department of Health pursuant to Conn. Gen. Stat. § 49a-493b	<b>SP</b>
	Recovery Care Centers licensed by the Department of Public Health pursuant to Regs. Conn. State Agencies §19a-495-571	<b>SP</b>
<b>V.</b>	<b>Institutional and Public Uses</b>	
	Religious Institutions including parish houses, rectories, convents, and other facilities normally incidental to places of worship but excluding funeral homes and cemeteries.	<u>R SP</u>
	Cultural activities not carried on as a gainful business, including art galleries, libraries and museums.	<u>R SP</u>
	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	<b>SP</b>

	dormitories connected with such schools	
	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.	SP
	Fraternities and sororities located on land owned by an educational institution.	X
	Fraternities and sororities located on land not owned by an educational institution.	X
	Public safety facilities (fire, police, and EMS)	<u>R</u>
	Post Office	<u>R</u>
<b>W.</b>	<b>Public Amenity, Service and Utility Uses</b>	
	Reservoirs, dams, public utility substations and pumping stations, telephone exchanges, police stations, fire stations and post offices.	
	Parks and other public facilities for passive recreation, and public playgrounds.	

Notes:

<sup>1</sup> In the BA-2, first floor dwelling units are permitted by Special Permit along Whalley Avenue between Fitch Street and Harrison Avenue. First floor dwelling units are permitted as of Right in other locations.

<sup>2</sup> Parking lots and structures located entirely on parcels subject to a development agreement with the City of New Haven entered into prior to June 1, 2007 require only site plan approval.



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<sup>3</sup> Only where part of a mixed-use development of 500,000 or more square feet.

(Ord. No. 1368, § 8, 2-7-05; Ord. No. 1410, § 2, 3-20-06; Ord. No. 1412 (Rev. Sched. A, § 5), 5-1-06; Ord. No. 1553, 6-4-07; Ord. No. 1563, 12-17-07; Ord. No. 1565, 4-7-08; Ord. No. 1614, §1, 3-1-10; Ord. No. 1665, 10-3-11; Ord. No. 1685, Sched. D, 8-6-12; Ord. No. 1696, Sched. A, 5-6-13; Ord. No. 1790, Sched. C, 4-4-16; Ord. No. 1804, Attach. C, 8-1-16; Ord. No. 1805, 8-1-16; Ord. No. 1820, Sched. B, 6-5-17; Ord. No. 1842, Sched. B, 6-4-18; Ord. No. 1858, Sched. A, 4-15-19; Ord. No. 1886, Sched. C, 1-17-20; Ord. No. 1899, Sched. A, 7-6-20)

New MU Definitions:

HIGH-RISE BUILDING means a freestanding structure with a minimum height of 10 stories.

MEAT PROCESSING means establishments primarily engaged in processing, preserving, cutting and packaging meat and meat byproducts. Meat processing excludes slaughtering and rendering.

MICRO-BREWERY means an establishment engaged in on-site brewing of beer and sales of beer by the glass for on-premise consumption. These establishments are primarily used for the production of beer and ale and may include retail and food service as an accessory use. The brewing operation processes the ingredients to make beer and ale by mashing, cooking, and fermenting. The brewing operation does not include the production of any other alcoholic beverage.

MICRO-DISTILLERY means an establishment primarily engaged in on-site distillation of spirits and may include retail and food service as an accessory use. The distillery operation processes the ingredients to make spirits by mashing, cooking, fermenting and distilling. The micro-distillery operation does not include the production of any other alcoholic beverage.

MICRO-MANUFACTURING means the manufacturing of products in small quantities using small manufacturing facilities.

MID-RISE BUILDING means a freestanding structure ranging from five to nine stories.

MIXED USE means a land use where more than one classification of land use (for example, commercial office, retail and service, public, institutional, medical) permitted within a zoning district is combined on a lot or within a structure.

MIXED USE BUILDING means a building that incorporates two or more use types within a single building, provided each use type is permitted within the applicable zoning district in the building.

MIXED-USE DEVELOPMENT means a tract of land or structure developed for two or more

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different uses, such as, but not limited to, residential, office, retail, institutional, public, or entertainment. Such uses are functionally integrated and share vehicular use areas, ingress/egress, and pedestrian access.

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

(a) *Definitions.*

FLOOR AREA RATIO (FAR): The ratio of the **gross floor area** to the **principal building or principal buildings** on a **lot** to the total **lot area**. In calculating FAR, the **gross floor area** of a parking structure shall not be included.

(b) *Maximum FAR.*

(1) The maximum **FAR** permitted in the district(s) specified shall not exceed the following:

FAR	Zoning District
2.0	BA, BA-1, BB, BC and IM
3.0	IL, CGD***
4.0	IH
6.0	BD, BD-1**, BD-2*, BD-3 and BE
<u>10.0</u>	<u>TOC</u>
	*Where a lot in a BD-2 District abuts a residence district along a rear or side lot line, the maximum permitted <b>FAR</b> is 2.5. ** Where a lot in a BD-1 District abuts an RS-1, RS-2, RM-1 or RM-2 Residence District, the maximum permitted FAR is 3.0. *** In the CGD, the maximum permitted <b>FAR</b> can be increased to 4.5 by utilizing strategies to improve site sustainability. See section 43(b)(2) **** In the BD-3, the maximum permitted <b>FAR</b> for sites where the primary use is commercial (non-residential) can be increased to 8 by utilizing strategies to improve site sustainability and/or by providing public plazas subject to the requirements of section 43.1)

(2) *FAR Bonuses in CGD, TOC, and BD-3.*

- a. Purpose. Because these corridors have great development potential and the capacity for larger buildings and commercial enterprises, they are eligible for **FAR** bonuses. However, because larger buildings have a greater environmental impact and because the City of New Haven prioritizes sustainability and resiliency measures, the **FAR** bonus is available to those projects that mitigate these impacts with sustainability measures in the table below.
- b. In the CGD, the maximum permitted **FAR** can be increased up to 4.5 through incorporation of strategies to improve site sustainability. Developments in the CGD District may implement any strategies in the chart below in Sections 1—4 and 6. The following sustainability strategies can be converted into points, with each point worth a 0.1 increase in **FAR**. A memo detailing what strategies are employed shall be included in the site plan submission.
- c. In the BD-3, the maximum permitted **FAR** can be increased up to 8.0 for all sites where the primary use is commercial (non-residential). The following sustainability strategies (except 6a.) and provision of public plazas can be converted into points, with each point worth a 0.2 increase in **FAR**. A memo detailing what strategies are employed shall be included in the site plan submission.
- d. In the TOC zone, the maximum permitted FAR can be increased up to 12.0 through incorporation of strategies to improve site sustainability and provision of public plazas. The following sustainability strategies (except 6a.) and provision of public plazas can be converted into points, with each point worth a 0.2 increase in FAR. A memo detailing what strategies are employed shall be included in the site plan submission.

Sustainability Strategies		Points
1. Leadership in Energy and Environmental Design (LEED) Scorecard or other equivalent, nationally recognized rating system.		
1.a	Scorecard indicating LEED Certification rating or equivalency to a LEED Certification rating signed by a LEED accredited professional.	1
1.b	Scorecard indicating LEED Silver rating or equivalency to a LEED Silver rating signed by a LEED accredited professional.	2
1.c	Scorecard indicating LEED Gold rating or equivalency to a LEED Gold rating signed by a LEED accredited professional.	3
1.d	Scorecard indicating LEED Platinum rating or equivalency to a LEED Platinum rating signed by a LEED accredited professional.	4
2. On-Site Energy Generation		
2.a	At least 25% of energy use is generated from on-site renewable sources.	1
2.b	At least 50% of energy use is generated from on-site renewable sources.	2
2.c	75% or more of energy use is generated from on-site renewable sources.	3
2.d	The site has net zero energy impact.	4
3. Rainwater		
All vegetation used in strategies 3a—3c must use at least 50% Native Plants.		
3.a	Retention	
3.a-1	Retaining 10%—30% of anticipated runoff generated by the 10-year 24-hour storm, as defined by NOAA.	1
3.a-2	Retaining 30%—60% of anticipated runoff generated by 10-year 24-hour storm, as defined by NOAA.	2
3.a-3	Retaining more than 60% of anticipated runoff generated by the 10-year 24-hour storm, as defined by NOAA.	3
3.b	Green Stormwater Infrastructure	
3.b-1	Green stormwater infrastructure is used to capture 30%—60% of runoff retained in Section 3.a	1
3.b-2	Green stormwater infrastructure is used to capture over 60% of runoff retained in Section 3.a	2
3.c	Ecoroofs as defined in Section 1.	
3.c-1	30%—60% of roof area is an ecoroof.	1
3.c-2	60% or greater of roof area is an ecoroof.	2
3.d	Payment-in-lieu	
3.d-1	For sites where the retention or infiltration strategies enumerated in Sections 3.a—3.c above are not feasible, a one-time payment may be made in-lieu of satisfying such strategies at a rate of \$6.00 per cubic foot of runoff generated by the proposed structure and site during a 1-year, 6-hour storm as defined by NOAA.	1
3.d-2	For sites where the retention or infiltration strategies enumerated in Sections 3.a—3.c above are not feasible, a one-time payment may be made in-lieu of satisfying such strategies at a rate of \$9.00 per cubic foot of runoff generated by the proposed structure and site during a 1-year, 6-hour storm as defined by NOAA.	2
3.d-3	For sites where the retention or infiltration strategies enumerated in Sections 3.a—3.c above are not feasible, a one-time payment may be made in-lieu of satisfying such strategies at a rate of \$12 per cubic foot of runoff generated by the proposed structure and site during a 1-year, 6-hour storm as defined by NOAA.	3
4. Building Reuse		
The following strategies are mutually exclusive.		

4.a	Exterior design of new development is compatible with adjacent neighborhood fabric, built more than 50 years ago, including the use of similar window and door sizes, cladding materials, bays, and other primary structure elements, As part of the applicant's site plan application, the applicant shall provide a report by a design preservation professional demonstrating compliance with this strategy.	1
4.b	At least 75% of street facing Building facade, from structures built more than 50 years ago are restored and integrated into the new development, in accordance with the standards recommended by the Secretary of the Interior Standards for the Treatment of Historic Properties.	2
4.c	Existing building shell(s) constructed more than 50 years ago is restored, in accordance with the standards recommended by the Secretary of the Interior Standards for the Treatment of Historic Properties.	3
5. Public Plazas designed in accordance with Section 43.1.		
5a.	Public plazas totaling between 3,000 to 5,499 gross square feet.	1
5b.	Public plazas totaling between 5500 to 7,499 gross square feet.	2
5c.	Public plazas totaling between 7500 to 9,999 gross square feet.	3
5d.	Public plazas totaling between 10,000 to 15,000 gross square feet.	4
5e.	Public plazas in excess of 15,000 gross square feet.	5
6. Other		
6.a	In CGD only, outdoor space is dedicated to food production (e.g. community gardens in Privately Owned Public Space 43(l)(4)).	1
6.b	Construct primary structures out of Mass Timber or other engineered timber systems.	5
6c	Public Plaza that meets SITES certification or equivalent can qualify for additional FAR points at .5 of the points assigned to the equivalent LEED certification rating set forth in subsections 1a—1d above.	Varies

(3) *Reserved.*

(c) *CGD Residential Density.* The following residential density requirements apply only to CGD zones and supersede those requirements specified in Section 42.

(1) For mixed-use or residential developments, a minimum total residential density of 35 units per acre must be achieved for sites wholly or partially located within a ¼ mile radius of a designated, fixed route transit stop under the 2019 Moe New Haven Plan. For all other mixed-use developments within a CGD, a minimum residential density of 25 units per acre must be achieved.

(2) *Reserved.*

(d) *Maximum building height.*

(1) Except as provided in subsections 43(d)(2), (3), (4), (5), (6), (7), (8), (9), (10) there shall be no direct limit on building height in any business, or industrial district (although indirect limits may be produced by floor area ratio and other requirements).

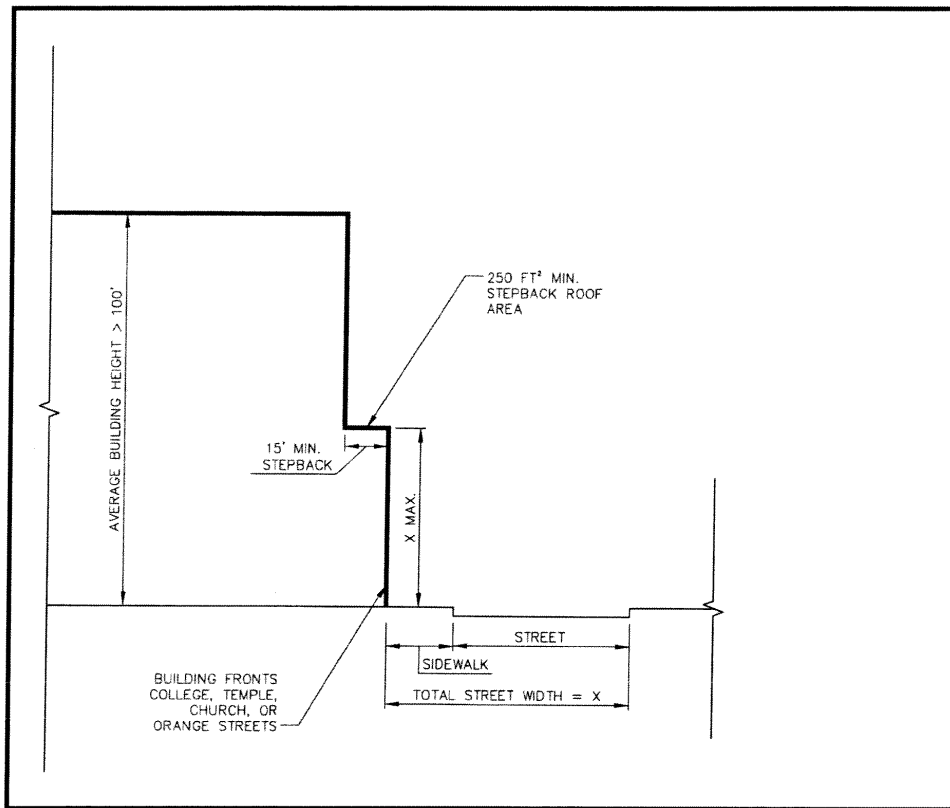
(2) In the Business C zone, the maximum average building height shall be 35 feet.

(3) No building in a Business D-2 District shall exceed 200 feet above average finished lot grade provided a building shall be entitled ten feet of additional height if such building is registered as a Leadership in Energy and Environmental Design (LEED)-certified building for new commercial construction and major renovation projects, as established by the United States Green Building Council, or an equivalent standard, and the owner or applicant certifies its good faith intent to achieve such standard.

(4) In the BA-1, the maximum building height shall be 45 feet. Buildings shall also have a minimum of two stories and a minimum building height of 25 feet.

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- (5) In the BA-2, buildings shall have a maximum of four stories and a maximum building height of 50 feet. Buildings shall also have a minimum of two stories and a minimum building height of 25 feet, provided that the enlargement, expansion or extension of an existing one-story structure shall not be considered an increase in non-conformity for the purposes of Section 67(d).
  - (6) In the CGDs, primary buildings shall have a minimum of two stories and a minimum building height of 25 feet, provided however, that the following shall not be considered an increase in non-conformity for the purposes of Section 67(d): (a) The enlargement, expansion or extension of an existing one-story structure; and (b) Additions that are less than 25% of the existing floor area of the structure.
  - (7) In the BD-3-and TOC Districts, if the average height of a principal building exceeds 100 feet above average finished lot grade and if any portion of the principal building has frontage on College, Temple, Church, or Orange Streets or on Church Street South (between Columbus Avenue and South Frontage Road) Lafayette Street, Washington Avenue, Union Avenue, or Congress Avenue, then one 15-foot stepback of the upper levels of the building shall be required on the façade that fronts on such street, commencing no later than the point at which the height of the building is the same as the total of the width of the street that the building fronts on. The depth of the stepback need not be uniform, provided that at one point, the stepback is 15 feet from the front of the building façade at the floor immediately below the floor at which the stepback begins, and provided further, that the depth of the stepback area on the roof of the floor below the floor at which the stepback begins must be at least 250 square feet. If the principal building fronts on more than one such street, then only one stepback shall be required. (See Figure 43.1)
  - (8) Where a lot in a BD-1 District abuts property in an RS-1, RS-2, RM-1 or RM-2 Residential District, a maximum building or structure height of 70 feet is permitted.
  - (9) In the CGD, the maximum building height shall be 75 feet. Building heights greater than 75 feet are permitted by Special Permit.
  - (10) Reserved.
  - (11) On any lot located in a BD-3 District located south of South Frontage Road, Rte. 34, except for lots:
    - a. Directly abutting South Frontage Road. Rte. 34; or
    - b. Directly abutting Church Street South between Columbus Avenue and South Frontage Road, or
    - c. Directly abutting Lafayette Street, or
    - d. Directly abutting Washington Avenue, Union Avenue, or Congress Avenue between Lafayette and Liberty Streets:  
a maximum building height of 70 feet is permitted.

***Example of BD-3 Stepback Requirements***



***Figure 43.1 BD-3 Stepback Requirements***

- (12) *Exceptions.* Ecoroofs, roof decks, roof gardens, roof accesses, mechanical floors, and related structures shall not be counted in building height limits.
- (e) *Maximum building coverage.* There shall be no direct limit on **building coverage** in any business or industrial district.
- (f) *Maximum size of courts.* Except for the Business D-3 District, the horizontal distance between facing walls of any **court** in any business or industrial district shall not be less than five feet where neither facing wall has an **average height** greater than 20 feet, and not less than one foot for each four feet of **average height** of the two facing walls averaged together where either facing wall has an **average height** greater than 20 feet. In the BD-3 District, there shall be no required distances between the facing walls of any court for any **nonresidential building**. For **mixed use buildings** and **residential principal buildings**, the horizontal distance between facing walls of a **court** shall not be less than 20 feet if neither facing wall has an **average height** greater than 30 feet and not less than one foot for each four feet of **average height** of the two facing walls averaged together where either facing wall has an **average height** greater than 30 feet.
- (g) *Yard Regulations.* The following requirements shall apply in all business or industrial districts except for BD, BD-1, BD-3, **TOC**, and CGD Districts (see subsection 43(g)(4) and 43(g)(5)), the BA-1 District (see subsection 43(l)), the BA-2 District (see subsection 43(l)), and except where a business or industrial district abuts a residence district (see § 47). These requirements shall apply to both principal and accessory buildings.
- (1) *Front yards:* There shall be no front yard required in any business or industrial district.

- (2) **Side yards:** There shall be no **side yard** required in any business or industrial district, except that in any case where a **side yard** is actually provided such **side yard** shall be required to be not less than five feet for a **building** wall having an **average height** of 20 feet or less, and not less than one foot for each four feet of **average height** for a **building** wall having an **average height** of more than 20 feet.
- (3) **Rear yards:** There shall be a **rear yard** in all business and industrial districts of not less than ten feet for a **building** wall having an **average height** of 30 feet or less and not less than one foot for each three feet of **average height** for a **building** wall having an average height of more than 30 feet.
- (4) There shall be no minimum yard requirements in the BD, BD-1, **TOC**, or the BD-3 Districts except that in the BD-3 District there shall be a minimum of 15 feet, and in the TOC a minimum of 20 feet, of unobstructed land from the ground up on which no structures shall be located between the outer face of a building foundation wall at grade of a principal building that fronts on a street and the curb of such street in order to provide for sidewalks, streetlights and landscaped areas between the sidewalk and the curb, provided, however, that overhead pedestrian walkways and the footings, foundations, piers, and/or supports for such walkways may be located in the above described 15 or 20 foot area. Additionally, in the BD-3 District, when a mixed use or a residential principal building which is four stories or less, contains one or more windows that face a nonresidential building on the same lot, there shall be a minimum of ten feet of unobstructed land from the ground up between the nonresidential building and the residential principal building or mixed-use building. If such residential principal building or such mixed-use building faces a nonresidential building on an adjacent lot or faces an adjacent vacant lot, then there shall be a minimum ten-foot side or rear yard (as the case may be) on the lot on which such residential principal building or mixed use building is located facing the adjacent lot.

(h) **CGD Yard Regulations.** The following requirements shall apply in the CGDs:

- (1) In CGDs, the minimum and maximum yard requirements for frontages on the three main corridors are:

	Front Yard Min	Front Yard Max	Side Yard Min	Side Yard Max	Rear Yard Min	Rear Yard Max
Whalley	0	5	0	40	10	20

Figure 43.2

Where the parcel abuts side streets that are not Whalley, the front yard minimum is zero and the front yard maximum is 20 feet. The front yard provided should be demonstrably consistent with the front yards of the relevant side street.

- (2) Because larger development sites are often phased for financing and lease purposes, contiguous sites in the CGD zone that are being developed together may be considered as a single lot for purposes of setbacks and other dimensional requirements (e.g. FAR, POPS) regardless of ownership.

(g) **Structures within required yards.** The following rules shall apply to yards provided under § 43(f).

- (1) No wall of a **building** shall extend beyond the outer face of a **building** foundation wall into such a **yard** for more than six inches.
- (2) A **projection** from a **building** may extend into such a **yard** for not more than one-half the width of such **yard**, but in no case more than five feet into such **yard** for fire escapes, one-story open porches, ramps, loading docks, and steps leading up to the ground floor, or three feet into such **yard** for all other projections, and in no case to within two feet of any **lotline**.

(j) **Usable Open Space/Common Amenity Space for the BC, BD, BD-1, BD-2, BD-3, TOC, CGD and IL Districts.**

- (1) In the BD-3 and TOC Districts, for all nonresidential buildings in excess of 10,000 square feet of gross floor area, a minimum of 25 square feet of usable open space per 1,000 square feet of gross floor area

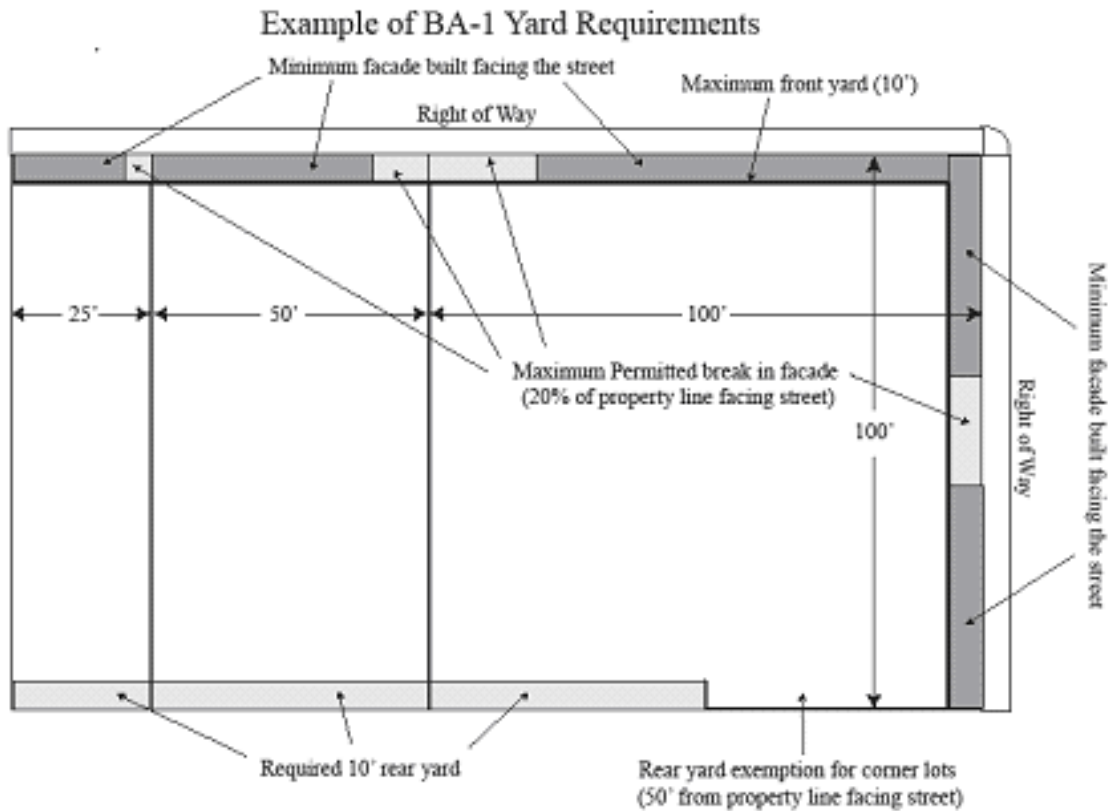


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up to a maximum of 10,000 square feet of usable open space shall be provided on the same lot on which the nonresidential building is located. In the event that any point on such lot is located within a 1,000-foot radius of publicly accessible open space, then a minimum of 13 square feet of usable open space per 1,000 square feet of gross floor area shall be required on such lot up to a maximum of 10,000 square feet of usable open space.

- (2) In the BC, BD, BD-1, BD-2, BD-3, [TOC](#), CGD and IL Districts, for all mixed use buildings and residential principal buildings both existing and proposed, a minimum of 50 square feet per dwelling unit of usable open space shall be provided on the same lot on which such building is located. In the event that any point on the lot upon which the mixed use building or the residential principal building is situated is located within a 1,000-foot radius of publicly accessible usable open space, then a minimum of 25 square feet of usable open space per dwelling unit shall be required.
- (3) In the BC, BD, BD-1, BD-2, BD-3, [TOC](#), CGD and IL Districts, mixed use buildings and residential principal buildings both existing and proposed with six or more dwelling units shall provide 50 square feet of common amenity space per dwelling unit in addition to the usable open space required under subsection 43(i)(1)b. above.
- (k) *Principal entrances in the BD-3 and TOC Districts.* Buildings facing College Street, Orange Street, Temple Street, Church Street South (between Columbus Avenue and South Frontage Road), Lafayette Street, Washington Avenue, [Union Avenue](#), or Congress Avenue shall have a principal entrance facing such streets or on the corner of any of the above listed streets and another street.
- (l) *Transparent and active uses in the BD-3 and TOC District.*
  - (1) Every nonresidential building and every mixed use building that faces College Street, Orange Street, Temple Street, or Church Street, Washington Avenue, Congress Avenue, [Union Avenue](#), Lafayette Street or Church Street South (between Columbus Avenue and South Frontage Road) in whole or in part shall have, at minimum, 60 percent of the first floor façade between two feet and eight feet in height facing such street comprised of clear windows and/or doors that allow views of indoor space and/or product display areas.
  - (2) The first floor of the façade of every nonresidential building and every mixed use building that faces College Street, Orange Street, Temple Street, or Church Street, Washington Avenue, [Union Avenue](#), Congress Avenue, Lafayette Street or Church Street South (between Columbus Avenue and South Frontage Road) shall contain uses which are active and involve the movement of persons in such spaces, including but not limited to restaurants, retail stores, art galleries, fitness centers, yoga studios, lobbies, dance or music studios, and personal services businesses.
  - (3) Every nonresidential building and every mixed use building which faces Martin Luther King Boulevard or Legion Avenue/South Frontage Road in whole or in part shall have, at minimum, 30 percent of the first floor façade between two feet and eight feet in height facing such street comprised of clear windows and/or doors that allow views of indoor space and/or product display areas.
- (m) *Additional requirements for buildings in a BA-1, BA-2, and CGD Districts.*
  - (1) *Yards facing the public right-of-way:* In BA-1 and BA-2 Districts, building façades must abut or be located within ten feet of at least 75 percent of the property line abutting the public street (see figure 43.1 below). Building façades in CGDs must be located within the distance specified in Section 43(g)(5).
  - (2) *Side yards:* No minimum side yards are required. For CGD Districts, maximum side yards are specified in Section 43(g)(5).
  - (3) *Rear yards:* Minimum ten-foot rear yard. In CGD Districts, minimum rear yards are specified in Section 43(g)(5).

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- (4) *Street frontage:* In CGD Districts only, buildings must occupy 100% of street frontage for lots with less than 250 feet of street frontage or access driveways no greater than 20 feet wide. A special exception may be sought to devote frontage to Privately Owned Pedestrian Space.
    - a. *Privately Owned Pedestrian Space (POPS):* Up to 20% of street frontage on Whalley in CGD Districts can be occupied by POPS, within the constraints of the maximum permitted side yards. POPS are pedestrian friendly areas, which are owned and maintained by private property owners. POPS count toward usable open space requirements, specified in Section 43(i). POPS are intended to produce active and safe spaces. They include human-scale elements such as lighting, windows, art, and landscaping. Commercial activities, including food service and sales may occupy POPS. To the extent possible, it is strongly encouraged for POPS to be plazas, community gardens, or pedestrian arcades providing safe opportunities for the public to walk, sit, recreate, and congregate.
    - b. For lots with 250 feet or more of street frontage, at least 75% of the street frontage not occupied by building façade or access driveway no greater than 20 feet wide, shall be occupied by POPS, as described in subsection (a) above.
    - c. An exterior lighting plan must be included with site plans for POPS.
  - (5) *Corner lots:* Are exempt from rear yard requirements for the first 50 feet from the street.
  - (6) *Doors and Entrances:* Buildings must have a primary entrance facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.
  - (7) *Transparency:* In new buildings, except for buildings or portions of buildings containing residential or religious uses or health care facilities on the first floor, a minimum of 75 percent of the street-facing first floor building façade between two feet and eight feet in height must comprise clear windows that allow views of indoor space or product display areas. The bottom of any window or product display window used to satisfy this standard may not be more than three feet above the adjacent sidewalk.
  - (8) *Security bars and Gates:* Solid metal security gates, bars, or solid roll-down metal windows shall not be permitted. Link or grill type security devices shall be permitted. If installed on the outside, the coil boss shall be recessed and concealed behind the building wall.
  - (9) *Landscaping:* All parts of the property visible from the public right-of-way or from residential units contained on the property or adjoining properties shall be adequately landscaped to maximize recreational utility and aesthetic views. Landscape improvements may include pavers or paved surfaces, gravel, trees, shrubs, ground cover, and wherever possible, the retention of existing landscape features.
  - (10) *Fencing:* Rear yard property lines must be fenced where they abut residential zones as practicable. Alleyways should have decoratively designed gates or fences. Fences in front or side yards should not obscure sight lines to increase public safety. Chain link fences are prohibited except for temporary fences for construction.
  - (11) *Screening:* All trash receptacles, dumpsters, or bins placed outside the building must be screened from view from the public right-of-way and constructed and maintained so as to prevent noxious sights, odors, vermin, or other nuisances.



**Figure 43.2 BA-1 Yard Requirements**

- (12) *Design guidelines:* The following design guidelines apply to all buildings in a BA-1 or CGD District only. They should to the greatest extent possible, be incorporated into the design of new buildings and the renovation of existing structures. Compliance with these guidelines shall apply when (1) there are proposed modifications to a building façade to include replacement of windows, replacement of façade materials, or additions to or extensions of a façade; (2) there is an addition or modification to an existing structure that is subject to site plan review under Section 64(f); and (3) for all new construction.
- a. *General design principles:* Emphasis is placed on the pedestrian-scaled environment. Buildings should harmoniously blend with the existing neighborhood fabric. All materials and architectural details used on the exterior of a building should be compatible with the building style, and with each other. A building designed of an architectural style that normally includes certain integral materials and/or details should incorporate such into its design. Plans should reflect an attention to detail, the use of quality materials, and good craftsmanship.
  - b. *Scale, mass and continuity:* Buildings should generally relate in scale and design to the surrounding buildings where such buildings represent quality construction and design associated with historical development of the area. Buildings should reflect a continuity of treatment in the following ways:
    1. Maintain, when appropriate, the building mass and scale of adjacent buildings.

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2. Maintain front yard build-to lines.
  3. Maintain cornice and transition lines in buildings of the same height.
  4. Primary horizontal and vertical lines in the architectural composition should remain visible or be incorporated into the design.
- c. *Building entrances*: All entrances to a building should be defined and articulated by architectural elements of the building. Any such element utilized should be architecturally compatible with the style, materials, and details of the building as a whole.
  - d. *Fenestration*: The arrangement and design of windows and doors in a building should be architecturally compatible with the style, materials, and details of the building. Windows should be vertically proportioned wherever possible. To the extent possible, upper story windows should be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows. All windows should be stylistically consistent with the building and energy efficient.
  - e. *Roofs*: Roof types should be appropriate to a building's architectural type. Repairs to existing construction should conform to the building vernacular.
  - f. *Buildings on corner lots*: Buildings on corner lots should be considered important structures because they contain more than one façade that is exposed to the street. These buildings should be enhanced with appropriate architectural embellishments.
  - g. *Façades*: The architectural treatment of the front façade should be continued, in its major features, around all visibly exposed sides of a building. All sides of a building should be architecturally designed to be consistent with regard to style, materials, and details. Deteriorated materials should be restored to actual function if possible, and if not possible, should be replaced with similar materials that have the same form and surface characteristics without visually changing the façade's character. New buildings should, at street level, have clear glass windows sufficiently transparent to provide views into the interior of the building.
  - h. *Storefront façades*: Storefronts should be integrally designed as part of the entire façade. Buildings with multiple storefronts should be architecturally uniform throughout through the use of architecturally compatible materials, details, awnings, canopies and marquees.
  - i. *Signage and lighting fixtures*: Attachments and/or fixtures should complement the architectural design of the façade and should be appropriate in scale to the ornamentation and the design elements of the building. Fixtures and attachments should not obscure historically significant materials, architectural features or decorative details.
  - j. *Signage*: Signage should be architecturally compatible with style, materials, and details of the building and neighborhood.
  - k. *Awnings, canopies and marquees*: Awnings, canopies and marquees are permitted at ground level. Such treatments should be designed to complement the building and should be compatible with the materials and details of the building and neighborhood. In buildings with multiple storefronts compatible awnings, canopies and marquees should be used as a means to unify the building. Solid, lighted awnings and canopies are not permitted. Vinyl awnings are not permitted.
- (13) *Special permit*: All proposed uses of greater than 5,000 net square feet, whether located in new or existing structures, shall require a Special Permit in order to ensure that such relatively large proposals are compatible with and meet the general criteria and standards of the Business A-1 and Business A-2 Districts as described and defined in Section 41. Uses within CGDs are exempt from this provision.

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(Ord. No. 1410, § 3, 3-20-06; Ord. No. 1412 (Rev. Sched. A, §§ 6, 7), 5-1-06; Ord. No. 1614, § 1, 3-1-10; Ord. No. 1685, Sched. D, 8-6-12; Ord. No. 1696, Sched. A, 5-6-13; Ord. No. 1726, Sched. A, 12-2-13; Ord. No. 1751, Sched. A, § 2, 8-6-14; Ord. No. 1804, Attach. C, 8-1-16; Ord. No. 1807, Attach. C, 8-1-16; Ord. No. 1820, Sched. B, 6-5-17; Ord. No. 1842, Sched. B, 6-4-18; Ord. No. 1886, Sched. C, 1-17-20; Ord. No. 1899, Sched. A, 7-6-20)

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## Section 43.1 Design Standards for Public Plazas in the BD-3 and TOC Zones (04-20-20)

### 43.1-01 Purpose.

Public plazas are privately operated open areas on a Lot intended for public use and enjoyment. Public plazas are intended to serve the following specific purposes:

- (1) to serve a variety of users of the public plaza;
  - (2) to provide spaces for solitary users while at the same time providing opportunities for social interaction;
  - (3) to provide safe spaces, with maximum visibility from the Street and adjacent Buildings and with multiple avenues for ingress and egress;
  - (4) to mitigate the impact of Urban Heat Island by incorporating planting;
  - (5) to maintain the use of the public plaza as publicly accessible space throughout the life of the Building for which a bonus FAR is provided due to the inclusion of a public plaza on the Lot on which the Building is located; and
  - (6) to ensure that the provision of a FAR bonus for a Building due to the inclusion of a public plaza on the Lot on which the Building is located is based upon consistently applied standards.
- (7) to create spaces which are pleasing to the senses, and suitably control any above-ground utility-like appurtenances which may be visually, audibly, and odorously offensive.
- (8) to create spaces which are architecturally compatible and harmonious with surroundings.

(Ord. No. 1899, Sched. A, 7-6-20)

### 43.1-02 Definitions.

*Corner public plaza:* A "corner public plaza" is a public plaza that is located on an intersection of two or more Streets.

*Through block public plaza:* A "through block public plaza" is a public plaza or portion of a public plaza that connects two Streets at mid-block.

(Ord. No. 1899, Sched. A, 7-6-20)

### 43.1-03 Area dimensions.

A public plaza shall contain an area of not less than 3,000 square feet. In no case, shall spaces between existing Buildings on a Lot qualify as public plazas for purposes calculating a zoning bonus. Only the areas of a public plaza that meets the Standards shall count towards qualifying area for purposes of calculating a zoning bonus.

(Ord. No. 1899, Sched. A, 7-6-20)

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### **43.1-04 Orientation.**

The orientation of the public plaza shall maximize access to sunlight and air. A primary frontage of the public plaza shall be south facing where possible and adequate shade shall be provided for user comfort. Prevailing wind patterns and down drafts shall be considered with adequate protections for user comfort.

(Ord. No. 1899, Sched. A, 7-6-20)

### **43.1-05 Requirements for major portions of public plazas.**

All contiguous public plaza areas meeting these standards for public plazas on one Lot shall be considered one public plaza, as follows:

- (1) The major portion of a public plaza is the largest area of the public plaza and the area of primary use.
- (2) Major portions shall be generally regular in shape, easily and directly accessible from adjoining Buildings and public spaces, and continuously visible from within all portions of the public plaza.
- (3) The major portion of a public plaza shall have a minimum average width and depth of 40 feet.
- (4) Where a public plaza has an irregular shape, minor portions of the public plaza shall be directly adjacent to the major portion and have a minimum depth of 15 feet.

(Ord. No. 1899, Sched. A, 7-6-20)

### **43.1-06 Regulations for through block public plazas.**

Through block plazas shall meet the following standards:

- (1) Through block public plazas shall be treated as two public plazas separated at a line drawn within 25 feet of the midblock line.
- (2) Where any Building wall or walls adjoin a through block public plaza or a through block portion of a public plaza and where such wall or walls exceed 120 feet in aggregate length, a minimum ten-foot setback at a height between 60 and 90 feet is required for the full length of the Building wall.
- (3) Through block public plazas shall contain a circulation path at least ten feet in width, connecting the two Streets on which the public plaza fronts.

(Ord. No. 1899, Sched. A, 7-6-20)

### **43.1-07 Paving.**

The paving of the public plaza shall be of non-skid durable materials that are decorative and compatible in color and pattern with other design features of the public plaza. To reduce urban heat island:

- (1) Paving materials shall be of high-reflective material and/or pervious pavers or vegetated pavers.
- (2) Urban landscape, trees and vegetation shall be used to reduce direct sunlight on pavement surfaces.

(Ord. No. 1899, Sched. A, 7-6-20)

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### **43.1-08 Access and Circulation.**

- (a) At least 30 percent of public plaza Street frontage shall be free of obstructions
- (b) The level of a public plaza, inclusive of major and minor portions, shall be at the average elevation of the level of the curb of adjacent Street frontage
- (c) Clear sightlines shall be maintained into main areas of the public plaza from adjacent sidewalks.
- (d) Notwithstanding the foregoing. If the grade of the public plaza is different from the grade of an adjacent Street, there must be a visible means of access from the adjacent Street onto the public plaza as well as signage, artwork, planted walls or other visual cues that connect the adjacent Street to the public plaza.
- (e) Where the elevation of the public plaza is more than four feet above or below the curb level of an adjoining Street, access to the public plaza shall be provided by ADA compliant stairs, via a through block connection (a connection between two Streets) or via a publicly accessible arcade or enclosed passage that is open to public and ADA accessible.
- (f) Circulation paths within public plazas shall provide for unobstructed pedestrian circulation throughout the minor and major portions of the public plaza at a minimum width of five feet. At least one circulation path should be at an average eight in width.

(Ord. No. 1899, Sched. A, 7-6-20)

### **43.1-09 Permitted obstructions.**

Public plazas shall be open to the sky and unobstructed except for the following features:

- (1) Equipment and appurtenances normally found in public parks and playgrounds: water features, art; seating; trees, planters, planting beds, arbors or trellises; litter receptacles; bicycle racks; tables and other outdoor furniture: lights, public restrooms; permitted temporary exhibitions; permitted canopies; permitted freestanding signs; play equipment; kiosks and open-air cafes; stages.
- (2) No obstructions shall impede sightlines in the public plaza so as to create a public safety issue.
- (3) Permitted obstructions may occupy a maximum percentage of the area of a public plaza, as follows:  
For public plazas less than 10,000 square feet in area: 40 percent  
For public plazas 10,000 square feet or more in area: 50 percent
- (4) The area of permitted obstructions shall be measured by outside dimensions at ground level. Obstructions that are non-permanent or moveable, such as moveable chairs, open air cafes, or temporary exhibitions are exempt.
- (5) Trees planted flush-to-grade in accordance with the provisions of Section 43.1-13b (Planting and Trees) and tree canopies as well as raised planted areas that are bounded by seating do not count as obstructions for the purpose of calculating total area occupied by permitted obstructions.
- (6) The following are prohibited in public plazas: garage entrances, driveways, parking spaces, passenger drop offs, loading berths, exhaust vents, mechanical equipment and building trash storage facilities. Vents may be permitted in adjacent walls if they are more than 15 feet above the level of plaza with visual and auditory mitigation. Vents in public plazas must be concealed from view by planting or other features.

(Ord. No. 1899, Sched. A, 7-6-20)



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### **43.1-10 Hours of access.**

All public plazas shall always be accessible to the public, except for anticipated temporarily closures for maintenance of the public plaza or for public safety as documented by the applicant.

(Ord. No. 1899, Sched. A, 7-6-20)

### **43.1-11 Standards of accessibility for persons with disabilities.**

All public plazas shall conform to applicable laws pertaining to access for persons with disabilities regardless of whether the Building associated with the public plaza is existing or new.

(Ord. No. 1899, Sched. A, 7-6-20)

### **43.1-12 Kiosks, Food Carts and Open-Air Cafes.**

Kiosks, food carts and open-air cafes may be placed within a public plaza which are licensed in accordance with City regulations. Such features shall be treated as permitted obstructions.

(Ord. No. 1899, Sched. A, 7-6-20)

### **43.1-13 Amenities.**

All public plazas shall provide amenities, as listed below. All required amenities shall be considered permitted obstructions within the public plaza.

(Ord. No. 1899, Sched. A, 7-6-20)

### **43.1-13a Seating.**

Standards for seating within public plazas are intended to facilitate the provision of abundant, comfortable and accessible seating throughout the public plaza, to provide a broad variety of seating types and configurations; to accommodate individual users engaged in solitary activities as well as groups engaged in social activities; to provide comfortable and safe seating surfaces; to incorporate, to the maximum extent possible, a combination of fixed benches, moveable chairs, seating with backs, seat walls and ledges, and seating steps; as follows:

A minimum of one linear foot of seating shall be provided for each 75 square feet of public plaza area. Moveable seats can be credited as two linear feet.

(Ord. No. 1899, Sched. A, 7-6-20)

### **43.1-13b Planting and Trees.**

The provisions of this Section are intended to facilitate a combination of landscaping elements in order to provide comfort, shade and textural variety.

- (1) At least 15 percent of the area of a public plaza shall be comprised of planting beds with a minimum plan dimension of two feet, exclusive of any bounding walls.
- (2) All public plazas shall provide a minimum of four trees with a minimum of three-inch diameter at breast height (DBH).

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- (3) For a public plaza greater than 10,000 square feet in area, additional trees that measures at least three inches DBH or multi-stemmed equivalents must be provided for each additional 1,200 square feet of public plaza area.
  - (4) For all public plazas, at least 50 percent of required trees shall be planted flush-to-grade or planted at grade within planting beds with no raised curbs or railings. Trees planted flush-to-grade shall be surrounded by a porous surface (such as grating or open-joint paving) that allows water to penetrate into the soil for 75 square feet around trunk.
  - (5) Planting beds shall have a soil depth of at least 18 inches for grass or other ground cover, three feet for trees and shrubs. Any planting bed containing required trees shall have a continuous area of at least 75 square feet for each tree exclusive of bounding walls. Each tree should have access to 1000 cubic feet (cf) of soil. If trees are planted in a continuous planting bed, a minimum of 600 cubic feet of soil per tree should be allocated.
  - (6) All plantings shall be appropriate to local climate and conditions with a 90 percent survival rate expectancy in first two years. Native species shall be prioritized in plant selections.
  - (7) Planted areas on the roof of a subsurface structure may qualify as ECO roofs (see ECO roof definition). The requirements for soil depth and heights of planting beds above subsurface structures shall not apply if planting depths are not achievable due to structural or similar constraints and an alternative design such as intensive eco-roof application is provided.
  - (8) Street trees are required to be planted at minimum 30 feet on center in the sidewalk area adjacent to a Lot on which a Building is located which has received a FAR bonus due to the presence of a public plaza on the Lot. Street trees are required to be approved by the City Tree Warden through the Site Plan Review process.

(Ord. No. 1899, Sched. A, 7-6-20)

#### **43.1-14 Lighting and electrical power.**

Public plazas shall be illuminated to provide for safe use and enjoyment of all areas of the public plaza. Steps and other changes in elevation and areas under tree canopies and permitted canopies within the public plaza shall be adequately lit. Electrical service shall be provided for public programming. All lighting sources that illuminate the public plaza and are mounted on or located within the Buildings adjacent to the public plaza on the Lot on which the public plaza is located shall be shielded from direct view. In addition, all lighting within the public plaza area shall be shielded to minimize any adverse effect on surrounding residences. All lighting must be Dark Sky Friendly to reduce light pollution.

(Ord. No. 1899, Sched. A, 7-6-20)

#### **43.1-15 Litter and recycling receptacles.**

Litter and recycling receptacle shall be provided in adequate numbers in accordance with use and programming of the public plaza.

(Ord. No. 1899, Sched. A, 7-6-20)

#### **43.1-16 Bicycle parking.**

In addition to the requirements for bicycle parking in Section 45 for the Building on the Lot on which the public plaza is located, public plazas greater than 10,000 square feet in size must provide parking for at least eight

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(Supp. No. 27)

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bicycles. Bike racks must be provided directly adjacent to the sidewalk that borders a public plaza and conform with any applicable City standards.

(Ord. No. 1899, Sched. A, 7-6-20)

#### **43.1-17 Additional amenities.**

Public plazas between 5,000 and 10,000 square feet in area must provide one of the following additional amenities and public plazas greater than 10,000 square feet in area must provide at least three of the following additional amenities. All additional amenities shall be considered permitted obstructions within the public plaza.

- (1) Artwork. The applicant shall consult with City's Director of Arts, Culture and Tourism with respect to the selection of artwork prior to submitting its Site Plan application.
- (2) Moveable tables and chairs.
- (3) Water features.
- (4) Children's play area in accordance with relevant safety standards.
- (5) Game tables and associated seating; or
- (6) Food service, including: food service in a retail space directly accessible from the major portion of the public, plaza; or an open-air cafe or kiosk. Public plazas greater than 10,000 square feet in area must include a food service as one of the three additional required amenities.

(Ord. No. 1899, Sched. A, 7-6-20)

#### **43.1-18 Mandatory Allocation of Frontages for Permitted Uses.**

At least 50 percent of the total frontage of all new Building walls fronting on a public plaza shall contain active uses on the ground floor level of the Building wall fronting the public plaza. All such uses shall include and comply with the following:

- (1) A public entrance that is directly accessible from the major portion of the public plaza;
- (2) A minimum depth of 15 feet, measured perpendicular to the wall adjoining the public plaza;
- (3) Continuation of the occupancy of such frontage for the life of the Building that has received a FAR bonus due to the presence of the public plaza on the Lot on which the Building is located (but not necessarily the same active use); and
- (4) For all new Building walls fronting on the major and minor portions of the public plaza, such Building walls shall be treated with clear, un-tinted transparent material for 50 percent of the Building wall fronting on the public plaza to a minimum height of 14 feet above the public plaza. Any non-transparent area of a new or existing Building wall fronting on the major or minor portion of a public plaza shall be treated with a decorative element or material or shall be screened with planting to a minimum height of 14 feet above the public plaza.

(Ord. No. 1899, Sched. A, 7-6-20)

#### **43.1-19 Maintenance.**

The public plaza, including, but not limited to, the permitted obstructions pursuant to Section 43.1-09, shall be maintained including litter control, management of pigeons and rodents, maintenance of required lighting

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levels, and the care and replacement of furnishings and vegetation and trees within the Lot as well as snow and ice removal, as needed.

(Ord. No. 1899, Sched. A, 7-6-20)

### **43.1-20 Programming.**

Opportunities and permissions for pop-up seasonal events, temporary art installations, performances, educational events on the public plaza shall be provided in consultation with the City, the City's Art, Culture and Tourism Director and any applicable Special Services District. Access to power for public programming on the public plaza will be provided. A schedule of events shall be publicly available.

(Ord. No. 1899, Sched. A, 7-6-20)

### **43.1-21 Compliance.**

As part of its Site Plan application, an applicant seeking a FAR bonus based upon the provision of a public plaza shall include a site plan indicating the area and dimensions of the proposed public plaza, the location of all existing Buildings and Structures occupying the Lot; all proposed Buildings and Structures, computations of proposed FAR, including bonus FAR, and detailed plans prepared by a registered landscape architect, including but not limited to a furnishing plan, a planting plan, a signage plan, a lighting/photometric plan, and sections and elevations of the public plaza.

(Ord. No. 1899, Sched. A, 7-6-20)

Section 43.3 Special Provisions for the MULW and TOC Districts

Where a use is permitted by Special Permit in accordance with the Use Table (Section 42), such use shall comply with Section 64(d) of this ordinance and shall comply with the following additional standards:

- (a) Flood Safety: Buildings proposed for construction within a special flood hazard area (SFHA) shall demonstrate strict adherence to one of the following (43.3(a)(1) or 43.3(a)(2) and (a)(3):
  1. Present evidence in the form of written documentation, certified by a licensed engineer in the state, clearly confirming that a proposed project shall meet all applicable local, state and federal approval or permit requirements and
  2. Produce a letter of map amendment (LOMA) to a National Flood Insurance Program (NFIP) map showing the building site has been raised out of the SFHA; or
  3. Produce a letter of map revision (LOMR), Conditional Letter of Map Revision (CLOMR) or a Letter of Map Revision-Based on Fill (LOMR-F) to a Flood Insurance Rate Map (FIRM) showing the building site has been raised out of the SFHA;
- (b) Residential or Mixed-Use Building. A residential building or a residential mixed-use building with upper floor residential use that is proposed for construction within a special flood hazard area (SFHA) shall demonstrate:
  1. Residential ancillary uses that support the dwelling units shall be located a minimum of two feet above the base flood elevation (BFE);
  2. Where applicable, easements shall be granted through the property proposed for construction to allow for lateral and vertical public access to an area outside of the special flood hazard area (SFHA) that is a minimum of two feet above the base flood elevation;
  3. The increase in hurricane shelter space demand will be mitigated to the satisfaction of the City Plan Commission;
  4. Dry egress shall be provided at a minimum width of five feet wide, at a minimum elevation of BFE+2 feet, constructed of materials designed for use of a wheelchair for its entire length, and ADA-compliant. Dry egress shall lead continuously from any residential or mixed-use building on the parcel to a location that is a contiguously connected area outside of a mapped SFHA that provides safe refuge and accessible ground transportation. The pathway shall be kept free of obstructions and adequately maintained. Easements as necessary to cross adjacent private or public property shall be negotiated and recorded prior to Site Plan approval by the City Plan Commission.
  5. Flood emergency vehicular access and egress shall be required for all new construction and shall be constructed at or above the base flood elevation and which always shall remain passable for emergency, service and passenger vehicles.
  6. Official submission of a Flood Emergency Operations Plan, prepared by a design professional, providing for:
    1. Clearly defined chain of command and leadership responsibilities;
    2. Procedures for notification when flood warnings are issued;
    3. An evacuation plan for all personnel and residents including identification of all ingress and egress routes; and
      - a. Training drills coordinated with city officials no less than once annually.

**Section 45. Regulations for parking, loading, automotive and drive-in establishments.**

The following regulations shall apply to all uses and zone districts described in section 42 of this ordinance.

In any case where provisions of this section 45 are applicable, the plans submitted shall be sufficient in scope and character to determine that all relevant requirements of this section are adhered to.

In any case in which the zoning enforcement officer is uncertain as to the applicability of standards or the adequacy of facilities, such questions shall be referred to the department of traffic and parking for an opinion. Where further refinement of the provisions of this section 45 is necessary, reference shall be made to The Traffic Engineering Handbook, Institute of Traffic Engineers, in its latest edition, or to A Policy on Arterial Highways in Urban Areas, American Association of State Highway Officials, in its latest edition.

(a) *Parking and loading.*

(1) Off-street parking and off-street loading spaces shall be furnished in the following quantities for new uses and expansion of existing uses except where otherwise indicated in Section 45.

- a. *Quantity of parking spaces:* The quantity furnished shall be in accordance with the following table. For the sake of clarity, the appropriate key letter in the first column below appears with each **use** in the Table of **Use** Regulations in section 42.

Table 45(a)(1)a.

Key Letter	General Description of Uses	Quantity of parking spaces
a	Motel, Hotel, Tourist Home, Bed and Breakfast	One per unit
b	Rooming or Boarding House Fraternities and Sororities	One per three sleeping rooms
c	Dwelling, Unit	One-half per dwelling unit, except for one per dwelling unit in BA and BA-1 Districts
d	Assisted Living and Elderly Housing	One-third per dwelling unit
e	Live Work Loft	One per unit
f	Custodial Care	See Section 19
g	Religious institutions	One for each eight seats in the largest place of assembly based upon the maximum occupancy of both fixed and movable seats
h	Cultural activities including art galleries, libraries and museums	One per each eight seats in each place of assembly based upon the maximum occupancy of both fixed and movable seats
i	Public and private elementary and secondary schools	One for each eight seats in each place of assembly commonly having events open to the public, based upon the maximum occupancy of both fixed and movable seats
j	Public and private colleges and universities	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
k	General and Special Inpatient Hospitals	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
l	Nursing Homes/Rest Homes/Residential Care Homes	One per patient bed
m	Health Care Clinic	Three per 1,000 sq. ft. of gross floor area
n	Retail sales and services	One per 400 sq. ft. of gross floor area
o	General office, including Research Labs and High Technology Services	One per 750 sq. ft. of gross floor area
p	Place of assembly, eating or drinking place, funeral home	One per four seats (total capacity)
q	Indoor Amusement including Game Rooms as defined in subsection 42(f)	One per four persons present at such facilities when they are filled to capacity
r	Vocational, trade or business school	One per two students present at one time
s	Industrial, heavy commercial, transportation, marine, miscellaneous services	One per two employees on the largest shift
t	Game room, as defined in section 42.2	One per two game machines
u	Marina	One per slip

1. Exceptions.

A. *BA-1 and BA-2 Exceptions.* In the business A-1 and A-2 zone the following parking standards shall apply to all properties and buildings:

1. All residential uses—In the BA-1 zone, one space per unit. In the BA-2 zone, one half (.5) spaces per dwelling unit.
2. In the BA-1 and BA-2 zone, nonresidential uses of 2,000 square feet or less gross floor area—No requirement.
3. In the BA-1 and BA-2 zone, nonresidential uses of greater than 2,000 square feet gross floor area—Two spaces per 1,000 square feet.
4. In all cases, the off street parking provided on a lot for non-residential uses may not exceed three spaces per 1,000 square feet gross floor area.
5. Mixed use buildings may share parking requirement between residential and non-residential uses. Up to half the residential parking requirement may be counted toward daytime non-residential parking requirements so

long as there is a reasonable evidence that such uses will not adversely affect residential tenants.

6. Off-street parking shall be located to the rear of the principle building and otherwise attractively screened so as to not negatively impact on the view from the public right-of-way. There shall be no front yard parking.
  7. Sidewalk curb-cuts should be minimized. Where possible, adjacent lots should share parking access from the public right-of-way. If new curb cuts are required for a development project, pre-existing disused curb cuts must be restored per city standards.
  8. Drive-in or drive-through establishments are prohibited.
- B. *BD, BD-1, BD-2, and BD-3 Exceptions.* In the Business D, D-1, D-2 and BD-3 Districts subsection 45(a)(1)a. shall not apply to any except the following uses:
- a. General and Special and Hospitals.
  - b. Health Care Clinics, Nursing Home or Recovery Care Center.
  - c. Dwellings (including elderly and assisted living and live/work lofts).
  - d. Establishment not meeting the definition of "Restaurant" under Article I, Section 1 of these regulations and selling or serving alcoholic beverages for immediate consumption on or off premises, including accessory entertainment, or permitting immediate consumption of alcoholic beverages on or off premises, including accessory entertainment. (BD and BD-1 Districts only).
- C. *CGD and TOC Exceptions.* In the CGD and TOC zones, the following parking standards shall apply:
- (1) All off-street parking spaces must be located to the rear of principle buildings.
  - (2) Parking requirements are as follows:

Use	Parking Maximum <sup>1</sup>
Residential	1 per unit
Childcare	5 off-street loading spaces, 7 parking spaces per classroom.
Restaurant	0.5 per seat
Medical	4 spaces for every 4 beds/treatment spaces (excluding bassinets)
All Other Commercial	1 per 1,000 sq.ft.

<sup>1</sup>See subsection 3 below. This supersedes all other parking requirements. For uses not listed here, there is no minimum or maximum parking requirement.

- a. Shared parking arrangements are encouraged, see section 45(a)(6). Designation of spaces for electric vehicles and/or shared vehicles is strongly encouraged.
- (3) For any development proposing more than the maximum off-street, car parking spaces, a travel demand management study must be submitted.



When more than the maximum spaces are proposed, at least one space per every 25 spaces provided must be designated for electric vehicle charging; and one space must be designated for shared vehicles, or a shared vehicle passenger loading space must be provided within 50 feet of a public entrance to the building.

- (4) New buildings larger than 50,000 sq. ft. or exceeding 50 residential units, that are further than 1,000 feet from a transit stop, are required to provide at least one space for passenger loading for shared and/or autonomous vehicles within 100 feet of a public entrance to the building.
- (5) Secure (covered and enclosed) bicycle parking is required for residential uses. One bicycle parking space per ten car parking spaces or 0.25 bicycle parking spaces per residential unit, whichever is greater.
- (6) Temporary bicycle parking is required and shall be provided in publicly accessible areas. Temporary bicycle parking requirements are as follows:

Use	Minimum Required Temporary Bicycle Parking
Residential	0.2 spaces per residential unit
Childcare	5% of the number of children/students
Restaurant	7% of the number of seats
Medical	2% of the number of beds/treatment spaces (excluding bassinets)
All Other Commercial	1 per 10 car parking spaces or 1 per 2,500 sq. ft., whichever is greater

D. TOC Exceptions. To promote public transit and alleviate automobile congestion, parking spaces in the TOC zone are limited and subject to the following standards:

- 1. ~~There shall be a maximum of eighty-five (85) parking spaces per one (1) acre of land shall be permitted as of right; regardless of any other development, in the TOD zone, based on the uses of such parcel;~~
- 2. ~~New underground parking spaces in the TOC zone shall be permitted as of right;~~
- 3. ~~Any new above-ground parking spaces in the TOC zone shall be allowed by Special Permit only; Any parking spaces in excess of eighty-five (85) per acre shall require a special permit.~~

- 2. In the ratios above, any fraction of the stated amount of floor area, seats, etc., shall require one **parking space**, but after the first such **parking space**, only a fraction of one-half or greater shall require an additional **parking space**.
- 3. Where one **building** has two or more distinct **uses**, such **uses** shall be measured separately for the purpose of determining the quantity of spaces required.
- 4. In order to be credited to the quantity of parking spaces required for a use, any parking space not on the same lot as such use shall be within 1,000 feet walking distance of such use, except that in the BA and BA-1 Districts such spaces must be within 300 feet of the subject lot. In the BA-2 District, such spaces must be within 650 feet walking distance of the subject lot. All such arrangements shall comply with paragraph 45(a)(5) below.

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5. The quantity of parking required may be satisfied in whole or in part by transition parking described in subparagraph 13(b)(3)c., if permitted by special exception.
  6. In order to be credited to the quantity of spaces required, each parking space shall have an area of not less than nine feet by 18 feet in the case of self-service parking, or eight feet by 18 feet in the case of garage or attendant parking, exclusive of adequate driveways and aisles except that in all districts up to 30 percent of required parking spaces may be compact parking spaces. No area shall be credited as a parking space which is in any part also credited or used as a loading space.
  7. In all districts two required parking spaces may be subtracted from the quantity of parking spaces required for a use or a structure for each carsharing parking space provided in a parking lot or structure containing 50 or fewer parking spaces serving such use or structure, provided, however, that in no event shall the number of parking spaces provided for a use or a structure (excluding carsharing parking spaces) be reduced by more than five percent of the required parking spaces for such use or structure. Five required parking spaces may be subtracted from the quantity of parking spaces required for a use or a structure for each carsharing parking space provided in a parking lot or structure containing in excess of 50 parking spaces, provided, however, that in no event shall the number of parking spaces provided for a use or structure (excluding carsharing parking spaces) be reduced by more than ten percent of the required parking spaces. Fifty percent of carsharing parking spaces at the same location may be compact parking spaces.
  8. In all districts, for any nonresidential use and residential uses in BA, BA-1, and BA-2 districts the site shall provide two bicycle spaces for the first ten required parking spaces and one additional bicycle space for each additional ten required motor vehicle parking spaces or fraction thereof per Table 45(a)(1)a., exceptions in subsection 45(a)(1)a.1. notwithstanding. For any residential use in other nonresidential districts the site shall provide four bicycle spaces for the first ten required parking spaces and one additional bicycle space for each additional ten required motor vehicle parking spaces or fraction thereof per Table 45(a)(1)a.

And

In any case of a use for which ten or more motor vehicle **parking spaces** are required one bicycle parking space may be substituted for one motor vehicle parking per each ten required motor vehicle **parking spaces** or fraction thereof.

- A. Bicycle **parking spaces** shall comply with designs approved by the City of New Haven Department of Transportation, Traffic and Parking and at a minimum must provide a bicycle rack that permits the locking of a bicycle frame and one wheel while supporting the bicycle in a stable position that will not damage the bicycle or its components or interfere with pedestrian access to the sidewalk and ingress and egress to buildings or facilities. Required bicycle **parking spaces** are also subject to the additional following standards:
  1. Short-term bicycle parking is intended to encourage bicycling for shoppers, customers and visitors by providing convenient bicycle parking located adjacent to main entrances of buildings. It should be located within 50 feet of each main building entrance as measured by the most direct pedestrian access route.
  2. Long term bicycle parking provides safe and weather protected places for users requiring longer periods of bicycle storage such as residents, employees and students. Specific requirements include:

- a. Long term bicycle parking must be located on or within 100 feet of the site.
  - b. At least 50 percent of required spaces must be covered.
  - c. The area must be locked or secured.
3. Short and long range parking by use.
- a. Multi-family residential: Short term—10%, long term—90%
  - b. Retail, Restaurant: Short term—66%, long term—33%
  - c. Office: Short term—20%, long term—80%
  - d. Manufacturing and warehouse: long term—100%
  - e. Medical uses: Short term—66%, long term—33%
  - f. Other uses to be determined by City Plan Commission
- b. **Quantity of loading spaces:** The quantity furnished shall be in accordance with the following table, provided, however, that the requirements of this paragraph shall not apply to any establishment within the Business D-3 District or to any establishment within the Business D-1 District having a **gross floor area** of less than 10,000 square feet. Any such establishment within the Business D-1 and D-3 Districts having a **gross floor area** of less than 10,000 square feet shall have available to it adequate off-street **loading spaces**, with centralized joint use of **loading spaces** permitted. In the Business D-3 District, a **nonresidential building** or a **mixed-use building** with a **gross floor area** of 10,001—200,000 square feet will require one **loading space**. For each additional 200,000 square feet of **gross floor area** of a **nonresidential building** or the ground floor of a **mixed-use building** in excess of 200,000 square feet, an additional **loading space** will be required in the Business D-3 District, provided however that no more than four **loading spaces** shall be required for any **nonresidential building** or **mixed-use building** in the Business D-3 District. In the Business D-3 District, a centralized shared loading space system shall be established for each **nonresidential building** and for the nonresidential **uses** in each **mixed-use building**. For the sake of clarity the appropriate key letter in the first column below appears with each use in the Table of Use Regulations in section 42.

Key Letter	General Description of Uses	Gross floor Area (in square feet)	Quantity of loading spaces
x	Use which is primarily concerned with the handling of goods	2,400—20,000	1
		20,001—50,000	2
		50,001—80,000	3
		each add'l. 45,000	1 additional
y	Use which is not primarily concerned with handling goods	2,400—75,000	1
		75,001—200,000	2
		200,001—333,000	3
		each add'l. 150,000	1 additional

1. Except in the Business D-3 District, where one establishment has two or more distinct **uses**, such **uses** shall be measured separately for the purpose of determining the quantity of spaces required.
2. In order to be credited to the quantity of **loading spaces** required for a use, any **loading space** not on the same lot as such use shall be in an area immediately adjacent to such **lot** or (1) connected to it by underground tunnel of sufficient size to accommodate the types

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- of materials intended for loading and unloading and (2) part of a centralized loading space system to provide the regular loading space service to such use.
3. Each **loading space** shall be sufficient in size and arrangement to accommodate trucks of the type servicing the establishment. Aisles in off-street parking areas may be used as **loading spaces** or maneuver area for entry into **loading spaces**, if the efficient operation of the off-street parking area is not affected thereby.
  4. In any case where an off-street **loading space** or **spaces** have been established, loading shall thereafter take place in such space or spaces in preference to any public street or sidewalk.
- (2) All parking and loading areas shall have adequate access to a street or alley, be suitably surfaced and drained, and be provided with bumper or wheel guards where necessary to prevent encroachment of vehicles beyond property lines. Sufficient off-street maneuvering area shall be provided. Required yards may be used for parking, provided all other requirements of this ordinance are adhered to.
  - (3) Except in the Business D-3 District, where property in a business or industrial district abuts a residence district, either directly or across a street or alley, the following requirements shall apply to parking and loading areas on such property in such business or industrial district:
    - a. There shall be a buffer strip of land at least five feet in width within such business or industrial district, between the parking or loading area and such residence district.
    - b. There shall be a suitable fence, wall or evergreen planting at least five feet in height, designed to screen noise, odors, visibility and headlight glare, between the parking or loading area and such residence district (except that such fence, wall or planting shall conform to the sight distance requirement in subparagraph (4)c. below).
  - (4) Free flow of traffic and protection of pedestrian areas:
    - a. Access and egress shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing of vehicles on sidewalks or streets. If a reservoir of vehicle standing area on the property is necessary to prevent such blocking of traffic, an adequate reservoir shall be provided.
    - b. Facilities shall be so arranged that no vehicle is allowed to stand or be parked on any sidewalk or other area between the curb and the street line, or on any other area which is privately owned but used by the public as a sidewalk.
    - c. Adequate sight distances shall be maintained for vehicles and pedestrians.
    - d. No access or egress shall be so arranged that vehicles can enter or leave the area only by backing on or across any sidewalk or to or from any street.
    - e. An access or egress driveway shall cross a sidewalk only in such a way that its width at the inner edge of the sidewalk is no greater than its width at the curb (excluding any curved or tapered section known as "curb return"). Any portion of a parking or loading area (or other area for maneuvering or standing of vehicles) abutting a sidewalk at a point other than a permitted driveway shall be provided with suitable copings, wheel stops, bumper guards or other devices to prevent encroachment of parked, standing or moving vehicles upon any sidewalk area not contained within a permitted driveway.
    - f. The construction specifications for curb cuts for driveways (such as line and grade materials) shall be determined by reasonable standards established by the Department of Public Works, and by the City of New Haven Ordinance entitled An Ordinance to Regulate the Laying of Walks, Curbs, Combined Curbs and Gutters, and any amendments thereto. The number, location and length of

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curb cuts for driveways shall be determined by reasonable standards established by the department of traffic and parking.

- (5) Any **parking** or **loading space** not located on the same **lot** as the **structure** or **use** to which it is assigned, in order to be credited to the quantity of **parking** or **loading spaces** required for such **structure** or **use**, must be either:
- a. Owned by or under long-term lease to the owner of such **structure** or **use**, with appropriate deed restrictions and long-term leases recorded on the New Haven Land Records; or
  - b. Made available on a long-term basis by a public agency or agencies, with written certification from such public agency or agencies as to such availability.
- (6) **Shared Parking**. Where it is proposed that two or more **uses** for which a **parking** or **loading space** or **spaces** are required make joint use of the same **parking** or **loading space** or **spaces**, such joint use shall not be permitted unless:
- a. An appropriate contract between the parties concerned, providing for long-term joint use of such parking or loading, is recorded on the New Haven Land Records; and
  - b. A special exception is granted under the provisions of subsection 63(d), upon a finding, among other things, that the proposed joint use of parking or loading will meet the requirements of this ordinance for the two or more **uses** involved at the time when such **uses** are in operation.
  - c. In addition to the circumstances set forth in subsections a. and b., in the Business D-3 District, **shared parking** will be allowed as follows:
    1. The **building** is a **mixed-use building**, and there is evidence established to the reasonable satisfaction of the Department of Transportation, Traffic and Parking, which shall provide a report to the City Plan Commission in connection with a site plan application for the **building** that one-half of the residential requirement for such **building**, if counted toward the non-residential parking requirements of the **building**, will not adversely affect the residential **use** in the **building**.
    2. The on-site parking provided for a **nonresidential building** is **publicly shared parking**, in which case the parking requirements for the **uses** in the **nonresidential building** shall be reduced by 15 percent.
    3. Two or more **uses** and/or **structures** agree to **shared parking**, an agreement providing for the shared use of parking executed by the parties involved is filed on the land records of the City of New Haven, and the parking for such **uses** or **structures** occur at alternating time periods, which shall be established to the reasonable satisfaction of the Department of Transportation, Traffic and Parking which shall provide a report to the City Plan Commission in connection with the site plan applications for such **uses** and/or **structures**. In such case, the number of parking spaces required for each **use** or **structure** shall be reduced by 25 percent.
- (7) The Board of Zoning Appeals shall have the power to lessen the requirements of this ordinance as to the number of **parking** or **loading spaces** required and/or increase the maximum allowable **walking distance** to such **parking spaces**, but only upon a finding that either particular circumstance or mitigative measures qualify such action. Particular circumstance may include, but not be limited to availability of public parking, proximity to public transit or significant levels of pedestrian access. Mitigative measures may include, but not be limited to van and/or car pooling, public parking validation programs, flexible work schedules or other transportation demand management measures. All deviations from normal requirements by means of this paragraph (7) shall be considered as special exceptions under subsection 63(d) of this ordinance. In the case of any religious, educational or

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medical institution which has an overall parking plan for all of its facilities which has been approved by the Board of Zoning Appeals the 300 or 1,000 foot parking distance set forth in this ordinance, including this Section 45, shall not apply.

- (8) Once any required **parking** or **loading space** has been established within the provisions of paragraph (1) above, whether on the same **lot** as the **structure** or **use** to which it is assigned or on a separate **lot**, such **parking** or **loading space** shall not be discontinued if the result would be a reduction below the amount of **parking** or **loading** required by this ordinance. Any such discontinuance of a **parking** or **loading space** shall constitute a violation of this ordinance, and any existing **building** permit or certificate of occupancy that could not have been issued without the assignment of such **parking** or **loading space** to the **structure** or **use** for which it was issued shall become null and void.
- (b) *Automotive establishments.* The following requirements shall apply to automotive establishments as indicated regardless of the district in which they are located. Where requirements of State Statutes, the Connecticut Motor Vehicle Commissioner, the Board of Zoning Appeals or some other authority also apply, the strictest of the requirements shall control.
- (1) *Gasoline stations.*
- a. All pump islands shall be located at least 13 feet from any **street line**.
  - b. The provisions for free flow of traffic and protection of pedestrian areas in paragraph 45(a)(4) above shall apply. In particular, sight distances shall not be obstructed by temporary or permanent signs, racks, displays or other materials or equipment.
  - c. Facilities shall be so arranged that no servicing of any vehicle shall take place on any public street or sidewalk, and no storage of any vehicle shall take place on any sidewalk. Adequate area for parking, storage and servicing of vehicles shall be provided on private property.
  - d. Servicing other than retail sale of gasoline and oil, and minor services customarily incidental thereto, shall be conducted within a **building**.
- (2) *Repair and limited repair of vehicles.*
- a. The provisions for free flow of traffic and protection of pedestrian areas in paragraph 45(a)(4) above shall apply.
  - b. Facilities shall be so arranged that no servicing or repair of any vehicle shall take place on any public street or sidewalk, and no storage of any vehicle shall take place on any sidewalk. Adequate area for parking, storage and servicing and repair of vehicles shall be provided on private property.
  - c. All repairs other than minor emergency repairs, and all servicing other than customary outdoor services such as tire and chain work shall be conducted within a **building**. All vehicles which are inoperable by reason of collision shall be stored within a **building** or be screened in such a manner as to be hidden from view from streets and surrounding properties.
- (3) *Sale of new or used vehicles.*
- a. The provisions for free flow of traffic and protection of pedestrian areas in paragraph 45(a)(4) above shall apply.
  - b. Adequate area for storage of vehicles and for parking of employee and customer automobiles shall be provided on private property.
  - c. Any repairing of vehicles shall conform to paragraph 45(b)(2) above.
- (4) *Car or truck wash (a/k/a Auto laundries).*

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- a. The provisions for free flow of traffic and protection of pedestrian areas in paragraph 45(a)(4) above shall apply. Compliance with such provisions shall be assured by adequate design of the establishment, including a reservoir of vehicle storage and standing area on the property, outside the car or truck wash, of at least one-fifth the hourly capacity in vehicles of such facilities.

- (c) *Drive-in establishments.* The following requirements shall apply to drive-in restaurants, drive-in banks, drive-in laundries, customer pick-ups, drive-in vending machines, and other facilities serving customers either sitting in their vehicles or stepping out briefly to pick up or deliver goods or conduct other business.

The provisions for free flow of traffic and protection of pedestrian areas in paragraph 45(a)(4) above shall apply. Compliance with such provisions shall be assured by adequate design of the establishment, with particular attention to provision of sufficient vehicle stacking capacity.

(Ord. No. 1412 (Rev. Sched. A, § 12), 5-1-06; Ord. No. 1553, 6-4-07; Ord. No. 1614, § 1, 3-1-10; Ord. No. 1662, 9-19-11; Ord. No. 1665, 10-3-11; Ord. No. 1685, Sched. D, 8-6-12; Ord. No. 1696, Sched. A, 5-6-13; Ord. No. 1751, Sched. A, § 3, 8-6-14; Ord. No. 2016-0022, Attach. C, 8-1-16; Ord. No. 1820, Sched. B, 6-5-17; Ord. No. 1842, Sched. B, 6-4-18; Ord. No. 1886, Sched. C, 1-17-20)