

SECTION 20 – COMMERCIAL DISTRICT REGULATIONS

20.1 GENERAL PURPOSES OF COMMERCIAL DISTRICTS

The Commercial Districts established in the Zoning Regulation are designed to promote and protect the public health, safety and general welfare. It is hereby recognized that the City of West Haven at the time of the adoption of these regulations is substantially developed. However, it is equally recognized that the future health of the City requires continued expansion of its commercial base.

These regulations are designed to encourage modernization, expansion and full development of the City's existing commercial base. It is also the intent to provide for sufficient diversity of services to meet future community needs.

It is the additional goal of this Article and these regulations to meet the commercial needs of the community, including its need for retail and service industries while at the same time maintaining control over the quality of the community's environment. The regulations are also designed to coordinate and consolidate like uses of the commercial base of the City.

20.2 PURPOSES OF SPECIFIC DISTRICTS

These general goals include the following specific purposes:

- 20.2.1 **NEIGHBORHOOD BUSINESS DISTRICT (NB)** – To provide for convenient commercial development in appropriate locations in proximity to residential areas with development limited to the appropriate size that would provide support to the adjoining residential neighborhoods.
- 20.2.2 **REGIONAL BUSINESS DISTRICT (RB)** – To provide for the large scale commercial needs of the city, its citizens and the citizens of the region in appropriate locations at a sufficient depth from a street to provide off-street parking and loading facilities.
- 20.2.3 **CENTRAL BUSINESS DISTRICT (CBD)** – To encourage local retail development in combination with residential use for the mutual advantage of both the merchants and consumers that is easily accessible to mass transit for the elderly and disadvantaged.
- 20.2.4 **SHORELINE COMMERCIAL DISTRICT (SCR)** – To provide for convenient commercial development in appropriate locations in proximity to residential areas with uses that take advantage of the waterfront location of the district and review standards that recognize the unique characteristics of the sites.

20.3 USE REGULATIONS

- 20.3.1 **Interpretation.** Whenever an application is presented which might be categorized under more than one **use** type as listed in the Chapter, then the **use** which is more descriptive shall control (specific over general), and any dispute over same shall be determined by the Commissioner of Planning and Development.
- 20.3.2 **As-Of-Right.** In the Commercial District (hereafter CD) uses, subject to all the applicable §36.3.2 General Standards and the requirements below, are permitted as shown in the **Table 39.2 Summary of Uses in Commercial, Industrial and Other Districts**, where the letter **R** indicates a use permitted As-of-Right.
- 20.3.3 **Special Permit and Special Use Exception.** It is hereby recognized that certain uses are a necessary part of the community and if properly controlled are compatible with surrounding uses. In making its decision on any application for a Special Use Exception

or Special Permit the Commission must weigh community and landowner interests in having the use.

1. **Applications** for Special Permits and Special Use Exceptions in Waterfront Districts shall be reviewed using the procedures and criteria of Article 9 of this Regulation and shall be subject to the standards and procedures of Article 10, including a Public Hearing and Section 75, Site Plan Review.
2. **Findings.** If the Commission deems that the proposed use is in the best interests of the community as a whole, it shall make findings relative to the interest of the community and consistency of the application with the Plan of Conservation and Development. In **Table 39.2 Summary Table of Permitted Uses in Commercial Industrial and Other Districts** the letters **SP** indicate a use allowed by Special Permit, **SE** indicates a use allowed by Special Exception and **SU** indicates a use allowed by Special Use Exception.

20.4 COMMERCIAL DISTRICT AREA AND BULK REGULATION INTENT

It is the intent of these bulk regulations to provide minimum requirements in all commercial districts to prevent overcrowding. No **lot** shall be used and no **building** shall be erected except in conformity with the regulations as set forth herein, except as may otherwise be permitted with these regulations or specifically permitted by the Connecticut General Statutes. No new **lot** shall be created after the adoption of these regulations that does not conform to the requirements of this Chapter.

Except in the Central Business District, all applicable bulk requirements, including off-street parking, shall be located on the same lot which shall consist of one contiguous parcel of land. However, nothing herein shall prohibit combination of more than one parcel of land to form a single lot.

20.5 ACCESSORY USES

- 20.5.1 **All Commercial Districts**, off-street **parking** and loading shall be permitted as an accessory use as of right.
- 20.5.2 **In CBD District**, multilevel parking may be permitted as an accessory use by Special Permit only.
- 20.5.3 **In RB Districts**, multi-level parking and outside storage may be permitted as an accessory use by Special Permit only.

20.6 INTENT AND PURPOSE OF COMMERCIAL DISTRICT DESIGN CRITERIA

It is hereby found that in promoting commercial and industrial growth in the city it is necessary to develop criteria for building layout and design to insure that the standards listed forthwith are met by all future commercial growth. The following design guidelines are incorporated into the Zoning Regulations of the City of West Haven as part of the Commercial District Bulk Regulations.

The districts affected by this plan are designated in the enclosed maps. Within these districts, it will be necessary to provide elevation drawings of facade construction for any building permit or any application before the Planning and Zoning Commission or the Zoning Board of Appeals. The criteria for design or maintenance or the historical aesthetics of a new or existing building and criteria for new buildings are outlined in the following pages.

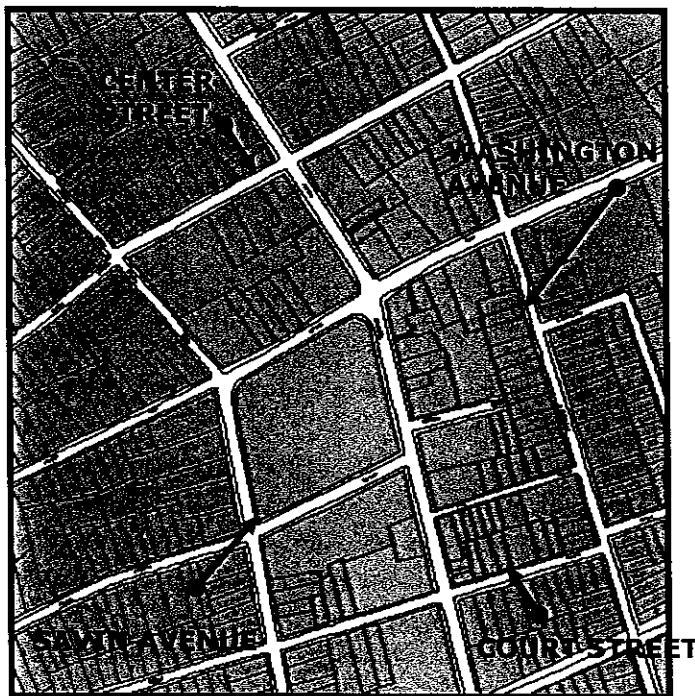
- 20.6.1 **Central Business District Supplemental Intent and Purpose Statement.** The CBD design guidelines have been implemented to give continuity to the revitalization effort and

to insure success of West Haven's plan for encouraging development and new business in primary commercial areas. The basis for these guidelines is to create a downtown business district with character and a sense of place. The purposes are to:

- preserve quality historic structures.
- design compatible new infill development.
- restore vitality and economic strength to West Haven's Central Business District.
- create special areas within the district which possess a mix of uses integrated by complementary activities.

20.6.2 Design Guidelines for CBD Development. This section provides guidance to developers, architects, and property owners who seek to redevelop the downtown area. In addition the Planning and Development Department office is available to provide assistance and guidance.

The Central Business District of West Haven is one of the older working centers of the city. The Plan of Conservation and Development has targeted this area for mixed-use development combining higher density residential uses mixed with retail commercial and office use. The area is delineated by Elm Street and Court Street to the north and south, and Savin Avenue and Washington Avenue to the west and east (See Map 20.1 Central Business Design District below).



AREA BOUNDED BY ELM STREET (NORTH), COURT STREET (SOUTH), SAVIN AVENUE (WEST), AND WASHINGTON AVENUE (EAST).

Illustration 20.1 Central Business Design District

The development guidelines are divided into three sections; building uses and design; traffic circulation and parking provisions, and: streetscape open space design.

1. Continuous ground floor retail, service and entertainment facilities should be incorporated into new development and conversion of existing buildings. Housing is

encouraged in the upper floors of the development to enliven business and economic activity throughout the day and week.

2. Buildings should be situated directly on the front property line with no at grade setbacks except at building entrances with the exception of landscaped walkways or courtyards given the setback is no more than five (5) feet for walkways and ten (10) feet for courtyards. All structures must be set back five (5) feet above the fourth floor. No building may exceed six (6) stories in this district, and no historic building may be altered to increase its existing height.
3. Buildings should be no longer than 100 feet in length and be designed with consideration for architectural detailing (awnings, cornices, eaves, signs, windows and fenestration) which create visual interest, and break up the front plane of the building. Restoration of historic features should be considered whenever possible (see Illustration 20.1).



INFILLED STOREFRONT WINDOWS



ORIGINAL STOREFRONT WINDOWS

Illustration 20.2 Avoid Attempts at Hiding an Older Façade.

Buildings should be a minimum of two stories in **height**, and preferably 3-4 stories, in order to promote efficient land use and create a development mass to maintain a sense of urban density in this area. All **buildings** should be at least as tall as adjacent parking structures and the **principal use** of the **lot** should be located between the street and any parking facilities.

4. Any **new development** should relate to the existing streetscape environment in architecture, scale, shape and surface treatment to create symmetry between new and existing structures. Natural materials such as brick, stone, and wood should be emphasized. Reflective mirrors and glass are not only visually distracting, but a hazard to reflected traffic lights and are prohibited.
5. **Architectural Standards** by which to measure new development new construction, remodeling, and reconstruction have not been developed. Therefore new structures shall be modeled after existing historical structures such as the A.F. and J.P. Woos building (Silver's Drug), the Thompson Block (original Altschuler Building). In a case where a new building deviates from this standard by producing an innovative design, it shall be the function of the Planning and Zoning Commission to determine whether the design will blend architecturally with surrounding buildings.

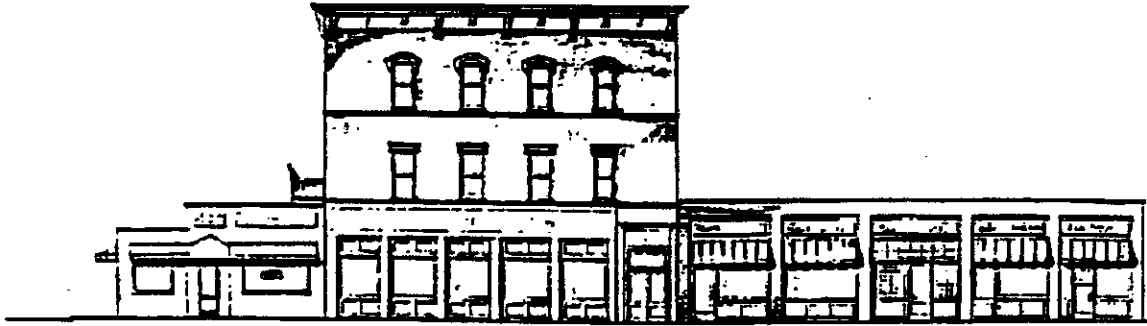


Illustration 20.3 The Thomson Block/Altschuler Building

20.7 STREETScape AND OPEN SPACE DESIGN IN THE CENTRAL BUSINESS DISTRICT (CBD)

1. **Preserve and Incorporate Natural Site Amenities.** New development should be designed to preserve and incorporate natural site amenities, such as water views, trees, areas adjacent to public spaces and other similar features, into their site plans.
2. **Streetscape improvements** would be incorporated into the site design of all new structures and proposed renovations of more than \$25,000. Such improvements will be compatible with the materials/designs used in municipal improvements that have been initiated; including the following site elements illustrated below (Illustration 20.4):
 - ❖ Pedestrian area lighting
 - ❖ Widened sidewalks/mini parks
 - ❖ Seating (benches/low walls/wide planter edges)
 - ❖ Signing
 - ❖ Trash receptacles/billiards/bus shelters
 - ❖ Granite curbing with brick/concrete paving patterns

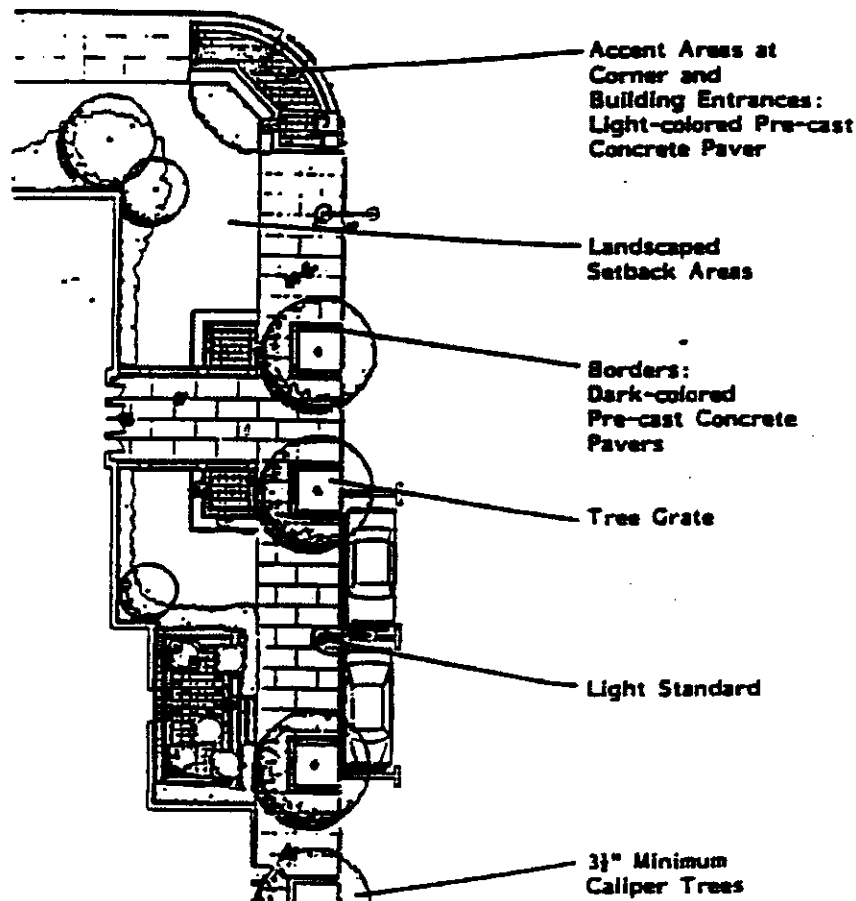


Illustration 20.4 Streetscape and Open Space Design

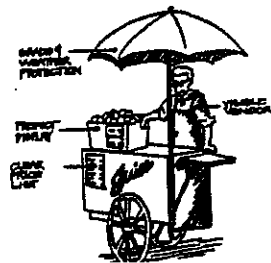


Illustration 20.5 Vending Cart Design

3. **Temporary Vending Stands and Carts** are encouraged in public open spaces and plaza areas to add Street level activity and a marketable ambiance to the Campbell Avenue corridor of the CBD.

Peddlers, Hawkers and Street Vendors shall be licensed under Chapter 139, Sections 139.1 through 1.39.12 of the City of West Haven Codes and Ordinances in addition to obtaining Site Plan Approval by the Planning & Zoning Commission. This may be accomplished by Administrative action by the Commissioner of Planning and Development.

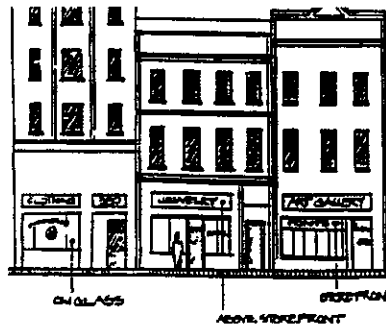


Illustration 20.6 Sign Placement and Design

4. **Signs Location.** Signs should be located on building facades below the sills of second floor windows as shown on the diagram above. Wall murals and flags or banners which contain no advertising are permitted provided they comply with applicable sign regulations. Billboards are strictly prohibited in the CBD as are roof signs and ground signs other than those exempted from permit procedures.

Signs within windows shall be strictly prohibited as they distract from the continuity of front window displays. The posting of temporary signs shall be exempted if the owner provides no more than two (4FT x 3FT) framed boxes per facing (See **Illustration 20.6 Sign Placement and Design**) as approved by the Planning and Development Department. Changeable signs (such as those announcing grocery specials) may be posted within these frames.

One sign per window of not more than 10 x 24 inches announcing a temporary sale shall be allowed for no more than fifteen (15) days. Non-conforming signs of this nature will not be replaced should the repair of the structure be necessary. Ground signs that list existing businesses on one lot are encouraged.

4. **Establishing a Sense of Open Space.** Greening vacant open spaces or window boxes or ledges can establish a sense of open space and therefore create an attractive public area that encourages shoppers and retail trade. Therefore property owners are encouraged to take advantage of small underutilized spaces to create pocket gardens, greened alleys or courtyards. These areas should be open to the public as access to other shopping areas and maintained year round. A diagram of such amenities will be furnished with the alteration plans submitted to the Planning and Development Department.

20.8 CENTRAL BUSINESS DISTRICT USES

The intent and purpose this district is to provide for a pedestrian-oriented retail streetscape and to maintain the character of a retail-oriented downtown. Personal services and residential uses are encouraged above the ground floor of commercial buildings.

The ground floor of commercial buildings shall be restricted to retail sales, restaurants or personal services establishments such as offices of attorneys, doctors or accountants, as more specifically set forth in these regulations. For existing buildings or new construction on properties not fronting on Campbell Avenue, Main Street, or Captain Thomas Boulevard,

the ground floor may have residential uses except for properties located in a coastal flood hazard area,

Organizations that provide medical, residential or educational services are prohibited from using the ground floor of buildings within this zone.

Places of worship or religious facilities shall not be located on the ground floor of a building, unless the building was originally constructed for such purposes.

20.9 OUTDOOR DISPLAY AND SALES OF MERCHANDISE

Outdoor display and sales of merchandise may only be permitted in the Central Business District and Neighborhood Business Districts by issuance of a Temporary Permit by the Commissioner of Planning & Development for **special events** sponsored by the Downtown Business Association; such as, Sidewalk Sales, Street Fairs or Festivals; or such other organizations as described in Section 55.1. In addition, limited outdoor display of seasonal merchandise related to the shoreline (such as bikes, kayaks or umbrella rentals) may be permitted in the Shoreline Commercial Retail, Shoreline Residential Retail Districts, and Shoreline Design District subject to administrative approval of the Planning and Zoning Commission. The city may also grant, pursuant to section 7-148 (c)(3)(A) and 7-148 (c)(6)(C)(vi) of the Connecticut General Statutes, a license to abutting property owners for the use of the sidewalks and streets for the purpose of encouraging commercial development. Such licensees shall be granted only upon the recommendation of the Planning and Zoning Commission following review of the proposed use and layout for same, under such terms and conditions as may be required.

20.10 OUTDOOR DINING

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Outdoor dining service for take-out and restaurants is encouraged in all commercial zones and can be accomplished in accordance with the following conditions:

- Approval of a large scale outdoor dining area of 5 or more tables shall be subject to Special Permit approval of the Planning and Zoning Commission and must follow the general Standards of Outdoor Dining. Parking for Outdoor Dining of this scale must meet the parking requirements of Table 62.1 for Restaurants.
- In the case of small-scale projects (4 tables or less and no more than 16 chairs) Outdoor Dining may be permitted by issuance of a Temporary Permit by the Commissioner of Planning & Development. The application will be reviewed and assurance that the general standards for outdoor dining have been met.
- A Temporary Permit will be issued from April 1, to November 1, each year.

20.10.1 GENERAL STANDARDS FOR OUTDOOR DINING

1. Sales and service may include food and beverages.

- Outdoor dining may operate during regular business hours of the restaurant operating the outdoor dining but no later than 11:00 pm
- Any license agreement shall comply with any applicable requirement imposed by the Liquor Control Act of the State of Connecticut, Consumption of alcohol on such property is permitted only in accordance with any liquor permit, provided that such public consumption shall not violate any other state statute, state regulation of municipal ordinance.

2. The site plan shall show the specific location for outdoor seating and service which may include public sidewalks.

- furnishings for outdoor dining shall consist solely of moveable tables, chairs, and decorative accessories. Furnishings must be kept in a state of good repair and a clean and safe conditions at all times
- All tables, chairs, trash receptacle, etc shall be removed at the end of each outdoor dining season.
- Awnings shall be adequately secured and retractable umbrellas over tables must be adequately weighted.
- Adequate trash receptacles must be provided, and the restaurant is responsible for cleanup of all trash generated from the outdoor dining (including the restaurant site and surrounding areas)
- The Outdoor dining must consider safety and flow of pedestrian traffic. Outdoor dining operation shall provide not less than five contiguous feet of sidewalk clear of obstructions to allow unimpeded pedestrian traffic to the street corners
- When the temporary use ceases , then all evidence of such use shall be removed from the premise.
- When If said use is to be re-established the applicant must reapply and again meet all conditions and standards of this subsection.

3. Use of public sidewalks shall be in compliance with Section 139.12 of the West Haven City Code.

4. The Planning and Zoning Commission or staff may require a low fence or wall less than three feet in height or landscaped planters surrounding the outdoor dining area.

5. An emergency exit shall be provided.

- Ingress/egress must be maintained between restaurant doorways and the sidewalk. All ADA Accessibility Guidelines, Fire Code and Building Codes should be adhered to. The exit doors of the restaurant should be maintained free of chairs and tables at all times and must be handicapped accessible
- The Outdoor dining must consider safety and flow of pedestrian traffic. Outdoor dining operation shall provide not less than five contiguous feet of sidewalk clear of obstructions to allow unimpeded pedestrian traffic to the street corners

Note: The city reserves the right and power to temporarily order the discontinuation of the operation of public outdoor dining at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. These situations include, but are not limited to festivals, parades, marches, road races, repairs to the street or sidewalk, or any other emergencies occurring in the area.

(Revised 7-23-19. ZR 19-027.)

20.11 CENTRAL BUSINESS DISTRICT SIGNS

In order to provide for a dramatic and vibrant business district, the following special sign regulations shall apply only to the downtown Central Business District (CBD).

1. Wall murals painted by an acknowledged artist in a tasteful and artistic manner—not graffiti. Design must be approved by the Planning & Zoning Commission.
2. Flags or banners are permitted provided they comply with applicable sign regulations.
3. Billboards and Roof Signs are strictly prohibited.
4. Signs within storefront windows provided that they do not exceed fifty per cent (50%) of the window space are permitted.
5. Hand made signs are strictly prohibited.
6. Flashing or scrolling electronic signs are prohibited.
7. Promotional signs including banners not exceeding three (3) feet by five (5) feet indicating a new product or service or short term sale provided no such sign shall remain for more than fifteen(15) days after the event or sale.
8. Neon signs or lighting shall be permitted provided they are no more than six feet in length or a total of ten lineal feet.

ALSO SEE SECTION 67 FOR COMMERCIAL SIGN STANDARDS

TABLE 20.1 AREA AND BULK REQUIREMENTS IN COMMERCIAL DISTRICTS

	REQUIREMENTS	CBD	NB	RB	SCR	CD
A.	Minimum Lot Size (Sq. Feet)	3,000	6,000	10,000	40,000	20,000
B.	Minimum Lot Size per Unit (Sq. Feet)	1,000	1,300	NA	NA	16,000
C.	Number of Dwelling Units Per Lot	♦	♦	NA	NA	♦
D.	Minimum Front Yard (Feet)	0	25	25	25	50
E.	Minimum Side Yard (Feet)	0	15	15	25	25
F.	Minimum Back Yard (Feet)	20	20	25	25	50
G.	Minimum Street Frontage (Feet)	50	50	100	100	100
H.	Minimum Clear Yard	10 feet per story excluding basement				
I.	Maximum Building Coverage (%)	30	50	50	30	60
J.	Maximum Lot Coverage (%)	100	75	75	55	90
K.	Maximum Height (in stories)	4, 6♣	2 ½	4	3	4, 6♣
L.	Maximum Height (in Feet)	45, 75♣	35	50	35	45, 75♣
M.	Minimum Open Space (%)	0	25	25	45	10

Notes:

DU = Dwelling Unit NA = Not Allowed

In **R-4, R-5, RPD, RCPD & SRR Districts**: For any lot which does not have the required square footage and/or frontage for multi-family use it shall be deemed a reasonable use of the property to construct a one, two or three (1, 2 or 3) family dwelling thereon, pursuant to the requirements for an R-3 District, provided the requirements of said R-3 District are met.

CORNER LOTS. For special provisions concerning corner lots or through lots see Article 1.

- ♦ = Number of dwelling units on a lot is based on lot size; First floor fronting the street shall be used as commercial rather than residential, if such frontage is on Campbell Avenue, Main Street, or Captain Thomas Boulevard or is located in a coastal flood hazard area.
- ♣ First figure by right, second by Special Permit