ARTICLE V.
Non-Residential District Regulations

Section 500 NB - Neighborhood Business District

500.1 Purpose of District. To provide areas within or adjoining residential neighborhoods for local scale commerce with a range of retail stores and services which cater to frequently recurring needs of nearby residents.

500.2 Permitted Uses. The following uses are permitted by right:

1) Paragraph deleted *(Amended 07/26/06)*

2) Paragraph deleted (*Amended 07/26/06)*

3) Paragraph deleted *(Amended 07/26/06)*

4) Single-family dwellings. *(Amended 02/18/99)*

5) Paragraph deleted *(Amended 07/26/06)*

6) Paragraph deleted *(Amended 07/26/06)*

7) Home Based Businesses shall be permitted in accordance with Article IV, Section 400.2 (2) and only in properties which are constructed as and principally used as single family, two family and/or multifamily dwellings. *(Amended 12/21/12)*

500.3 Uses Permitted subject to issuance of a Special Permit by the Planning and Zoning Commission in accordance with the requirements of Article VIII, Section 810 of this regulation.

1) Public and private utility substations.

2) Restaurants other than fast food restaurants, provided that meals are served at least twice each day that the restaurant is open and at least 75 percent of the seats are at tables.

3) Art or craft studios or studios for teaching the performing arts provided that where there is music, any classes or group work concluded by 8 p.m.

4) Paragraph deleted – *(Amended 05/01/89)*

5) Professional offices.

6) Child Day Care Centers, subject to the requirements of Section 420.3.6. *(Amended 8/15/02)*

7) Educational establishment for learning disabled or mentally retarded adults (but excluding adults with mental illness or drug or alcohol dependency) which would open no earlier than 7:00 a.m. and close no later than 6:00 p.m. and is a State or Federally licensed or contracted facility. *(Amended 01/15/91)*

8) Retail stores limited to sale of pharmaceutical products, groceries, sundries, printed material, jewelry stores, *(Amended 01/26/05)* and packaged beverages with a maximum of 3,000 square feet of selling space. *(Amended 07/26/06)*

9) Personal service stores, such as but not limited to barber shop, beauty shop, tailor, and Laundromat. Hours of operation may be limited by the Commission to minimize detrimental impact on adjoining land uses and neighborhood. *(Amended 07/26/06)*

10) Buildings with mixed uses subject to the following requirements: *(Amended 07/26/06)*

    (a) All lot and bulk requirements for each use are satisfied; *(Amended 07/26/06)*

    (b) Separate entrances and exits shall be provided for residential and non-residential portion of the buildings; and *(Amended 07/26/06)*

    (c) Residential use shall conform with density requirements of the R-3 district. *(Amended 07/26/06)*

11) Home Based Businesses in accordance with Article IV, Section 400.2.2. *(Amended 07/26/06)*

500.4 Accessory Uses

1) Off-street parking and loading for uses permitted in the district.

2) Buildings for housing pets; children's playhouses.

3) Garden houses; greenhouses.

4) Signs subject to the requirements of Article VI, Section 615.

5) Dumpster in rear yard only.

6) Swimming pools and/or tennis courts and related recreational facilities.

7) Amusement device.

8) Keeping of animals according to Section 622 A. (*Amended 08/10/12)*

9) Accessory use customary or incidental to a permitted use.

500.5 Lot and Bulk Requirements

1) Minimum lot area - 5,000 square feet; 2,000 square feet per dwelling unit.

2) Minimum lot width - 50 feet.

3) Minimum lot frontage - 50 feet.

4) Minimum yards:

front - In accordance with Article VI, Section 605.G.4, except not less than 10 feet *(Amended 12/26/86)*

side - 10, except 0 if abutting buildings in the same zone have a party wall.

rear - 10 feet

5) Maximum height - 3 stories or 35 feet, whichever is less.

6) Maximum lot coverage for principal and accessory buildings - 50 percent.

500.6 Off-Street Parking and Loading

Off-street parking and loading spaces shall be provided for each lot within this district in accordance with the provisions of Article VI, Section 614 of these regulations.

Section 510 C-1 - General Commercial District

510.1 Purpose of District. To provide for a wide range of commercial and limited industrial uses along major arterials; to accommodate uses that benefit from large numbers of motorists, and business that are not intensive central business area type activities. New residential development is discouraged except in certain instances.

510.2 Permitted Uses. The following uses are permitted by right: *(Amended 04/08/15)*

1) Retail store operating between the hours of 6:00 am and 11:00 pm.

2) Service business, such as, but not limited to, barber shops, beauty parlors, tailors and dry cleaning stores, custom dressmaker, jewelry repair, shoe repair, travel agent, appliance repair, duplicating business operating between the hours of 6:00 am and 11:00 pm. Automotive service and/or repair are not included under this use.

3) Restaurants (excluding those with beer/wine and/or liquor service) between the hours of 6:00 am and 11:00 pm.

4) Municipally operated recreational facilities between the hours of 6:00 am and 11:00 pm.

5) Business, professional offices between the hours of 6:00 am and 11:00 pm.

6) Banks, without drive-thru windows, between the hours of 6:00 am and 11:00 pm. ATM's and night depositories are not subject to this time restriction.

7) Art galleries between the hours of 6:00 am and 11:00 pm.

8) Facilities for training in the martial arts, dancing, gymnastics, music, fashion design, or teaching the performing arts between the hours of 6:00 am and 11:00 pm.

9) Tattoo Parlors/ Tattoo Facilities subject to the following requirements:

   (a) Shall ensure compliance with Connecticut General Statutes Section 19a-92a & 19a-92a-1 (as may be amended);
   (b) Shall ensure compliance with any & all local ordinances & health codes as maybe amended;
   (c) Hours of operation are limited to 6:00 a.m. to 11:00 p.m.;

10) Home Based Businesses in accordance with Article IV, Section 400.2 (2) and Article V, Section 500.2 (7). *(Amended 12/21/12)*

11) Private parks subject to the following limitations:

(a) The use of sound amplification for music (live or recorded) or any other type is prohibited.

(b) No structure for recreational use is erected.

(c) Use is limited to daytime hours – no lighting is permitted.

(d) Use is limited to passive recreation and assembly.

(e) The construction/addition of parking to serve the use is prohibited.

(f) The maximum size of a parcel proposed for this use shall be 15,000 sq. ft.

(g) Any impervious surface created as part of the development of the park shall be limited to 30% of the parcel size.

510.3 Uses Permitted subject to issuance of a Special Permit by the Planning and Zoning Commission in accordance with the requirements of Article VIII, Section 810 of this regulation. *(Amended 04/08/15)*

1) Retail stores operating between the hours of 11:00 pm and 6:00 am. *(Amended 04/20/10)*

2) Business and professional offices operating between the hours of 11:00 pm and 6:00 am. *(Amended 04/20/10)*

3) Wholesale businesses, warehouses, and building material storage and sale, but excluding storage of coal, coke, fuel oil, or junk.

4) Cold storage plant, beverage distributor, baking and other food processing plant that is not offensive, obnoxious, or detrimental to neighboring uses by reason of dust, smoke, vibration, noise, odor, or effluent.

5) Motor vehicle sales, including the sale of recreation vehicles and trailers and boat sales, with accessory repair facilities subject to the following requirements:

(a) Outdoor area lighting shall be that generally required for security purposes.

(b) Entrance and exit driveways shall not be located closer than 10 feet to any interior property line; and shall be so laid out as to avoid the necessity of any vehicle backing out into any public right-of-way.

(c) Vehicle lifts or pits, dismantled vehicles, and all parts and supplies shall be located within a building enclosed on all sides.

(d) All services or repair of motor vehicles shall be conducted in a building enclosed on all sides. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.

(e) Gasoline or flammable oils in bulk shall be stored fully underground, in conformance with applicable codes.

6) Auto Washes.

7) Restaurants with beer/wine or liquor service or operating between the hours of 11:00 pm and 6:00 am. *(Amended 04/20/10)*

8) Fast food restaurants, provided that eating on the premises of the fast food restaurant shall be permitted only inside the structure or in areas specifically designated and properly maintained outside of the structure.

9) Animal hospitals and boarding and/or breeding of animals, provided that no outdoor runs shall be permitted within 100 feet of an R or NB district.

10) Dry cleaning establishments and laundromats.

11) Funeral parlors.

12) Retail sale and accessory storage and display of garden materials, supplies, and plants, including nursery operations, provided that the outdoor storage of display of plants and material does not obstruct pedestrian flow or vehicular traffic and does not occur within five feet of a property line.

13) Places of worship.

14) Printing plants.

15) Private transportation service including garage and maintenance facilities.

16) Taxi station.

17) Auto rental.

18) Radio, television and recording studio.

19) Arts and craft studios. *(Amended 04/20/10)*

20) Motor vehicle service stations or gasoline pumps as part of another use, provided that:

(a) No traffic hazard affecting the public safety will be Present.

(b) No sale of gasoline shall be permitted to be established on any lot within a distance of 500 feet of an existing gasoline or filling station lot, or of any lot for which a building permit has been issued for the erection of such a station or any use which includes gasoline pumps.

(c) No such establishment shall be within a distance of 200 feet of any school, public or private; religious institution, hospital, library, park, nursing home, extended care facility, or any similar institution or other place of public assembly; said distance to be measured in a straight line along or across a street between the nearest points of each of the lots or premises, regardless of the district where either premises is located.

(d) No such establishment shall be within a distance of 70 feet of any abutting R or NB district.

(e) Entrance and exit driveways shall not be located nearer than 10 feet to any interior lot line; and shall be so laid out as to avoid the necessity of any vehicle backing into any public right-of-way.

(f) Vehicle lifts or pits, dismantled automobiles, all parts or supplies, goods, equipment, materials, refuse, garbage, or debris shall be located within a building enclosed on all sides.

(g) All service or repair of motor vehicles shall be conducted in a building enclosed on all sides. This requirements shall not be construed to mean that the doors to any repair shop must be kept closed at all times.

21) For structures built prior to November 3, 1983, single-family, two-family and multi-family dwellings may be permitted in accordance with the density requirements of the R-4 District. New multi-family residential dwellings may be permitted only in mixed use buildings (with Commercial Use of at least 50% of the gross floor area on the street level floor) and in accordance with the R-3 District lot and bulk requirements, except that required yards and setbacks as well as maximum lot coverage may be reduced to the otherwise applicable requirements for the C-1 zone via a Special Permit approval as long as the yard or setback does not abut a property in a residential district or in residential use. *(Amended 10/10/18)*

22) Buildings with mixed uses subject to the following requirements.

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(a) All lot and bulk requirements for each use are satisfied except as may be provided for by Section 510.3 (21).

(b) Separate entrances and exists shall be provided for residential and non-residential portions of the building.

23) Parking facilities. *(Amended 06/04/85)*

24) Petroleum and related fuel storage and distribution facilities which were in existence on the effective date of this regulation. *(Amended 05/02/96)*

25) Public and private utility installations.

26) Research and development uses *(Amended 04/20/10)*

27) Drinking establishments, including night clubs *(Amended 04/20/10)*

28) Institutions for higher learning, business, vocational, and training schools, including colleges, universities, junior colleges, business, banking, business management, secretarial and office service schools, computer and data processing schools, art and drafting schools, barber, beauty, and cosmetology schools, commercial or non-commercial food preparation schools, photography schools, schools for training in the martial arts, dancing, gymnastics, and music, schools for fashion design. (*Amended 04/20/10)*

29) Membership clubs catering exclusively to members and their guests, and private playgrounds, swimming pools, tennis courts, and recreational buildings, subject to the following conditions:

(a) Exterior lighting other than that which is essential for the safety of users of the premises.

(b) Location of any part of the building nearer than 30 feet to any street or property line unless the property adjoins a non-residential district, in which case the yard requirements of that district shall apply.

30) Commercial entertainment establishments catering primarily to persons below the legal age for drinking alcoholic beverages, subject to the following conditions:

(a) The minimum area devoted to patron use shall be 1,000 square feet.

(b) A drop-off and pick-up location for vehicles near a well lighted entrance shall be provided.

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(c) Off-street parking areas shall be illuminated.

(d) No such use shall be located closer than 500 feet to any similar establishment or to any establishment serving or selling alcoholic beverages, except that this provision shall not apply to restaurants which provide alcoholic beverages, only from a service bar. (Amended to add this section on 5/9/85)

31) Private, public, or quasi public rehabilitation facilities to include:

(a) Outpatient, day treatment, or inpatient alcohol counseling, treatment, or rehabilitation clinics or centers;

(b) Outpatient, day treatment, or inpatient drug counseling, treatment, or rehabilitation clinics or centers;

(c) Outpatient, day treatment, or inpatient substance abuse counseling, treatment or rehabilitation clinics or centers;

(d) Non-residential or residential halfway houses for current or former inmates of federal, state, or local correctional facilities; and

(e) Other such similar outpatient or inpatient counseling, treatment, or rehabilitation clinics or centers that the Planning and Zoning Commission shall find to be substantively similar to the uses listed in this section. *(Amended 08/01/10)*

(f) Behavioral Health Services for individuals with mental or psychological disabilities whether or not they have codependency issues, which shall include outpatient individual and group therapy whether in clinical or non-clinical style programs including those designed to integrate individuals in or assisting them in co –existing in community settings. This shall include as an ancillary use for those receiving such services the providing of medication(s) as may be prescribed by a licensed prescriber. *(Amended 9/30/08)*

That any use identified within this section shall be subject to the following restrictions and requirements: *(Amended 08/01/10)*

(1) That such uses shall obtain all appropriate licenses and permits required by Federal, State and Local laws, statutes and regulations within (1) year of the date of approval unless an extension of the time period is applied for by the applicant prior to the actual expiration date and granted by the Planning and Zoning Commission.

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(2) That such uses shall provide a minimum of 15 square feet of inside waiting or seating area space for each patron to be served within any one hour period of operation.

(3) That such uses shall not be located within 500 feet of any nursery, elementary, or secondary school, college, university building or playground.

(4) That such uses which provide residential services, either short term or long term, shall have a minimum of 70 square feet for the first resident and 50 square feet for each additional resident. *(Amended 05/01/89)*

32) Child Day Care Centers, subject to the requirements of Section 420.3.6. *(Amended 08/15/02)*

33) Taverns *(Amended 10/15/93)*

34) Educational establishment for learning disabled or mentally retarded adults (but excluding adults with mental illness or drug or alcohol dependency) under license or contract with a state, federal, or municipal governmental agency. *(Amended 03/02/95)*

35) Microbrewery *(Amended 05/02/96)*

36) RESERVED

37) RESERVED

38) Automobile Repair in accordance with Section 510.3 (5) of the Zoning Regulations *(Amended 08/01/10)*

39) Self Service Storage Facility subject to the following conditions *(Amended 09/25/01):*

(a) No commercial, wholesale or retail sales or miscellaneous garage sales,

(b) No outside storage,

(c) No operations of power tools, spray painting equipment, refrigerators, or other similar equipment or appliances,

(d) No use that is noxious or offensive because of odors, dust, noise, fumes or vibrations,

(e) No service, sales, repairs or fabrications of motor vehicles, trailers or other similar equipment, appliances, or machinery,

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(f) No storage of hazardous materials or flammable chemicals,

(g) If a travel isle between storage units is provided, the isle must be a minimum of 24 feet in width,

(h) The facility must be completely enclosed by fencing a minimum height of six (6) feet of material to be determined at the discretion of the Commission. Additionally, the site must be appropriately landscaped to effectively screen the activity from neighboring uses and comply with Section 614 C 13) of the City of New London's Zoning Regulations

(i) The minimum required lot size is one acre or 40,000 square feet.

(j) Access to the facility is limited to normal hours of operation, as determined by the Commission.

(k) Parking shall be required per Section 614 B 1). The minimum number of parking spaces for employees shall be four (4).

40) Bed & Breakfast Inns in accordance with the requirements of Article IV, Section 400.3 10). *(Amended 01/07/03)*

41) Tourist Homes in accordance with the requirements of Article IV,420.3 13) *(Amended 02/20/03)*

42) Business Records Document Storage Facility *(Amended 06/07/06)*

43) Pawnbroker and pawnshops subject to the following requirements *(Amended 11/30/06):*

(a) Compliance with the Connecticut General Statutes Sections 21-39 through 21-47 and any future amendments thereto.

(b) Compliance with the Code of Ordinances of the City of New London Article VI, Sections 7-93 through 7-99 and any future amendments thereto.

(c) Maintain for at least a period of two years from the date of each transaction a computerized database of the information required by state statutes for all personal property bought or pawned, and to make such information available to the Police Department.

(d) The sale of firearms shall be prohibited. Firearms are defined as any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver or other weapon, whether loaded or unloaded from which a shot may discharged. *(Amended 03/23/94)*

44) Brew-pub provided that:

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(a) There is no outdoor entertainment with electrically amplified music. *(Amended 02/01/08)*

45) Private, public, or quasi-public facilities to service temporarily homeless individuals, including: *(Amended 05/01/09)*

(a) Residential Homeless Shelters;

(b) Homeless Service Centers; and/or

(c) Homeless Support Centers.

Any use allowed under this section shall be subject to the following requirements: *(Amended 08/01/10)*

(1) Such uses, and all portions of the property on which such uses may be located, shall not be located within 500 feet of the property on which the following uses may be located: any nursery school, elementary, or secondary school, college, university building or playground.

(2) Such uses and all portions of the property on which such uses may be located, shall not be located within 500 feet of the property on which any other facility permitted under this section is located, provided that uses under paragraphs (a), (b), and/or (c) of this section may be housed in a single structure or complex of adjacent or nearby structures, which shall collectively constitute one use for the purpose of this paragraph (2). *(Amended 08/01/10)*

(3) Uses providing residential services under paragraph (a) of this section shall: *(Amended 08/01/10)*

i. have a minimum of 50 square feet of space for each resident;
ii. have a maximum of 25 permanent beds per facility

(4) Uses allowed under paragraphs (b) and (c) of this section shall provide a minimum of 15 square feet of inside waiting or seating area for each patron. *(Amended 08/01/10)*

(5) Such uses shall provide sufficient space for indoor or outdoor play area; provided, however, that the Commission may waive this requirement for a facility not designed to serve children.

(6) Such uses shall provide a designated outdoor smoking area outside its facility, provided that a single outdoor smoking area shall be sufficient if multiple uses

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(7) under paragraphs (a), (b), and/or (c) of this section are be housed in a single structure or complex of adjacent or nearby structures. *(Amended 08/01/10)*

(8) Any special permit application submitted under this section shall include a copy of the operator's rules and regulations for the uses proposed in the application. *(Amended 08/01/10)*

(9) Suitable screening (such as fencing, landscaping, etc.) of parking, smoking areas and other elements of the facility shall be provided as may be determined to be necessary by the Commission.

46) RESERVED

47) Banks operating between the hours of 11:00 pm and 6:00 am or with drive-thru windows *(Amended 04/20/10).*

48) Service business, such as, but not limited to, barber shops, beauty parlors, tailors and dry cleaning stores, custom dressmaker, jewelry repair, shoe repair, travel agent, appliance repair, duplicating business operating between the hours of 11:00 pm and 6:00 am. Automotive service and/or repair are not included under this use. *(Amended 04/20/10).*

49) Private parks and playgrounds. *(Amended 04/08/15).*

510.4 Accessory Uses

1) Off-street parking and loading for uses permitted in this district.

2) Buildings for housing pets; children's playhouses.

3) Garden houses; greenhouse

4) Signs subject to the requirements of Article VI, Section 615.

5) Swimming pool, tennis courts, and related recreation facilities

6) Keeping of animals according to Section 622 A and B. (*Amended 08/10/12)*

7) Fully enclosed storage.

8) Dumpster in rear yard only.

9) Accessory uses customary or incidental to a permitted use.

510.5 Lot and Bulk Requirements

1) Minimum lot area 5,000 square feet.

2) Minimum yards and setbacks (unless adjusted per Special Permit issued according to Section 510.3 (21).

   a) front - 10 feet, except new residential development must have 25 feet (see Article VI, Section 605.G.4)

   b) side - six feet; new residential development must have 10 foot side yards.

   c) rear - 10 feet except new residential development must have 20 foot rear yard.

3) Maximum height - 40 feet, except the maximum height may be increased by special permit, provided that parking is created under, within, or on top of the structure, or the commission finds that the parking requirements are substantially exceeded in some other manner of off-street parking. *(Amended 12/05/88)*

4) Maximum lot coverage of principal and accessory building - 80 percent, except new residential development which may occupy 50 percent of the site.

510.6 Off-Street Parking and Loading

Off-street parking and loading spaces shall be provided for each lot within this district in accordance with the provisions of Article VI, Section 614 of these regulations.

Section 520 **C-2 - Limited Commercial District** (Amended 04/20/10)

520.1 Purpose of District. To provide for limited commercial development located along major arterials. *(Amended 02/07/85)*

520.2 Permitted Uses. The following uses are permitted by right: *(Amended 04/20/10)*

1) Retail store operating between the hours of 6:00 am and 11:00 pm.

2) Service business, such as, but not limited to, barber shops, beauty parlors, tailors and dry cleaning stores, custom dressmaker, jewelry repair, shoe repair, travel agent, appliance repair, duplicating business operating between the hours of 6:00 am and 11:00 pm. Automotive service and/or repair are not included under this use

3) Restaurants (excluding those with beer/wine and/or liquor service) between the hours of 6:00 am and 11:00 pm.

4) Business, professional offices between the hours of 6:00 am and 11:00 pm.

5) Banks, without drive-thru windows, between the hours of 6:00 am and 11:00 pm. ATM's and night depositories are not subject to this time restriction.

6) Facilities for training in the martial arts, dancing, gymnastics, music, fashion design, or teaching the performing arts between the hours of 6:00 am and 11:00 pm.

7) Home Based Businesses in accordance with Article IV, Section 400.2 (2) and Article V, Section 500.2 (7). *(Amended 12/21/12)*

520.3 Uses permitted subject to issuance of a Special Use Permit by the Planning and Zoning Commission in accordance with the requirements of Article VIII, Section 810 of this regulation.

1) Retail stores operating between the hours of 11:00 pm and 6:00 am. *(Amended 04/20/10).*

2) Theaters (except outdoor movie theaters).

3) Motor vehicles, including the sale of recreational vehicles and trailers and boat sales, with accessory repair facilities, provided all other requirements of Article V, Section 510.3 (5), herein are met. *(Amended 02/07/85)*

4) Automobile repair and motor vehicle service stations. *(Amended 12/06/84)*

5) Restaurants with beer/wine or liquor service or operating between the hours of 11:00 pm and 6:00 am. *(Amended 04/20/10)*

6) Dry cleaning establishments and laundromats when connected to City sewer system. *(Amended 10/09/87)*

7) Retail sale and accessory storage and display of garden materials, supplies, and plants, including nursery operations, provided that the outdoor storage or display of plants and material does not obstruct pedestrian flow or vehicular traffic and does not occur within five feet of a property line.

8) Hotels, motels, and conference facilities.

9) Commercial recreations, such as, but not limited to, tennis clubs, skating rinks, billiard parlors, bowling alleys, health clubs and uses normally accessory thereto (lockers, restaurants, retail sale of goods associated with the particular activity).

10) Taxi station.

11) Auto rental.

12) Radio, television and recording studio.

13) Arts and craft studios. *(Amended 04/20/10)*

14) Business and professional offices operating between the hours of 11:00 pm and 6:00 am. *(Amended 04/20/10)*

15) Fast food restaurants, provided that eating on the premises of the fast food restaurant shall be permitted only inside the structure or in areas specifically designated and properly maintained outside of the structure. *(Amended 06/04/85)*

16) Amusement Center subject to the following conditions:

    (a) It shall be located at least 1,500 feet from any school buildings, school playgrounds, and church buildings, and at least 500 feet from a residence. *(Amended 06/04/85)*

    (b) It shall obtain a license from Police Department.

17) Parking facilities. *(Amended 06/04/85)*

18) Funeral parlors. *(Amended 02/10/86)*

19) Drinking establishments and night clubs. *(Amended 02/10/86)*

20) Commercial entertainment establishments catering primarily to persons below the legal age for drinking alcoholic beverages, subject to the following conditions:

(a) The minimum area devoted to patron use shall be 1,000 square feet.

(b) A drop-off and pick-up location for vehicles near a well lighted entrance shall be provided.

(c) Off-street parking areas shall be illuminated.

(d) No such use shall be located closer than 500 feet to any similar establishment or to any establishment serving or selling alcoholic beverages, except that this provision shall not apply to restaurants which provide alcoholic beverages, only from a service bar. *(Amended 05/09/85)*

21) Taverns *(Amended 10/15/93)*

22) Wholesale businesses, warehouses, and distribution facilities. *(Amended 09/11/87)*

23) Self Service Storage Facility subject to the following conditions *(Amended 09/25/01):*

(a) No commercial, wholesale or retail sales or miscellaneous garage sales,

(b) No outside storage,

(c) No operations of power tools, spray painting equipment, refrigerators, or other similar equipment or appliances,

(d) No use that is noxious or offensive because of odors, dust, noise, fumes or vibrations,

(e) No service, sales, repairs or fabrications of motor vehicles, trailers or other similar equipment, appliances, or machinery,

(f) No storage of hazardous materials or flammable chemicals,

(g) If a travel isle between storage units is provided, the isle must be a minimum of 24 feet in width,

(h) The facility must be completely enclosed by fencing a minimum height of six (6), feet of material to be determined at the discretion of the Commission. Additionally, the site must be appropriately landscaped to effectively screen the activity from neighboring uses and comply with Section 614 C 13) of the City of New London's Zoning Regulations

(i) The minimum required lot size is one acre or 40,000 square feet.

(j) Access to the facility is limited to normal hours of operation, as determined by the Commission.

(k) Parking shall be required per Section 614 B 1). The minimum number of parking spaces for employees shall be four (4).

24) Institutions for higher learning, business, vocational, and training schools, including colleges, universities, junior colleges, business, banking, business management, secretarial and office service schools, computer and data processing schools, art and drafting schools, barber, beauty, and cosmetology schools, commercial or non-commercial food preparation schools, photography schools, schools for training in the martial arts, dancing, gymnastics, and music, schools for fashion design: *(Amended 04/20/10)*

(a) (RESERVED)

25) Child day care centers subject to the following requirements: *(Amended 7/25/07)*

(a) The applicant shall have obtained all licenses, certifications, or approvals that may be required by Federal, State, or local law.

(b) For each child registered, there shall be a minimum of 35 square feet of floor space exclusive of halls, bathrooms, and kitchens.

(c) For each child enrolled there shall be provided not less than 75 square feet of usable exterior open space. The Planning and Zoning Commission may authorize the substitution of interior space available for recreation purposes if it determines that the aggregate space to be provided is adequate. Useable exterior open space known as Outdoor Play Space shall be provided on the same lot as the use it supports, except where specifically permitted elsewhere in these regulations.

(d) No permanently installed play equipment shall be located in any required front or side yard.

(e) Any outdoor play area shall be screened in a manner to ensure visual and auditory privacy to adjacent properties.

(f) Required Outdoor Play Space may be provided on sites other than the site they serve under certain circumstances after meeting all of the following requirements: *(Amended 07/25/07)*

(1) The site must be located within 2640 feet (1/2 mile) along public pedestrian thoroughfares measured from property line to property line.

(2) The outdoor play space shall be located within a zone that allows child day care centers.

(3) In all cases, such outdoor play space shall conform to all of the provisions of the regulations of the district in which they are located. Parks, school yards, and parking areas will be exempt from screening but shall be fenced or otherwise protected for safety.

(4) Such outdoor play space shall be in the same ownership as the use to which they serve or if in separate ownership there shall be a written agreement between the parties that the outdoor play space shall be available to the use to which it is assigned. If the outdoor play space is a park, written permission shall be obtained from the City allowing usage.

(5) A Special Use Permit must be issued by the Planning & Zoning Commission.

26) Service business, such as, but not limited to, barber shops, beauty parlors, tailors and dry cleaning stores, custom dressmaker, jewelry repair, shoe repair, travel agent, appliance repair, duplicating business operating between the hours of 11:00 pm and 6:00 am. Automotive service and/or repair are not included under this use.

27) Banks operating between the hours of 11:00 pm and 6:00 am or with drive-thru windows. *(Amended 04/20/10).*

28) Residential uses in accordance with the density requirements and the lot and bulk requirements of the R-3 District in either stand-alone residential or mixed–use commercial/residential buildings. Residential uses shall not provide any frontage for vehicular ingress or egress to a major arterial road or highway, or provide any frontage that would diminish use of commercial properties on the major arterial roads or highways. *(Amended 09/19/17 per Docket No: KNL CV 17-6028696-S)*

520.4 Accessory Uses *(Amended 04/20/10)*

1) Public utility installations.

2) Off-street parking and loading.

3) Greenhouse.

4) Signs subject to the requirements of Article VI, Section 615.

5) Swimming pool, tennis courts, and related recreation facilities.

6) Fully enclosed storage.

8) Dumpster in rear yard only.
9) RESERVED

10) Accessory uses customary or incidental to a permitted use.

520.5 Lot and Bulk Requirements

1) Minimum lot area 20,000 square feet. *(Amended 06/04/85)*

2) Minimum yards and setbacks - no structure may be located closer than 25 feet to a property line or street right-of-way. *(Amended on 08/16/84)*

3) Maximum height - 40 feet, except the maximum height may be increased by special permit, provided that parking is created under, within, or on top of the structure, or the commission finds that the parking requirements are substantially exceeded in some other manner of off-street parking or as Section 608 A (3) may allow. *(Amended 09/15/14)*

4) Maximum lot coverage of principal and accessory building - 40 percent.

520.6 Off-Street Parking and Loading

Off-street parking and loading spaces shall be provided for each lot within this district in accordance with the provisions of Article VI, Section 614 of these regulations.

Section 530 CBD – 1 Central Business District

(Amended 09/30/08)

530.1 Purpose of District. To provide for and encourage a variety of retail businesses, business and professional offices, service businesses, entertainment and cultural establishments and related activities such as parking and pedestrian spaces, all designed to serve the City and the region; to encourage the concentration of retail and service uses to achieve continuity of frontage devoted to such purposes which will strengthen and complement one another; further, it is a purpose of this district to protect the major public investment made and to be made toward revitalization of the central business area, a vital part of the City's tax base, by conserving the value of land and buildings.

530.2 Permitted Uses. The following uses are permitted by right: (Amended)

1) Retail stores operating between the hours of 6:00 am and 11:00 pm. *(Amended 07/26/06)*

2) Service business, such as, but not limited to, barber shops, beauty parlors, tailors and dry cleaning stores, custom dressmaker, jewelry repair, shoe repair, travel agent, appliance repair, duplicating business operating between the hours of 6:00 am and 11:00 pm. Automotive service and/or repair are not permitted *(Amended 07/26/06)*

3) Restaurants operating between the hours of 6:00 am and 11:00 pm. (*Amended 07/26/06)*

4) RESERVED (*Amended 09/30/08)*

5) Business or professional offices not located on the street level floor(s) of a building operating between the hours of 6:00 am and 11:00 pm. *(Amended 09/30/08)*

6) Banks excluding drive-thru windows operating between the hours of 6:00 am and 11:00 pm. (*Amended 8/23/05) (Amended 07/26/06)*

7) Art galleries operating between the hours of 6:00 am and 11: 00 pm. *(Amended 07/26/06)*

8) Facilities for training in the martial arts, dancing, gymnastics, music, fashion design, or teaching the performing arts operating between the hours of 6:00 am and 11:00 pm. *(Amended 07/26/06)*

9) Tattoo Parlors/ Tattoo Facilities subject to the following requirements: (*Amended 03/3109)*

(d) Shall ensure compliance with Connecticut General Statutes Section 19a-92a & 19a-92a-1 (as may be amended);

(e) Shall ensure compliance with any & all local ordinances & health codes as maybe amended;
(f) Hours of operation are limited to 6:00 a.m. to 11:00 p.m.;

10) Home Based Businesses in accordance with Article IV, Section 400.2 (2) and Article V, Section 500.2 (7). *(Amended 12/21/12)*

530.3 Uses permitted subject to issuance of a Special Permit by the Planning and Zoning Commission in accordance with the requirements of Article VIII, Section 810 of this regulation: (Amended 07/26/06)

1) RESERVED. (Note: this use is redundant with use number 39) (*Amended09/30/08)*

2) Business, professional, or governmental offices located on the street level floor(s) of a building. *(Amended 8/23/05)*

3) Newspaper printing. *(Amended 8/23/05)*

4) Small Scale Artisan, Art, and Craft Workshop – The small scale (no more than 2500 sq. ft. of floor area) production of artisan works, art, and craft works such as stained glass, ceramics, art work, etc. that involve hand manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing of products through the use of computers, hand tools, and/or domestic mechanical equipment and the incidental direct sale of only those goods so produced or processed provided that:

(a) The production and/or processing area shall be fully concealed from any street and at least 20 percent of the gross ground floor area shall be devoted to retail sale.

(b) The use shall be free of nuisance characteristics and will have no adverse affect on neighboring uses.

(c) The Planning and Zoning Commission may limit the hours of operation of this use when it determines that the protection of the public health, safety, or welfare of the public, in general, or the immediate neighborhood, in particular may warrant such a limitation.

5) Libraries and museums. *(Amended 8/23/05)*

6) Arts and crafts studios. *(Amended 8/23/05)*

7) RESERVED. *(Amended 8/23/05)*

8) Transportation terminal including ticket sales, waiting area, restaurants, newspaper, and candy shops.

9) Multiple dwellings provided that no dwelling unit shall be permitted to front on or have direct access at street level along any public street and no more than 50% of the gross floor area of any floor(s) at street level shall be designated for residential use. *(Amended 10/10/18)*

10) Amusement Center.

11) Places of worship. *(Amended 8/23/05)*

12) Hotels, motels, and conference facilities.

13) Institutions for higher learning, business, vocational, and training schools, including colleges, universities, junior colleges, business, banking, business management, secretarial and office schools, art and drafting schools: *(Amended 8/23/05)*

    (a) The curriculum shall satisfy the requirements of the Connecticut State Department of Education.

14) Theaters. *(Amended 8/23/05)*

15) Drinking establishments and nightclubs. *(Amended 02/10/86)*

16) Juice Bars, subject to the following conditions:

    (a) During juice bar hours, no alcoholic beverages will be served or allowed outside of the barroom. The barroom will be off limits to minors unless all alcoholic beverages are locked away in approved, locked storage.

    (b) A clearly visible sign will be placed at all entries to the juice barroom that states "Open as a Juice Barroom - No Alcoholic Beverages Allowed Beyond This Point." The lettering on the signs will be at least 1 1/2" in height.

    (c) Security personnel must be placed at all times at all entries to the barroom.

    (d) The New London Police Chief shall be notified by telephone 24 hours before the day that the juice bar is in operation.

    (e) The applicant shall submit a drawing of the floor plan of the premises to include:

        1) The location of and dimensions of all rooms, walls, windows, doors, hallways, dance floors, bars, tables, chairs, stages, dining areas, kitchens, lavatories, patios, storage areas, entrance and exits. All of these features shall be labeled.

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2) A plan for the control over alcoholic beverages leaving the barroom such as: signs, security personnel, etc.

(f) There shall be only one access point from the barroom to the juice barroom

(g) The minimum floor area dedicated to patron use shall be 1,000 square feet.

(h) All customers entering the establishment shall be required to provide legal proof of their age. (Section 530.2.20 amended on 10/15/93)

(i) The hours of operation shall not be any later than 12:00 a.m. (midnight) on Friday and Saturday and 11:00 p.m. on the remaining days of the week.

(j) The owner or operator shall register and maintain the appropriate contact information with the New London Police Department.

(k) The maximum gross floor area of the establishment shall not exceed 4,000 square feet.

18) Taverns *(Amended on 10/15/93)*

19) Public lots and garages, provided that: *(Amended 8/23/05)*

(a) There is no automotive service or repair;

(b) The use will not increase traffic congestion in the streets abutting the property.

(c) Some combination or wall/fencing and/or landscaping (with) in a five-foot buffer strip shall be maintained along all areas where a parking lot fronts a public street. All plant materials shall be of a sufficient size at time of planting to provide an immediately functional visual buffer and planted at a density that will result in relatively full coverage of the buffer strip at plant maturity. Trees shall be 3½ inches caliper dbh at time of planting. Landscaping elements shall only include those that grow or are maintained at a low height (less than three feet) and shall include a combination of formal evergreen hedges and trees (one tree per fifty-five feet of street frontage) unless an alternative is determined by the Commission to be more appropriate

20) Billiard parlors, bowling alleys, and skating rinks. *(Amended 02/10/86)*

21) Radio, television, or recording studios.

22) RESERVED. *(Amended 08/23/05)*

23) Funeral Parlors.

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24) Fast food restaurant, without drive-thru windows provided that eating on the premises shall be permitted only inside the structure or in areas specifically designated and properly maintained outside of the structure. *(Amended 08/23/05)*

25) RESERVED. *(Amended 08/23/05)*

26) RESERVED. *(Amended 08/23/05)*

27) RESERVED. *(Amended 08/23/05)*

28) Adult Entertainment Uses such as but not limited to: Adult Bookstore, Adult Motion Picture Theater, Adult Mini Motion Picture Theater, Adult Motion Picture Arcade, and Adult Entertainment Cabaret. *(Amended 07/11/88)*

(a) Purpose and Intent. Regulate uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having deleterious effect upon adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The primary control or regulation is for the purpose of preventing a clustering of these uses in any one location. *(Amended 07/11/88)*

(b) Restrictions. Adult entertainment uses shall be subject to the following restrictions:

(1) No such adult entertainment use shall be allowed within 1,000 feet of another existing adult entertainment use.

(2) No such adult entertainment use shall be located within 500 feet of either the R1, R-lA, R-3, or R-4 residential zoning districts.

(3) No such adult entertainment use shall be located within 500 feet of a pre-existing public or private school, recognized public place of worship or public library.

(4) No such adult entertainment use shall be located in any zoning district except the CBD-1 zoned area.

For the purposes of this section, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building containing or proposing to contain an adult entertainment use to the nearest boundary of the premises of a public place or worship, public or private school, public library, or to

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the nearest boundary of an R-1, R-lA, R-2, R-3, or R-4 residential district as designated by the Zoning Regulations of the City. *(Amended 07/11/88)*

(c) Registration. The owner of a building or premises, his agent for the purpose of managing, controlling, or collecting rents, or any other person managing or controlling a building or premises, any part of which contains an adult entertainment use shall register with the Zoning Officer of the City of New London the following information:

(1) The address of the premises.

(2) The name of the owner of the premises and names of the beneficial owners if the property is in a land trust.

(3) The address of the owner and the beneficial owners.

(4) The name of the business or the establishment subject to the provisions of this section.

(5) The name(s) of the owner, beneficial owner or the major stock holders of the business or the establishment subject to the provisions of this Section.

(6) The address of those persons named in paragraph (5).

(7) The date of initiation of adult entertainment use.

(8) The nature of the adult entertainment use.

(9) If the premises or building is leased, a copy of said lease must be attached.

It is unlawful for the owner or person in control of any property to establish or operate thereon or to permit any person to establish or operate an adult entertainment use without first having properly registered and received certification of approved registration.

The owner, manager, or agent of the registered adult entertainment use shall display a copy of the registration form approved by the Zoning Officer in a conspicuous place on the premises.

(d) Exterior Display. No Adult Entertainment Use shall be conducted in any manner that permits the observation of any-material depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", from any public way or from any property not registered as an Adult Entertainment Use. The

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provision shall apply to any display, decoration, sign, show window, or other opening. *(Amended 0/11/88)*

29) RESERVED. *(Amended 08/16/06)*

30) RESERVED. *(Amended 08/23/05)*

31) Bed & Breakfast Inns in accordance with the requirements of Article IV, Section 400.3 10. *(Amended 01/07/03)*

32) Tourist Homes in accordance with the requirements of Article IV,420.3 13) *(Amended 02/20/03)*

33) Business Records Document Storage Facility *(Amended 06/07/06)*

34) Retail stores operating between the hours of 11:00 pm and 6:00 am. *(Amended 07/26/06)*

35) Service business, such as, but not limited to, barber shops, beauty parlors, tailors and dry cleaning stores, custom dressmaker, jewelry repair, shoe repair, travel agent, appliance repair, duplicating business operating between the hours of 11:00 pm and 6:00 am. Automotive service and/or repair are not permitted. *(Amended 07/26/06)*

36) Restaurants either with beer, wine or liquor service operating between the hours of 11:00 pm and 6:00 am. *(Amended 07/26/06)*

37) RESERVED *(Amended 09/30/08)*

38) Business, professional or governmental offices not located on the street level floor (s) of a building operating between the hours of 11:00 pm and 6:00 am. *(Amended 07/26/06)*

39) Banks excluding drive-thru windows operating between the hours of 11:00 pm and 6:00 am. *(Amended 07/26/06)*

40) Art galleries operating between the hours of 11:00 pm and 6:00 am. *(Amended 07/26/06)*

41) Facilities for training in the martial arts, dancing, gymnastics, music, fashion design, or teaching the performing arts operating between the hours of 11:00 pm and 6:00 am. *(Amended 07/26/06)*

42) Brew-pub (smaller than 10,000 square feet of gross floor area) provided that: *(Amended 02/01/08)*

(a) There is no outdoor entertainment with electrically amplified music.

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43) Single or two–family residential use at street level when the building can be historically documented to have been, or where an analysis by a licensed architect or comparable professional acceptable to the Planning and Zoning Commission can certify that, the building was originally constructed and used for residential purpose, at the street level, to the satisfaction of the Planning and Zoning Commission after a referral to the Historic

District Commission for comment which shall be made thirty-five days prior to the commission making a decision on a Special Permit application made under this section.

The Commission shall give due consideration to any written report made regarding said referral. *(Amended 03/01/08)*

44) Live/work units provided that, in addition to the general Special Permit criteria of Section
810 B, the following criteria are met:

(a) The resident owner of the business certifies annually to the Zoning Enforcement Officer that only he/she and other members of his/her household are living in the space.

(b) The conducted manufacturing, art making use or business takes place subject to a valid business license associated with the premises.

(c) The live-work manufacturing, art making use or business office activity may employ up to two persons who do not reside in the live-work space.

(d) At least fifty percent (50%) of the floor area within each live-work unit shall be designated, reserved, and used as work space for the permitted manufacturing, art making use or business office activity.

(e) Sixty-percent (60%) of the street-facing façade between two-feet (2') and eight (8) feet above the sidewalk shall be transparent.

(f) The transparent areas of the facades shall be designed and maintained to allow unobstructed views from the outside into the structure or into display windows that have a minimum thirty-inch (30") depth.

(g) The Planning and Zoning Commission may limit the hours of operation of the manufacturing, art making use or business office activity when it determines that the protection of the public health, safety, or welfare of the public, in general, or the immediate neighborhood, in particular may warrant such a limitation.

530.4 Accessory Uses

1) Accessory uses customary or incidental to a permitted use.

2) Child Day Care Center subject to the requirements of Section 420.3.6 herein and the following conditions: (Amended 08/23/05)

(a) The Child Day Care Center should be for the exclusive use of the children of persons employed on the same premises where the child day care center is located.

(b) The site shall have a land area of not less than 40,000 square feet.

(c) The site building shall have a gross floor area of not less than 30,000 square feet. *(Amended 08/15/02)*

3) Outdoor entertainment that includes electrical sound amplification is not an allowed accessory use in this zone.

4) Keeping of animals according to Section 622 A. (*Amended 08/10/12)*

530.5 Lot and Bulk Requirements

1) RESERVED *(Amended 09/30/08)*

2) Minimum yards or setbacks:

(a) Front - none.

(b) Side yards - if the side of a lot in the CBD-1 district abuts upon the side of a lot in an R district, there shall be a side yard of not less than the side yard required in the abutting R District. In all other cases a side yard for a commercial building shall not be required, but if provided, shall not be less than six feet in width.

(c) Rear yard - if the rear of a lot in the CBD-1district abuts upon the R district, there shall be a rear yard of not less than 15 percent of the depth of the lot, but such a rear yard need not exceed 20 feet. In all other cases a rear yard is not required, except if one is provided it shall not be less than eight in depth. In the case of a corner lot abutting a non-residential district on both streets, both interior property lines shall be considered to be side lot lines. (Note: this avoids the need for a rear yard on a corner lot in a CBD-1 district, which would disrupt the continuity of frontage.)

3) Maximum height -The prevailing height of the adjoining street block, as it may be determined by the Planning and Zoning Commission, shall not be exceeded by more than one-story or eighteen-feet (18').

4) RESERVED *(Amended 09/30/08)*

5) RESERVED *(Amended 09/30/08)*

6) RESERVED *(Amended 09/30/08)*

7) Maximum Front Yard Setback – New Building shall have a maximum five- foot setback from the front property line or a zero setback from the prevailing line as this may be determined by the Planning and Zoning Commission.

8) Lot Frontage Coverage - New buildings shall be designed to cover at least 75 percent of the lot frontage, however, in the case where the prevailing lot frontage coverage (as determined by the Planning and Zoning Commission) is more than 75% that degree of coverage shall be required. If the prevailing lot frontage coverage is less than 75%, then the Commission may, if it determines that the purpose of this zoning district is furthered, allow the lot frontage coverage to be as low as the prevailing lot frontage coverage

530.6 Off-Street Parking and Loading

Off-street parking and loading spaces shall be provided for each lot within the district in accordance with the provisions of Article VI, Section 614 of these regulations.

530.7 Facade Review

The Commission for evaluation of architecture and design shall review any new facade or change in the facade of an existing building. The Commission shall refer a copy of any facade plan to the Design Review Board of the Historic District Commission, and the Planning and Zoning Commission shall give due consideration to any report filed with it by said Committee prior to rendering a decision on the facade plan. If no report is received from said Committee within thirty-five (35) days of the referral, it shall be presumed that the Committee has no objection to the facade plan. *(Amended 02/10/86)*

530.8 Permanent Facade Extensions

Facade extensions on ground or upper floors are permitted subject to issuance of a special permit by the Planning and Zoning Commission. Extending certain building fronts into the right-of-way is desirable from a design viewpoint as it enhances the pedestrian environment by injecting interest and animation to the streetscape. From a private viewpoint, it increases square footage of stores in a manner, which maximizes exposure of their products. Because many buildings along major thoroughfares are of historic or architectural significance, extension of facades may not be appropriate. However, many opportunities do exist in which facade extensions would be desirable.

The extensions could exist in a variety of physical forms but must adhere to the following general criteria:

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1) Granting of a right of encroachment by the City Council.

2) Detailed review of the design treatment of the building and its impact on the block face is required.

3) The extensions must be at least 75 percent transparent.

4) Displays must be pedestrian focused.

5) The entire facade is renovated as part of any extension.

6) No more than 35 percent of a block face is available for extensions.

7) All extensions are illuminated during evening hours until midnight.

8) No extensions are permitted on certified historic buildings unless concurrence of the State Historic Preservation Officer is obtained.

9) Access to underground utilities must be considered in the design.

Several types of extensions are possible and are enumerated below to serve as guidelines for property owners, the Planning and Zoning Commission and Zoning Official:

1) Display Windows: Ground floor extensions into the right-of-way for purposes of display of goods. Extensions limited to 1 1/2 to 2 feet and taking the form of a bay window or similar projection. Should be primarily transparent except for window mullions and support and be illuminated. Goods displayed should be presented in a highly attractive manner to add color and interest to the street scene. Could also be developed at second floor level.

2) Display Kiosks: Free standing structure adjacent to store and displaying goods contained in store. The requirements for transparency, illumination and retail presentation outlined for the display windows are applicable here.

3) Ground Level Storefront Extension: Extensions should be developed at grade with materials at least 75 percent transparent excluding the roof element. Pedestrian's view of the activities within is to be maximized and visual competition between the new extension and the original building should be minimized.

4) Upper Level Extension: This form of extension is not appropriate for certified historic buildings. The extension must be carefully scaled to the facade of the building from which it originates. The extension could be cantilevered from its host building or supported by columns and terminated below any cornice work or, if none exists, that of adjacent buildings. Again, maximum transparency on all

side surfaces to permit views out and in is a key objective. Evening lighting is important to producing interest to the street scene. This type of extension is feasible for streets where the narrow sidewalk width does not permit ground level extensions.

530.9 Conversion of an existing building to residential dwelling. *(Amended 8/23/05)*

As a means of preserving existing sound buildings, especially historically or architecturally significant structures, as well as to encourage population in the central business area and provide an additional housing resource, subject to the issuance of a Special Permit, conversion of existing
buildings that do not meet minimum lot size requirements for residential use or additional residential units is permitted, provided that:

(a) The building is in existence on the effective date of this regulation.

(b) The minimum floor area of a dwelling unit not containing a separate bedroom shall be 400 square feet.

(c) The minimum floor area of a one bedroom dwelling unit shall be 600 square feet.

(d) Off-street parking space shall be provided in accordance with requirements of Article VI, Section 614 of this regulation, and such space shall be located within 500 feet of the premises.

(e) No residential unit is located on the street level floor(s) unless a Special permit under 530.2 (43) has been obtained.

530.10 Approval of Buildings with Mixed Residential and Commercial Uses *(Amended 08/23/05)*

Buildings with mixed residential and commercial uses are allowed upon the issuance of a Special Permit subject to the following requirements:

(a) Separate entrances and exits shall be provided for residential and non-residential portions of the building.

530.11 Approval of New Construction *(Amended 8/23/05)*

Any construction of new principal buildings or any of the following changes which comprise more than 10% of the gross floor area of the existing principal building: new accessory buildings, additions to accessory buildings, major additions to existing buildings are allowed only by Special Permit. Additions to buildings made after the effective date of this regulation change shall be considered on a cumulative basis towards the 10% threshold requiring a Special Permit under this regulation.

Section 535 <u>CBD-2 - Central Business District</u>

(AMENDED 9/30/08)

535.1 Purpose of District. To provide for and encourage a variety of retail businesses, business and professional offices, service businesses, entertainment and cultural establishments and related activities such as parking and pedestrian spaces in a manner that minimizes potential conflict between uses but supports a pedestrian friendly, human scale of development that does not compete with the focus of activity in the CBD-1 District.

535.2 Permitted Uses. The following uses are permitted by right:

1) Retail stores operating between the hours of 6:00 am and 11:00 pm.

2) Service business, such as, but not limited to, barber shops, beauty parlors, tailors and dry cleaning stores, custom dressmaker, jewelry repair, shoe repair, travel agent, appliance repair, duplicating business operating between the hours of 6:00 am and 11:00 pm. Automotive service and/or repair are not permitted

3) Restaurants operating between the hours of 6:00 am and 11:00 pm.

4) Business or professional offices operating between the hours of 6:00 am and 11:00 pm.

5) Banks excluding drive-thru windows operating between the hours of 6:00 am and 11:00 pm.

6) Art galleries operating between the hours of 6:00 am and 11: 00 pm.

7) Facilities for training in the martial arts, dancing, gymnastics, music, fashion design, or teaching the performing arts operating between the hours of 6:00 am and 11:00 pm.

8) Single-family, two-family, or multi-family residential dwellings (excluding units located on street level floors), subject to the density requirements of the R-3 Zone. *(Amended 12/15/08)*

9) Tattoo Parlors/ Tattoo Facilities subject to the following requirements: (*Amended 03/31/09)*

   (a) Shall ensure compliance with Connecticut General Statutes Section 19a-92a & 19a-92a-1 (as may be amended);
   (b) Shall ensure compliance with any & all local ordinances & health codes as maybe amended;
   (c) Hours of operation are limited to 6:00 a.m. to 11:00 p.m.;

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10) Home Based Businesses in accordance with Article IV, Section 400.2 (2) and Article V, Section 500.2 (7). *(Amended 12/21/12)*

535.3 Uses permitted subject to issuance of a Special Permit by the Planning and Zoning Commission in accordance with the requirements of Article VIII, Section 810 of this regulation:

1) Banks excluding drive-thru windows operating between the hours of 11:00 pm and 6:00 am.

2) Business or professional offices operating between the hours of 11:00 pm and 6:00 am.

3) Newspaper printing.

4) Small Scale Artisan, Art, and Craft Workshop – The small scale production of artisan works, art, and craft works such as stained glass, ceramics, art work, etc. that involve hand manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing of products through the use of computers, hand tools, and/or domestic mechanical equipment and the incidental direct sale of only those goods so produced or processed provided that:

   (a) The production and/or processing area shall be fully concealed from any street and at least 20 percent of the gross ground floor area shall be devoted to retail sale.

   (b) The use shall be free of nuisance characteristics and will have no adverse affect on neighboring uses.

   (c) The Planning and Zoning Commission may limit the hours of operation of this use when it determines that the protection of the public health, safety, or welfare of the public, in general, or the immediate neighborhood, in particular may warrant such a limitation.

5) Libraries and museums.

6) Arts and crafts studios.

7) Transportation terminal including ticket sales, waiting area, restaurants, newspaper, and candy shops.

8) Places of worship.

9) Hotels, motels, and conference facilities.

10) Institutions for higher learning, business, vocational, and training schools, including colleges, universities, junior colleges, business, banking, business management, secretarial and office schools, art and drafting schools:

a) The curriculum shall satisfy the requirements of the Connecticut State Department of Education.

11) Theaters.

12) Drinking establishments and nightclubs.

13) Taverns.

14) Public parking lots and garages, provided that:

(a) There is no automotive service or repair;

(b) The use will not increase traffic congestion in the streets abutting the property.

(c) Some combination or wall/fencing and/or landscaping (with) in a five-foot buffer strip shall be maintained along all areas where a parking lot fronts a public street. All plant materials shall be of a sufficient size at time of planting to provide an immediately functional visual buffer and planted at a density that will result in relatively full coverage of the buffer strip at plant maturity. Trees shall be 3½ inches caliper dbh at time of planting. Landscaping elements shall only include those that grow or are maintained at a low height (less than three feet) and shall include a combination of formal evergreen hedges and trees (one tree per fifty-five feet of street frontage) unless an alternative is determined by the Commission to be more appropriate.

15) Billiard parlors, bowling alleys, and skating rinks.

16) Radio, television, or recording studios.

17) Funeral Parlors.

18) Fast food restaurant, without drive-thru windows provided that eating on the premises shall be permitted only inside the structure or in areas specifically designated and properly maintained outside of the structure.

19) Bed & Breakfast Inns in accordance with the requirements of Article IV, Section 400.3 (10).

20) Tourist Homes in accordance with the requirements of Article IV, 420.3 13).

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21) Business Records Document Storage Facility.

22) Retail stores operating between the hours of 11:00 pm and 6:00 am.

23) Service business, such as, but not limited to, barber shops, beauty parlors, tailors and dry cleaning stores, custom dressmaker, jewelry repair, shoe repair, travel agent, appliance repair, duplicating business operating between the hours of 11:00 pm and 6:00 am. Automotive service and/or repair are not permitted.

24) Restaurants either with beer, wine or liquor service operating between the hours of 11:00 pm and 6:00 am.

25) Art galleries operating between the hours of 11:00 pm and 6:00 am.

26) Facilities for training in the martial arts, dancing, gymnastics, music, fashion design, or teaching the performing arts operating between the hours of 11:00 pm and 6:00 am.

27) Brew-pub (smaller than 10,000 square feet of gross floor area) provided that:

28) There is no outdoor entertainment with electrically amplified music.

29) Live/work units provided that, in addition to the general Special Permit criteria of Section 810 B, the following criteria are met:

(a) The resident owner of the business certifies annually to the Zoning Enforcement Officer that only he/she and other members of his/her household are living in the space.

(b) The conducted manufacturing, art making use or business takes place subject to a valid business license associated with the premises.

(c) The live-work manufacturing, art making use or business office activity may employ up to two persons who do not reside in the live-work space.

(d) At least fifty percent (50%) of the floor area within each live-work unit shall be designated, reserved, and used as work space for the permitted manufacturing, art making use or business office activity.

(e) Sixty-percent (60%) of the street-facing façade between two-feet (2’) and eight (8) feet above the sidewalk shall be transparent.

(f) The transparent areas of the facades shall be designed and maintained to allow unobstructed views from the outside into the structure or into display windows that have a minimum thirty-inch (30”) depth.

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(g) The Planning and Zoning Commission may limit the hours of operation of the manufacturing, art making use or business office activity when it determines that

the protection of the public health, safety, or welfare of the public, in general, or the immediate neighborhood, in particular may warrant such a limitation.

30) Single or two–family residential use at street level when the building can be historically documented to have been, or where an analysis by a licensed architect or comparable professional acceptable to the Planning and Zoning Commission can certify that, the building was originally constructed and used for residential purpose, at the street level, to the satisfaction of the Planning and Zoning Commission after a referral to the Historic District Commission for comment which shall be made thirty-five days prior to the commission making a decision on a Special Permit application made under this section.

The Commission shall give due consideration to any written report made regarding said referral. *(Amended 12/15/08)*

535.4 Accessory Uses.

1) Accessory uses customary or incidental to a permitted use.

2) Outdoor entertainment that includes electrical sound amplification is not an allowed accessory use in this zone.

3) Keeping of animals according to Section 622 A. (*Amended 08/10/12)*

535.5 Lot and Bulk Requirements

1) Minimum yards or setbacks:

(a) Front - none.

(b) Side yards - if the side of a lot in the CBD-2 district abuts upon the side of a lot in an R district, there shall be a side yard of not less than the side yard required in the abutting R District. In all other cases a side yard for a commercial building shall not be required, but if provided, shall not be less than six feet in width.

(c) Rear yard – if the rear of a lot in the CBD-2 district abuts upon the R district, there shall be a rear yard of not less than 15 percent of the depth of the lot, but such a rear yard need not exceed 20 feet. In all other cases a rear yard is not required, except if one is provided it shall not be less than eight in depth. In the case of a corner lot abutting a non-residential district on both streets, both interior property lines shall be considered to be side lot lines. (Note: this avoids the need for a rear yard on a corner lot in a CBD-2 district, which would disrupt the continuity of frontage.)

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2) Maximum height - The prevailing height of the adjoining street block, as it may be determined by the Planning and Zoning Commission, shall not be exceeded by more than one-story or eighteen-feet (18’), whichever is greater. The Commission may waive this

requirement for buildings that the Commission determines to be of unusual design excellence. In making this determination the Commission may seek the advise of a professional architect licensed to practice in the State of Connecticut (the fee for whose services may be charged to the applicant as provided for by City Ordinance), This determination shall also address compliance with the following criteria:

(a) The massing, roof design, and remainder of the design of the exterior of the building shall adequately incorporate and address and Design Review Guidelines for the CBD districts or any similar document that may be adopted by the Commission.

(b) The exterior of the building shall reflect the use of material of an enduring quality.

(c) The creation of parking under, within, or on top of the building, or the Commission finds that the parking requirements are substantially exceeded in another acceptable manner.

(d) The facades of the street level floors fronting City owned roads shall be reserved for use by non-office commercial uses.

3) Maximum Front Yard Setback - New buildings shall have a maximum five-foot setback from the front property line or a zero set back from the prevailing building line as this may be determined by the Planning and Zoning Commission.

4) Lot Frontage Coverage - New buildings shall be designed to cover at least 60 percent of the lot frontage, however, in the case where the prevailing lot frontage coverage (as determined by the Planning and Zoning Commission) is more than 60% that degree of coverage shall be required. If the prevailing lot frontage coverage is less than 60%, then the Commission may, if it determines that the purpose of this zoning district is furthered, allow the lot frontage coverage to be as low as the prevailing lot frontage coverage.

535.6 Off-Street Parking and Loading

Off-street parking and loading spaces shall be provided for each lot within the district in accordance with the provisions of Article VI, Section 614 of these regulations.

535.7 Facade Review

Any new facade or change in the facade of an existing building shall be reviewed by the Commission for evaluation of architecture and design. The Commission shall refer a copy of any facade plan to the Design Review Board of the Historic District Commission, and the Planning

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and Zoning Commission shall give due consideration to any report filed with it by said Committee prior to rendering a decision on the facade plan. If no report is received from said

Committee within thirty-five (35) days of the referral, it shall be presumed that the Committee has no objection to the facade plan. *(Amended 02/10/86)*

535.8 Permanent Facade Extensions

Facade extensions on ground or upper floors are permitted subject to issuance of a special permit by the Planning and Zoning Commission. Extending certain building fronts into the right-of-way is desirable from a design viewpoint as it enhances the pedestrian environment by injecting interest and animation to the streetscape. From a private viewpoint, it increases square footage of stores in a manner, which maximizes exposure of their products. Because many buildings along major thoroughfares are of historic or architectural significance, extension of facades may not be appropriate. However, many opportunities do exist in which facade extensions would be desirable.

The extensions could exist in a variety of physical forms but must adhere to the following general criteria:

1) Granting of a right of encroachment by the City Council.

2) Detailed review of the design treatment of the building and its impact on the block face is required.

3) The extensions must be at least 75 percent transparent.

4) Displays must be pedestrian focused.

5) The entire facade is renovated as part of any extension.

6) No more than 35 percent of a block face is available for extensions.

7) All extensions are illuminated during evening hours until midnight.

8) No extensions are permitted on certified historic buildings unless concurrence of the State Historic Preservation Officer is obtained.

9) Access to underground utilities must be considered in the design.

Several types of extensions are possible and are enumerated below to serve as guidelines for property owners, the Planning and Zoning Commission and Zoning Official:

1) Display Windows: Ground floor extensions into the right-of-way for purposes of display of goods. Extensions limited to 1 1/2 to 2 feet and taking the form of a bay

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window or similar projection. Should be primarily transparent except for window mullions and support and be illuminated. Goods displayed should be presented in

a highly attractive manner to add color and interest to the street scene. Could also be developed at second floor level.

2) Display Kiosks: Free standing structure adjacent to store and displaying goods contained in store. The requirements for transparency, illumination and retail presentation outlined for the display windows are applicable here.

3) Ground Level Storefront Extension: Extensions should be developed at grade with materials at least 75 percent transparent excluding the roof element. Pedestrian's view of the activities within is to be maximized and visual competition between the new extension and the original building should be minimized.

4) Upper Level Extension: This form of extension is not appropriate for certified historic buildings. The extension must be carefully scaled to the facade of the building from which it originates. The extension could be cantilevered from its host building or supported by columns and terminated below any cornice work or, if none exists, that of adjacent buildings. Again, maximum transparency on all side surfaces to permit views out and in is a key objective. Evening lighting is important to producing interest to the street scene. This type of extension is feasible for streets where the narrow sidewalk width does not permit ground level extensions.

535.9 Approval of Buildings with Mixed Residential and Commercial Uses

Buildings with mixed residential and commercial uses are allowed upon the issuance of a Special Permit subject to the following requirements:

(a) Separate entrances and exits shall be provided for residential and non-residential portions of the building.

535.10 Approval of New Construction

Any construction of new principal buildings or any of the following changes which comprise more than 10% of the gross floor area of the existing principal building: new accessory buildings, additions to accessory buildings, major additions to existing buildings are allowed only by Special Permit. Additions to buildings made after the effective date of this regulation change shall be considered on a cumulative basis towards the 10% threshold requiring a Special Permit under this regulation.

Section 537 <u>IHZ- Incentive Housing Zone Overlay District</u>
(Amended 12/15/10)

537.1 Purposes. The Incentive Housing Zone is an overlay district whose purposes are:

1) To assist the City of New London in complying with the State Zoning Enabling Act, Connecticut General Statute §8-2, by adopting zoning regulations that promote housing choice and economic diversity, including housing for moderate income households.

2) To promote the revitalization of New London's Downtown by encouraging residential or mixed-use development that will provide for a variety of housing and business opportunities in a pedestrian oriented environment.

3) To encourage use of underutilized land areas on parcels with existing development where new housing would be compatible with and complimentary to existing uses on the site and in the downtown.

4) To encourage rehabilitation and renovation of existing historic and older buildings in the downtown to convert underutilized space in the upper stories to residential use.

5) To encourage smart growth and low-impact development.

6) To ensure high quality and creative site planning, architecture, and landscape design that is consistent with the downtown and the specific subdistrict where the proposal lies, the distinct visual character of the historic structures in New London, and the scenic beauty of the waterfront and historic areas.

537.2 Location. The boundaries of the IHZ Overlay District are shown on the City of New London Zoning Map. The IHZ Overlay District is further divided into subdistricts as shown on the supplementary IHZ map.

537.3 Applicability.

1) The regulations in this §537 shall apply to any proposed Incentive Housing Development within the IHZ Overlay District. The provisions of the underlying zoning district shall not apply to a proposed Incentive Housing Development unless otherwise indicated in this §537, and such underlying zoning designation shall terminate upon approval of a site plan of an Incentive Housing Development. Reinstatement of the underlying zoning shall automatically occur upon rescission of the site plan, approved by vote of the Planning & Zoning Commission.

2) The provisions of the following sections of the New London Zoning Regulations shall apply to an Incentive Housing Development proposal. No other sections shall be applicable unless specifically made applicable by and within this §537.

a) Article II, definitions

b) §601, Swimming Pools

c) §602, Tennis Courts, Paddle Tennis Courts, and Similar Accessory Recreation Facilities

d) §607, Accessory Buildings and Structures

e) §608, Exceptions and Modifications-Height Limits

f) §609, Earth Products Extraction and Fill

g) §610, Regulations Concerning the Sale of Alcoholic Liquor

h) §611, Vending Machines

i) §612, Wind Energy Conservation Systems, Solar Devices, and Dish Antennas

j) §613, Performance Standards

k) §615, Signs

l) §617, Fences

m) §618, Temporary Forms of Outdoor Entertainment

n) Article IX, Administration and Enforcement

537.4 Description of Subdistricts.

1) Eastern Core. This subdistrict is 31.6 acres excluding rights-of-way, and overlays the CBD-1 District in the downtown area (northeast of Sparyard Street). It includes the area between Eugene O'Neill Drive and Water Street, State Street, and Bank Street-the core of the historic center of New London. This area has experienced numerous changes in uses and architectural styles over the past four centuries, resulting in an eclectic mix of buildings today. The intent of this IHZ subdistrict is to contribute to the revitalization of New London's downtown by creating opportunities for reuse of underutilized upper stories in existing buildings as well as for redevelopment of underutilized sites for new mixed use buildings with residential uses in the upper stories. Non-residential use of street level space is required, to enhance the streetscape as an interesting pedestrian oriented environment with many places to go (shops, restaurants, galleries, etc.).

2) North/South. This subdistrict is 16. 56 acres excluding the rights-of-way and corresponds to the CBD-2 District. Split by the Eastern Core subdistrict, this area includes development that is not as dense, primarily as a result of the urban renewal efforts in the late 1960's. Several historic properties remain, including the four Whale Oil Row homes (now offices), the Acorn Barns House at 68 Federal Street (also offices), and the Bishop House (now offices and apartments) among others. Many of the more modern buildings are located in this subdistrict, including the 1914 Monte Cristo Garage (now mixed use with housing and commercial), the Radisson Hotel, and the Southern New England Telephone complex. The intent of this subdistrict is to contribute to the revitalization of New London's downtown by creating opportunities for redevelopment of underutilized properties to include residential uses. Non-residential use of street level space is encouraged where surrounding properties would not be conducive to residential use at the street level, to enhance the streetscape and weave these areas into the fabric of the downtown.

3) Northwest. This subdistrict is 2.56 acres (there are no rights-of-way within it), and is underlain by the C-1 District. This small area is adjacent to the historic properties along the eastern side of Huntington Street, and includes three properties which are currently underutilized for their location at the edge of the downtown and near the courthouse. The intent of this subdistrict is to provide opportunity for redevelopment of these sites to better incorporate this area into the downtown, to improve the appearance of the streetscape adjacent to Whale Oil Row, and to better utilize the land area available.

537.5 Permitted Uses and Dimensional Requirements.

1) Within the Eastern Core Subdistrict:

(a) Uses:

1. Non-residential uses specified in §530.2 (CBD-1) shall be permitted by right.

2. Non-residential uses specified in §530.3 (CBD-1) shall be permitted by special permit.

3. Multi-family residential use shall be permitted by right but is not permitted on the street level.

4. Live/Work residential units shall be permitted by right provided they are located on the upper floors and they meet the criteria listed under Section 530.3 paragraph 44 (a) through (g).

(b) The density of residential units shall be:

1. a maximum of 20 dwelling units per acre (du/a), or

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2. greater than 20 dwelling units per acre, provided:

i the project is to renovate an existing building of historic value without increasing the building envelope (i.e. no increase in footprint or height)

ii the units are a minimum of 600 square feet; and

iii each unit has its own full kitchen and full bathroom.

2) Within the North/South Subdistrict:

(a) Uses:

1. Nonresidential uses specified in §535.2 (CBD-2) shall be permitted by right.

2. Nonresidential uses specified in §535.3 (CBD-2) shall be permitted by special permit.

3. Townhouses and multi-family residential uses are permitted by right.

4. Live/work residential units shall be permitted by right provided they are located on the upper floors and they meet the criteria listed under Section 535.3 paragraph 29 (a) through (g).

(b) The density of residential units shall be:

1. a maximum of 27.5 dwelling units per acre (du/a), or

2. greater than 27.5 dwelling units per acre, provided:

a. the project is to renovate an existing building of historic value without increasing the building envelope (i.e. no increase in footprint or height);

b. the units are a minimum of 600 square feet; and

c. each unit has its own full kitchen and full bathroom.

3) Within the Northwest Subdistrict:

(a) Uses:

1. Nonresidential uses specified in §535.2 (CBD-2) shall be permitted by right.

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2. Nonresidential uses specified in §535.3 (CBD-2) shall be permitted by special permit.

3. Townhouse and multi-family residential uses shall be permitted by right.

(b) The density of residential units shall be a maximum of 20 dwelling units per acre (du/a).

4) The following dimensional requirements shall apply to all subdistricts within the IHZ:

(a) The minimum lot size shall be 5,000 square feet unless the lot is less than 5,000 square feet and was in existence on the effective date of this amendment.

(b) The minimum building setback distance is zero, and the maximum setback distance from the street right-of-way line shall be 20 feet, but such distance is only permitted when the space between the building and the sidewalk is used for public space (e.g. outdoor seating, pocket park, or entry courtyard). However, for corner lots where new construction is proposed, the provisions of §606 shall apply.

(c) The minimum parking facility setback shall be 3 feet, except for lots that are less than 5,000 square feet in size, which shall provide decorative screening (fence, wall) between the sidewalk or street and the parking facility, with no setback requirement.

(d) The maximum height of new buildings or additions to existing buildings shall be four stories, except for the east side of Bank Street where the maximum height shall be three stories, provided the third story is constructed with a "penthouse" setback of 15 feet from the side walls of the building; said 15 feet can be entirely on one side or split between the two sides of the building.

(e) There shall be no minimum or maximum requirements for lot frontage, lot coverage, or building coverage.

(f) The provision of on-site parking spaces shall not be required with the exception that projects involving new construction, including projects where existing buildings are demolished, shall provide on-site parking for residential units at a ratio of 1 space per residential unit, and for non-residential uses at 50% of that required in §614.B.

537.6 Application Process.

1) Pre-Application Review. Applicants are required to participate in a pre-application meeting with the City staff. The purpose of this pre-application meeting is to obtain the advice and direction of the staff prior to filing the application.

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2) Application Requirements. As part of any application for an Incentive Housing Development, the Applicant must submit the following:

(a) Sixteen copies and the original of the site plan in compliance with §800 of the New London Zoning Regulations, with the exception that §800 H.12 shall not be required for any Incentive Housing Development application. In addition, architectural drawings shall be submitted for each application, and shall show sufficient detail for all sides of the building(s) to determine compliance with the Incentive Housing Zone Design Standards.

(b) Site plan application fees, as specified in the Planning & Zoning Commission's fee schedule.

(c) Submission shall be made to the Planning & Zoning Commission 22 days prior to a regular meeting.

3) Professional Consultant Review Fees. When the Commission determines that a peer-review of the technical aspects of an application for an Incentive Housing Development is required to enable the Commission to render a reasonable decision, the Commission may require, after notice of estimated amount, the Applicant to pay the fees for professional consultants. Such fees shall be accounted for separately by the City from other moneys and maintained in an interest-bearing account and used only for expenses associated with the technical review of the application by consultants who are not otherwise salaried employees of the City or the Planning & Zoning Commission. Any amount in the account remaining after payment of all expenses for technical review, including any interest accrued, shall be returned to the Applicant no later than forty-five (45) days after the completion of technical review.

4) Referrals to City Agencies. The Commission may refer copies of an Incentive Housing Development Application to other City agencies as necessary to determine compliance with municipal ordinances.

5) Public Hearing. A public hearing shall be conducted for any site plan application seeking approval for an Incentive Housing Development. The public hearing shall be conducted in accordance with the requirements of Chapters 124 or 126 and §§ 8-13a et seq., as applicable, of the Connecticut General Statutes, as applicable.

6) The time limits for rendering a decision on a site plan for an Incentive Housing Development shall be governed by the Connecticut General Statutes, as applicable.

7) An application for an Incentive Housing Development shall be approved by the Planning & Zoning Commission provided it is consistent with the New London Zoning Regulations.

8) Conditions shall be imposed on an Incentive Housing Development approval by the Commission only as necessary:

(a) to ensure substantial compliance of the proposed development with the requirements of the incentive housing zone regulations including the design standards, or

(b) to mitigate any extraordinary adverse impacts of the development on nearby properties.

9) An application for an Incentive Housing Development may be denied only if:

(a) the development does not meet the requirements set forth in the New London Incentive Housing Zone regulations (§537 of these Zoning Regulations), or

(b) the Applicant failed to submit information and fees required by the Regulations and necessary for an adequate and timely review of the design of the Incentive Housing Development or potential development impacts, or

(c) it is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of conditions acceptable to the Applicant.

537.7 Incentive Housing Unit Requirements

1) The following regulations shall govern the residential units in an Incentive Housing Development:

(a) Twenty percent (20%) of all dwelling units constructed in an Incentive Housing Development shall be Incentive Housing Units. When a calculation performed under this subsection results in a number that includes a fraction, the fraction shall be rounded up to the next whole number.

(b) Incentive Housing Units shall be rented or sold to and occupied only by Eligible Households.

(c) Each Incentive Housing Unit shall be subject to an Incentive Housing Restriction, which shall be recorded on the New London Land Records. All Incentive Housing Restrictions must include, at a minimum, the following:

(1) A description of the Incentive Housing Development, including whether the Incentive Housing Units, at the time of initial occupancy, will be rented or owner-occupied.

(2) An identification of the Incentive Housing Units.

(3) The name and address of the Incentive Housing Administrator.

(4) A requirement that only an Eligible Household may reside in an Incentive Housing Unit.

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(5) The formula pursuant to which rent of a rental unit or the maximum sale or resale price of a homeownership unit will be calculated.

(1) The term of the Incentive Housing Restriction, which shall be a minimum of thirty (30) years, calculated on a per unit basis from the date of the initial residential occupancy of each Incentive Housing Unit.

(7) Provision for monitoring and enforcement of the terms and provisions of the Incentive Housing Restriction by the Planning & Zoning Commission or their designee.

(8) Provision that the Incentive Housing Administrator shall file an annual report to the Planning & Zoning Commission, in a form specified by the Commission, certifying compliance with the provisions of this §537.7.

537.8 Design Standards. All Incentive Housing Developments shall comply with the New London Incentive Housing Zone Design Standards.

Section 540 <u>WD - Waterfront Development District</u>

(Amended 11/15/98)

540.1 Purpose of District. The purpose of the Waterfront Development District is to encourage a mixture of land uses, with emphasis on waterfront access and water dependent and related uses.

The City of New London contains a number of valuable waterfront areas along the Thames River, which have potential for waterfront development of different types. In accordance with the City's planning objectives outlined in the Coastal Area Management Plan (CAM) and in the Plan of Development, portions of the waterfront are to be devoted to non-industrial uses and other portions to industrial and port uses. The Waterfront Development District is designed to achieve the most appropriate use of land and structures in the predominantly marine business non-industrial portions of these waterfront areas and consistent with the design guidelines included here and in Municipal Coastal Program adopted by the Planning and Zoning Commission.

540.1a Permitted Uses. The following uses are permitted by right. *(Amended 12/21/11)*

1) Institutions for higher learning, business, vocational, and training schools, including colleges, universities, junior colleges, business, banking, business management, secretarial and office schools, art and drafting schools, school for training in the martial arts, dancing, gymnastics, and music, schools for fashion design; subject to the following requirements:

   (a) The curriculum shall satisfy the requirements of the Connecticut State Department of Education.

   (b) No accommodations for resident students shall be permitted.

   (c) No music or noise shall be audible beyond the immediate premises.

   (d) Such use shall be no more than 1800 sf. ft in size.

2) Home Based Businesses in accordance with Article IV, Section 400.2 (2) and Article V, Section 500.2 (7). *(Amended 12/21/12)*

540.2 Uses permitted subject to the issuance of a Special Permit by the Planning and Zoning Commission in accordance with the provisions of Article VIII Section 810 of these regulations.

1) Public and private parks and playgrounds.

2) Yacht clubs and marinas, including uses accessory to them such as swimming pools, tennis courts, racquet ball facilities.

3) Boat docks, slips, piers and wharves for yachts and pleasure boats or for boats for hire carrying passengers on excursions, ferry boat piers and transportation terminals, pleasure, or fishing trips or for vessels engaged in fishery or shell fishery.

4) A yard for building, storing, repairing, selling or servicing boats which may include the following as an accessory use: office for the sale of marine equipment or products, dockside facilities for dispensing fuel, restroom and laundry facilities to serve overnight patrons. Adequate lanes must be provided to allow access and egress throughout the yard for fire apparatus.

5) Boat and marine engine sales and display.

6) Yacht broker, marine insurance broker.

7) The rental of boats.

8) Retail sale or rental of boating, fishing, diving, and bathing supplies and equipment.

9) A sail loft or ship's chandlery.

10) Museums with nautical themes.

11) Manufacturing, fabrication, processing, and assembly of goods and products which were in existence on the effective date of this regulation.

12) Petroleum and related fuel storage and distribution facilities which were in existence on the effective date of this regulation.

13) Parking facilities. *(Amended 06/04/85)*

14) Base operations for fishing and lobstering business, including as an accessory use of such business a store or market for the sale of fish, shellfish, and other related food products, and/or the commercial bulk processing of fish and shellfish.

15) Retail stores and service establishments.

16) Restaurants. *(Amended 02/10/86)*

17) Business and professional offices.

18) Multi-family residential uses up to a maximum density as provided for in the R-3 Zone.

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19) Hotels and motels.

20) Public utility installations.

21) Radio or television antennas, flagpoles, towers, chimneys, water tanks or standpipes, any of which extend more than 25 feet above the ground.

22) Art and craft studios and shops.

22) Structural additions to existing manufacturing, fabrication, processing and assembly facilities and existing petroleum and related fuel storage and distribution facilities.

24) Commercial entertainment establishments catering primarily to persons below the legal age for drinking alcoholic beverages, subject to the following conditions:

(a) The minimum area devoted to patron use shall be 1,000 square feet.

(b) A drop-off and pick-up location for vehicles near a well-lighted entrance shall be provided.

(c) Off-street parking areas shall be illuminated.

(d) No such use shall be located closer than 500 feet to any similar establishment or to any establishment serving or selling alcoholic beverages, except that this provision shall not apply to restaurants which provide alcoholic beverages, only from a service bar. *(Amended 05/08/85)*

25) Child Day Care Center, subject to the requirements of Section 420.3.6 herein. *(Amended 08/15/02)*

26) Institutions for higher learning, business, vocational, and training schools, including colleges, universities, junior colleges, business, banking, business management, secretarial and office schools, art and drafting schools, school for training in the martial arts, dancing, gymnastics, and music, schools for fashion design; subject to the following requirements:

(a) The curriculum shall satisfy the requirements of the Connecticut State Department of Education.

(b) No accommodations for resident students shall be permitted.

(c) No music or noise shall be audible beyond the immediate premises.

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(d) Such use shall not occur on the first floor of the premises.

(e) The subject site shall have frontage on Bank St. and/or Howard St.

540.3 Accessory Uses *(Amended 03/23/94)*

1) Off-street parking.

2) Signs subject to the requirements of Article VI, Section on 615

3) Enclosed storage.

4) Amusement device.

5) Accessory uses customary or incidental to a permitted use.

6) Keeping of animals according to Section 622 A. *(Amended 08/10/12)*

540.4 Lot and Bulk Requirements

1) Minimum lot size - 20,000 square feet.

2) Minimum lot width - 50 feet.

3) Minimum lot frontage - 50 feet.

Where the Commission deems it desirable and feasible, it may approve a site plan for a use which does not have frontage on a public street, provided that the lot meets all other requirements and access is assured by covenants or other instrument acceptable to the Planning and Zoning Commission.

4) Minimum setbacks.

Front yard - 20 feet, except in no case shall new construction at the foundation line be less than 25 feet from the Thames River at mean high water level elevation; on

Side yard - 10 feet; the Commission may permit a reduction in the side yard to "o" if in its judgment such a reduction will help to achieve the purposes of the district. If a side yard is provided, however, it must be at least 10 feet.
Rear yard - 20 feet, except in no case shall new construction at the foundation line be less than 25 feet from the Thames River at mean high water elevation.

5) Maximum lot coverage of principal and accessory buildings - 50 percent.

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6) Maximum height - 25 feet, except (1) the maximum height may be increased by special permit, provided that parking is created under, within, or on top of the structure, or the commission finds that the parking requirements are substantially exceeded in some other

manner of off-street parking, or except (2) as provided in Article V, Section 540.8.1 below. *(Amended 12/05/88)*

7) Building width.

The total cumulative width of buildings, structures, fences or walls more than 30 inches in height above the finished grade which are located adjacent to the Thames River shall not occupy more than 40 percent of the width of a parcel as measured along a line parallel to and 25 feet from the river, except as provided for in Article V, Section 540.8.2 below.

540.5 Off-Street Parking & Loading

Off-street parking and loading spaces shall be provided for each lot within this district in accordance with the provisions of Article VI, Section 614 of these regulations, except as follows:

1) Because the WD District is important to the City's economy, provides a local service and employment base, and because its physical integrity must be enhanced, and further because it is desirable to utilize existing buildings as fully and as efficiently as possible, required parking for uses within the WD District may be provided on sites other than the site which they serve provided that:

(a) Said spaces are within 500 feet walking distance of the lot or use which they serve.

(b) The parking lot or spaces shall conform to the provisions of the district in which they are located. In the case of a privately owned lot which is serving a primary use outside the district in which it is located, the parking area shall be classified as a permitted accessory use.

(c) Such spaces shall be in the same ownership as the use which they serve and shall be subject to a deed restriction binding the owner and his heirs and assigns to maintain the required number of spaces either (1) throughout the existence of the use to which they are accessory, or (2) until such spaces are provided elsewhere.

Required off-street spaces which, after development, are dedicated and accepted by the City, shall be deemed to continue to serve the uses for which they were originally provided.

540.6 Design Guidelines

In addition to the considerations set forth for Site Plan Review, Article VIII, Section 800 the Commission shall consider the purposes of this section and the specific design guidelines set forth in the CAM Plan adopted by the Planning and Zoning Commission as well as the following factors during their review:

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1) The quantity and extent of views from the adjacent public streets through the property to the water.

2) The design and relationship of development to the waterfront as viewed from the water.

3) The design and function of any easements or other access provided to and along the shoreline, including new bulkheading or docking facilities.

4) The eligibility of proposed development to utilize any of the development incentives set forth below.

540.7 Modifications to Height and Width as incentives to achieve purposes and design guidelines.

1) Height

(a) For every reduction of 10 percent in coverage under the maximum 50 percent, an additional 10 feet of height may be permitted up to a maximum of 55 feet.

(b) Maximum height may be increased by one story or 10 feet up to a maximum of 55 feet if permanent public access to the river is provided. Such access in the form of a permanent easement shall be at least 12 feet wide from the street to the water and 8 feet along the width of the property along the water.

2) Building Width

Building width may be increased to more than 40% of the width of a parcel as measured along a line parallel to and 25 feet from the river under the conditions set forth below:

(a) Maximum width may be increased to 50 percent if permanent public access to the Thames River is provided as set forth in Article V, Section 540.8.1(b) above.

(b) Maximum width may be increased to 60 percent if more than 50 percent of the buildings and/or property are used for one or more of the following uses:

i. Marinas or tour boat launching.

ii. Sale of marine supplies, services, or equipment.

iii. Manufacture, assembly or repair of marine products such as boats, sails, hardware, etc.

iv. Museums with nautical themes.

Section 550 WCI - 1 Waterfront Commercial-Industrial

(Amended 9/30/08)

550.1 Purpose of the Waterfront Commercial-Industrial District.
Encourage water dependent and water related industrial and major commercial use and where appropriate and feasible, public access, along appropriate portions of the Thames River waterfront consistent with the objectives of the Connecticut Coastal Management Act, and the New London Municipal Coastal Program and Plan of Conservation and Development (see Purposes of Section 540 herein). *(Amended 09/01/98)*

550.1a Permitted Uses. The following uses are permitted by right:

1) Home Based Businesses in accordance with Article IV, Section 400.2 (2) and Article V, Section 500.2 (7) *(Amended 12/21/12)*

550.2 Uses Permitted subject to the issuance of a Special Permit by the Planning and Zoning Commission in accordance with the provisions of Article VIII, Section 810 of these regulations. These specially permitted uses are intended to be allowed in conjunction with the permitted uses cited under Section 550.2 to the greatest extent feasible.

1) Public and private parks and playgrounds.

2) Yacht clubs and marinas, including uses accessory to them such as swimming pools, tennis courts, racquetball facilities.

3) Boat docks, slips, piers and wharves for fishing, yachts and pleasure boats or for boats for hire carrying passengers on excursions, pleasure, or fishing trips or for vessels engaged in fishery or shell fishery.

4) Boat and marine engine sales and display.

5) Yacht broker, marine insurance broker.

6) Rental of boats.

7) Retail sale or rental of boating, fishing, diving, bathing supplies and rental.

8) Base operations for fishing and lobstering business and the commercial bulk processing of fish and shellfish including as accessory use of such business a store or market for the sale of fish, shellfish, and other related food products.

9) Ferry boat piers and terminals.

10) Water related museums and/or educational facilities. *(Amended 10/20/94)*

11) Restaurants.

12) Business and professional offices.

13) Hotels, motels and conference facilities.

14) Retail Stores.

15) Amusement Centers.

16) Commercial recreation, such as, but not limited to, tennis clubs, skating rinks, billiard parlors, miniature golf courses, bowling alleys, health clubs and uses normally accessory thereto (lockers, restaurants, retail sale of goods associated with the particular activity).

17) Buildings with mixed uses subject to the following requirements:

    (a) All lot and bulk requirements for each use are satisfied, unless otherwise modified by the Commission as permitted herein. *(Amended 09/01/98)*

18) Port facilities for bulk shipping and storage facilities, indoor and outdoor.

19) Manufacturing, fabrication, processing and assembly of goods and products.

20) Railroad yards, storage, service and repair.

21) A yard of building, storing, repairing, selling or servicing boats which may include the following as an accessory use: office for the sale of marine equipment or products, dockside facilities for dispensing fuel, restroom and laundry facilities to serve overnight patrons. Adequate lanes must be provided to allow access and egress throughout the yard for fire trucks.

22) Parking facilities and structures. *(Amended 09/01/98)*

23) Museums and/or educational facilities.

24) Drinking Establishments/Cafes. *(Amended 08/07/97)*

25) Laboratories as defined in Section 210 of this ordinance, including but not limited to pharmaceutical research and development facilities, and as part of an overall development plan, accessory uses such as employee fitness centers, cafeterias, helipads and other permitted accessory uses. *(Amended 08/05/99)*

26) Child Day Care Center, subject to the requirements of Section 420.3.6 herein *(Amended 08/15/02)*

27) Solid Waste Management and Recycling Facility *(Amended 10/18/16)*

(a) All portions of the property on which the facility is located must be located more than 100 feet from the Thames River.

(b) Except as otherwise authorized by the Commission, all waste and recyclables receiving, handling, processing and storage shall be entirely within a building. The facility shall be on property and designed and operated to use rail for out-shipment of waste and recyclables.

(c) A buffer area around all sides of the development except the street frontage shall be provided. Buffer width shall be at least Fifteen (15') and shall consist of dense plantings as well as opaque fencing and/or land forms, which will provide a year round visual screen between the use and adjoining uses.

(d) The buffer area and plantings shall be designed, to the extent practicable, to screen all on-site operations from the view of the neighboring properties and public roads however areas devoted to vehicle and equipment movement and parking may be excluded from this requirement.

(e) Any outside waste or recyclable storage area shall be located more than 50 feet from any commercial property boundary line or 500 feet from any residential zoned boundary line and be suitably located on the property to maximize visual screening from adjoining properties and public roads.

(f) The maximum area of the leased or owned premises or property may not exceed o four (4) acres.

(g) At all times that the facility is in operation it must meet the requirements of a permit issued by the Connecticut Department of Energy and Environmental Protection (DEEP) as defined by State of Connecticut law and regulation, including any other permitting obligations or local, State or Federal law and regulation.

(h) The facility shall not be authorized or permitted by CTDEEP to receive either liquid or solid hazardous waste material as defined by applicable law and these regulations.

(i) Prior to conducting any operations at the property, an Operations and Management Plan approved by the CTDEEP must be provided to the appropriate

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City departments including Fire, Police, Public Works, Building, and others to be determined by the Commission.

(j) The acceptable materials for a "Solid Waste Management & Recycling Faculty" shall include glass, metal plastic containers, paper, textiles, and scrap metal or as defined by the State of Connecticut for such facility; except for motor vehicles and motor vehicle parts which are specifically excluded.

(k) Any portion of the site traversed by vehicles or used for the transport or storage of materials shall be paved to create an impervious surface. All drainage from these impervious surfaces shall be directed through a stormwater treatment system that will include all appropriate and reasonable Best Management Practices consistent with the Connecticut Stormwater Manual and satisfactorily address any recommendations of the Department of Public Works and the Connecticut Office of Long Island Sound Programs that may be adopted by the Planning and Zoning Commission in any Special Permit they may issue pursuant to this regulation.

(l) All processing must be done inside a building approved for such processing.

(m) Storage of any non-marketable residue shall be limited to an area enclosed by a fully opaque fence with a gate of identical material. Such area shall be limited in area to a 200 square foot. enclosure, no more than eight feet high.

(n) Evidence shall be submitted prior to the issuance of a Zoning Permit for this use that registration under the "General Permit for the Discharge of Stormwater Associated with Industrial Activities" from the State of Connecticut Department of Environmental Protection (DEP) has been obtained. A copy of the required Stormwater Pollution Prevention Plan (PLAN) shall be provided to the ZEO upon its approval by DEP and at anytime upon request of the ZEO. Failure to maintain a current PLAN or be compliant with the PLAN may be grounds for the revocation of any Special Permit issued under this section.

(o) If a Phase I Environmental Assessment is required by another agency the document shall be submitted with the Special Permit application.

(p) The applicant shall demonstrate to the Commission's satisfaction that the proposed site is not suitable for a water-dependent use including public access.

(q) If the Commission determines that the site is not suitable for a commercial or industrial water-dependent use, but is suitable for public access, then the proposed development shall include a significant and useable public access component and the operator shall maintain the public access infrastructure and all associated landscaping and signage as long as the processing facility is in operation.

550.3 Accessory Uses

1) Off-street parking and loading.

2) Signs subject to the requirements of Article VI, Section 615

3) Enclosed storage.

4) Suitably screened dumpster(s).

5) Suitably screened public utility installations.

6) Accessory uses customary or incidental to a permitted use.

7) Uses which provide general public access to the waterfront. Access may be provided by any approved means including, but not limited to, easements, boardwalks, decks or other similar means. Such public access shall be identified on the site plan and shall be provided in the form of a permanent easement acceptable to the City's Director of Law. Easements along the shoreline shall be at least 15 feet wide from the nearest public street to the water and at least 12 feet wide along the identified portion of the site shoreline. *(Amended to 09/01/98)*

550.4 Lot and Bulk Requirements

Unless otherwise approved by the Commission pursuant to Section 550.8 herein, all development within the WCI-1 district shall comply with the following minimum standards:

1) Minimum lot area - 10,000 square feet.

2) Minimum lot width - 100 feet.

3) Minimum lot frontage - 75 feet.

4) Minimum setbacks -

In no case shall new construction at the foundation line be less than 20' from the Thames River at mean high water elevation. *(Amended 09/01/98)*

Front yard - 20 feet *(Amended 09/01/98)*

Side yard - 10 feet *(Amended 09/01/98)*

Rear yard - 20 feet *(Amended 09/01/98)*

5) Maximum lot coverage of principal and accessory buildings - 50 %.

6) Maximum building height - 45 feet *(Amended 09/01/98)*

550.5 Off-Street Parking and Loading

Off-street parking and loading spaces shall be provided for each lot within this district in accordance with the provisions of Article VI, Section 614 of these regulations, unless otherwise approved by the Commission pursuant to Section 550.8 herein. *(Amended 09/01/98)*

550.6 Design Review Guidelines

The following design guidelines shall apply to all development within the WCI-1 district.

1) Related Objectives and Requirements

In reviewing a proposed development within the WCI-I zone, the Commission shall consider the following:

1. Site Plan objectives in Section 800B;
2. Coastal Site Plan requirements in Section 840F;
3. Municipal Coastal Program goals and objectives;
4. If applicable, Special Permit objectives in Section 810B (09/01/98)

2) Connecticut Coastal Management Act (CCMA)

Development shall be consistent with the applicable resources and use policies, and related goals and objectives of the CCMA. In reviewing a development proposal, in addition to other requirements of this Section, the Commission shall consider the following:

1. The quality and extent of views from the adjacent public streets through the property to the water.

2. The design and relationship of development to the waterfront as viewed from the water.

3. The design and function of any easements or other access provided to and along the shoreline, including new bulkheading or docking facilities.

4. The environmental impact on the ecosystem and the habitat of Long Island Sound.

5. The eligibility of proposed development to utilize any of the development incentives set forth in Section 550.8 below. *(Amended 09/01/98)*

3) High Quality Urban Design Features

Developments shall strive to provide high quality design features, consistent with the development's purpose and setting. Landscape, site and building lighting, surface treatments, pedestrian features, walkways, signs and other similar features should all be of the highest quality of materials, installed in accordance with applicable standards and procedures and properly maintained or replaced in kind as necessary. *(Amended 09/01/98)*

4) Water Quality and Resource Protection

All development shall strive to protect and enhance sensitive natural features and resources. Applicants shall integrate natural features and resources into the development plan where feasible and appropriate, and may employ a variety of measures to achieve this objective, including but not limited to remediation of contaminated soils and groundwater; best management practices to improve the quality of storm water discharge to Long Island Sound and tidal wetlands; and restoration of degraded wildlife habitats. *(Amended 09/01/98)*

550.7 Permitted Modifications to Bulk and Other Requirements

1) General

In order to achieve the goals and objectives of the Municipal Coastal Program, Plan of Conservation and Development and WCI-1 Zone, the Commission may provide a greater degree of flexibility in project design through approval of modifications of the zoning requirements described herein. In approving such modifications, the Commission shall consider the requirements of Section 550.7, as well as the review criteria described below. Approval of modifications is strictly limited to the requirements and provisions of this section, and shall be accomplished through approval of a special permit by the Commission. (09/01/98)

2) Permissible Modifications and Applicable Review Criteria

The Commission may modify the following in approving a development within the WCI-1 zone, subject to the criteria for evaluating each proposed modifications. These criteria are in addition to those provided for in Section 840 Coastal Site Plans, Section 800 Site Plans and Section 810 Special Permits. The approval of any modifications shall also be consistent with any and all requirements of Section 800, 810 and 840 as applicable. *(Amended 09/01/98)*

A. Permissible Modifications in all WCI-1 Developments

(1) Minimum Lot Frontage (ref. Section 550.5.3)

Where the Commission deems it desirable and feasible, it may approve a site plan for a use which does not have frontage on a public street, provided that the lot meets all other requirements and access is assured by covenants or other instrument acceptable to the Planning & Zoning Commission. *(Amended 09/01/98)*

(2) Minimum Side Yard Setback (ref. Section 550.5.4)

The Commission may permit a reduction in the side yard to "0" if in its judgment such a reduction will help to achieve the purposes of the district. If a sideyard is provided however, it must be at least 10 feet. *(Amended 09/01/98)*

(3) Maximum Building Height (ref. Section 550.5.6)

The maximum height may be increased, provided that parking is created under, within, or on top of the structure, or the Commission finds that parking requirements are substantially exceeded in some other manner of off-street parking. *(Amended 09/01/98)*

B. Permissible Height Modifications for Development on Lots Under 15 Acres (ref. Section 550.5.6)

The Planning & Zoning Commission has determined that the loss of public views of the Thames River and Long Island Sound contribute significantly to the destruction of the character of the City as a waterfront community. As a means to protect and enhance the existing and potential views of the water, the City has created the following incentives to encourage development that works to achieve this policy. In reviewing the special permit applications under this section, the Commission shall take into consideration the impact of the proposed activity on visual access to the water. This consideration shall be made with the objective that waterfront property shall be developed in a manner to maximize visual access to and from the water. *(Amended 09/01/98)*

1. For every reduction of 5 percent in lot coverage below the maximum 50 percent, an additional 10 feet of building height may be permitted up to a maximum of 90 feet; or *(Amended 09/01/98)*

2. Maximum building height may be increased by 10 feet for every 10 feet the building is set back from one of the

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minimum required setback lines, up to a maximum of 90 feet of building height. *(Amended 09/01/98)*

C. Additional Permissible Modifications for Development on Lots of 15 Acres or More.

The Commission recognizes the need to provide design and procedural flexibility for complex, large scale developments which may include a mix of uses, or which may be developed in phases over a period of years. Therefore, developments on lots of 15 acres or more may apply for, and the Commission may approve, modifications to the following provisions: (09/01/98)

(1) Lot Coverage (ref. Section 550.5.5)

The Commission may increase maximum lot coverage from 50% to no more than 65% if the additional coverage is devoted exclusively to one or more parking structures. (09/01/98)

(2) Maximum Building Height (ref. Section 550.5.6)

The Planning & Zoning Commission has determined that the loss of public views of the Thames River and Long Island Sound contribute significantly to the destruction of the character of the City as a waterfront community. As a means to protect and

enhance the existing and potential views of the water, the City has created the following incentives to encourage development that works to achieve this policy. In reviewing the special permit applications under this section, the Commission shall take into consideration the impact of the proposed activity on visual access to the water. This consideration shall be made with the objective that waterfront property shall be developed in a manner to maximize visual access to and from the water. *(Amended 09/01/98)*

a. The Commission may increase building height to a maximum of no more than 150 feet if it finds that such height is appropriate after considering the following: *(Amended 09/01/98)*

1. Physical constraints of the site, including soils, topography, parcel size and shape, neighboring

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buildings and land uses and other limitations; and *(Amended 09/01/98)*

2. Project design, including proposed building placement and design, grading, landscaping and similar features. *(Amended 09/01/98)*

(3) Multiple Principal Buildings On One Lot (ref. Section 605H)

The Commission may modify the requirements of Section 605H in order to permit a unified arrangement of buildings on one parcel. In reviewing requests for modifications of these provisions, the Commission shall consider provisions for internal vehicular and pedestrian circulation, building designs, heights and separation distances, site and building ownership and control, parking location and design, emergency access and the location and nature of abutting uses. *(Amended 09/01/98)*

(4) Location of Accessory Structures (ref. Section 607)

The Commission may allow accessory structures to be placed in required yards, including front yards, subject to a review of the size and design of the proposed structure, proposed landscaping and screening, the use proposed for the structure, views to the water from adjacent public streets and property, physical site limitations, operational needs of the proposed use and the location and other characteristics of adjacent uses and structures. *(Amended 09/01/98)*

(5) Parking Requirements (ref. Section 614)

The Commission may modify the parking requirements of Section 614, up to but not exceeding a reduction of 20% of the required number of parking stalls for a given use or mix of uses. In reviewing request for modification of these requirements, the Commission shall consider the mix and characteristics of the uses proposed, the nature of traffic anticipated, the availability of off-site parking and/or shared parking arrangements, and the ability of emergency vehicles to service the site. *(Amended 09/01/98)*

(6) Fence Heights and Locations (ref. Section 617)

The Commission may waive or modify the requirements of Section 617, to permit fences to be located closer to a property line, but

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only for fences in proposed commercial and industrial developments which will abut a WCI-1, WD, LI-O, C-1, CBD, INST, or OS district. In reviewing such modifications, the Commission shall consider the location and nature of abutting uses, the security and operational needs of the proposed use, fence design, height and materials, maintenance provisions, site topography, views to the water, and access for emergency personnel and vehicles. *(Amended 09/01/98)*

Section 555 <u>WCI - 2 Limited Waterfront Commercial/Industrial</u>

(Amended 09/30/08)

555.1 Purpose of the Waterfront Commercial-Industrial District.
Encourage water dependent and water related industrial and major commercial use and where appropriate and feasible, public access, along appropriate portions of the Thames River waterfront consistent with the objectives of the Connecticut Coastal Management Act, and the New London Municipal Coastal Program and Plan of Conservation and Development (see Purposes of Section 540 herein). *(Amended 09/01/98)*

551.1a Permitted Uses. The following uses are permitted by right:

1) Home Based Businesses in accordance with Article IV, Section 400.2 (2) and Article V, Section 500.2 (7). *(Amended 12/21/12)*

555.2 Uses Permitted subject to the issuance of a Special Permit by the Planning and Zoning Commission in accordance with the provisions of Article VIII, Section 810 of these regulations. These specially permitted uses are intended to be allowed in conjunction with the permitted uses cited under Section 550.2 to the greatest extent feasible.

1) Public and private parks and playgrounds.

2) Yacht clubs and marinas, including uses accessory to them such as swimming pools, tennis courts, racquetball facilities.

3) Boat docks, slips, piers and wharves for fishing, yachts and pleasure boats or for boats for hire carrying passengers on excursions, pleasure, or fishing trips or for vessels engaged in fishery or shell fishery.

4) Boat and marine engine sales and display.

5) Yacht broker, marine insurance broker.

6) Rental of boats.

7) Retail sale or rental of boating, fishing, diving, bathing supplies and rental.

8) Base operations for fishing and lobstering business and the commercial bulk processing of fish and shellfish including as accessory use of such business a store or market for the sale of fish, shellfish, and other related food products.

9) Ferry boat piers and terminals.

10) Water related museums and/or educational facilities. *(Amended 10/20/94)*

11) Restaurants.

12) Business and professional offices.

13) Hotels, motels and conference facilities.

14) Retail Stores.

15) Amusement Centers.

16) Commercial recreation, such as, but not limited to, tennis clubs, skating rinks, billiard parlors, miniature golf courses, bowling alleys, health clubs and uses normally accessory thereto (lockers, restaurants, retail sale of goods associated with the particular activity).

17) Buildings with mixed uses subject to the following requirements:

    (a) All lot and bulk requirements for each use are satisfied, unless otherwise modified by the Commission as permitted herein. *(Amended 09/01/98)*

18) Port facilities for bulk shipping and storage facilities, indoor and outdoor.

19) Manufacturing, fabrication, processing and assembly of goods and products.

20) Railroad yards, storage, service and repair.

21) A yard of building, storing, repairing, selling or servicing boats which may include the following as an accessory use: office for the sale of marine equipment or products, dockside facilities for dispensing fuel, restroom and laundry facilities to serve overnight patrons. Adequate lanes must be provided to allow access and egress throughout the yard for fire trucks.

22) Parking facilities and structures. *(Amended 09/01/98)*

23) Museums and/or educational facilities.

24) Drinking Establishments/Cafes. *(Amended 08/07/97)*

25) Laboratories as defined in Section 210 of this ordinance, including but not limited to pharmaceutical research and development facilities, and as part of an overall development plan, accessory uses such as employee fitness centers, cafeterias, helipads and other permitted accessory uses. *(Amended 08/05/99)*

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26) Child Day Care Center, subject to the requirements of Section 420.3.6 herein *(Amended 08/15/02)*

27) Multi-family residential uses in either stand-alone residential or mixed use commercial/residential building provided that the property has no direct waterfront access. *(Amended 10/10/18)*

555.3 Accessory Uses

1) Off-street parking and loading.

2) Signs subject to the requirements of Article VI, Section 615

3) Enclosed storage.

4) Suitably screened dumpster(s).

5) Suitably screened public utility installations.

6) Accessory uses customary or incidental to a permitted use.

7) Uses which provide general public access to the waterfront. Access may be provided by any approved means including, but not limited to, easements, boardwalks, decks or other similar means. Such public access shall be identified on the site plan and shall be provided in the form of a permanent easement acceptable to the City's Director of Law. Easements along the shoreline shall be at least 15 feet wide from the nearest public street to the water and at least 12 feet wide along the identified portion of the site shoreline. *(Amended to 09/01/98)*

555.4 Lot and Bulk Requirements

Unless otherwise approved by the Commission pursuant to Section 550.8 herein, all development within the WCI-2 district shall comply with the following minimum standards:

1) Minimum lot area - 10,000 square feet.

2) Minimum lot width - 100 feet.

3) Minimum lot frontage - 75 feet.

4) Minimum setbacks -

In no case shall new construction at the foundation line be less than 20' from the Thames River at mean high water elevation. *(Amended 09/01/98)*

Front yard - 20 feet *(Amended 09/01/98)*

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Side yard - 10 feet (*Amended 09/01/98)*

Rear yard - 20 feet *(Amended 09/01/98)*

5) Maximum lot coverage of principal and accessory buildings - 50 %.

6) Maximum building height - 45 feet *(Amended 09/01/98)*

555.5 Off-Street Parking and Loading

Off-street parking and loading spaces shall be provided for each lot within this district in accordance with the provisions of Article VI, Section 614 of these regulations, unless otherwise approved by the Commission pursuant to Section 550.8 herein. *(Amended 09/01/98)*

555.6 Design Review Guidelines

The following design guidelines shall apply to all development within the WCI-2 district.

1) Related Objectives and Requirements

In reviewing a proposed development within the WCI-2 zone, the Commission shall consider the following:

1. Site Plan objectives in Section 800B;
2. Coastal Site Plan requirements in Section 840F;
3. Municipal Coastal Program goals and objectives;
4. If applicable, Special Permit objectives in Section 810B *(Amended 09/01/98)*

2) Connecticut Coastal Management Act (CCMA)

Development shall be consistent with the applicable resources and use policies, and related goals and objectives of the CCMA. In reviewing a development proposal, in addition to other requirements of this Section, the Commission shall consider the following:

1. The quality and extent of views from the adjacent public streets through the property to the water.

2. The design and relationship of development to the waterfront as viewed from the water.

3. The design and function of any easements or other access provided to and along the shoreline, including new bulkheading or docking facilities.

4. The environmental impact on the ecosystem and the habitat of Long Island Sound.

5. The eligibility of proposed development to utilize any of the development incentives set forth in Section 550.8 below. *(Amended 09/01/98)*

3) High Quality Urban Design Features

Developments shall strive to provide high quality design features, consistent with the development's purpose and setting. Landscape, site and building lighting, surface treatments, pedestrian features, walkways, signs and other similar features should all be of the highest quality of materials, installed in accordance with applicable standards and procedures and properly maintained or replaced in kind as necessary. *(Amended 09/01/98)*

4) Water Quality and Resource Protection

All development shall strive to protect and enhance sensitive natural features and resources. Applicants shall integrate natural features and resources into the development plan where feasible and appropriate, and may employ a variety of measures to achieve this objective, including but not limited to remediation of contaminated soils and groundwater; best management practices to improve the quality of storm water discharge to Long Island Sound and tidal wetlands; and restoration of degraded wildlife habitats. *(Amended 09/01/98)*

555.7 Permitted Modifications to Bulk and Other Requirements

1) General

In order to achieve the goals and objectives of the Municipal Coastal Program, Plan of Conservation and Development and WCI-2 Zone, the Commission may provide a greater degree of flexibility in project design through approval of modifications of the zoning requirements described herein. In approving such modifications, the Commission shall consider the requirements of Section 550.7, as well as the review criteria described below. Approval of modifications is strictly limited to the requirements and provisions of this section, and shall be accomplished through approval of a special permit by the Commission. *(Amended 09/01/98)*

2) Permissible Modifications and Applicable Review Criteria

The Commission may modify the following in approving a development within the WCI-2 zone, subject to the criteria for evaluating each proposed

modifications. These criteria are in addition to those provided for in Section 840 Coastal Site Plans, Section 800 Site Plans and Section 810 Special Permits. The approval of any modifications shall also be consistent with any and all requirements of Section 800, 810 and 840 as applicable. *(Amended 09/01/98)*

A. Permissible Modifications in all WCI-2 Developments

(1) Minimum Lot Frontage (ref. Section 550.5.3)

Where the Commission deems it desirable and feasible, it may approve a site plan for a use which does not have frontage on a public street, provided that the lot meets all other requirements and access is assured by convenants or other instrument acceptable to the Planning & Zoning Commission. *(Amended 09/01/98)*

(2) Minimum Side Yard Setback (ref. Section 550.5.4)

The Commission may permit a reduction in the side yard to "0" if in its judgment such a reduction will help to achieve the purposes of the district. If a sideyard is provided however, it must be at least 10 feet. *(Amended 09/01/98)*

(3) Maximum Building Height (ref. Section 550.5.6)

The maximum height may be increased, provided that parking is created under, within, or on top of the structure, or the Commission finds that parking requirements are substantially exceeded in some other manner of off-street parking. *(Amended 09/01/98)*

B. Permissible Height Modifications for Development on Lots Under 15 Acres (ref. Section 550.5.6)

The Planning & Zoning Commission has determined that the loss of public views of the Thames River and Long Island Sound contribute significantly to the destruction of the character of the City as a waterfront community. As a means to protect and enhance the existing and potential views of the water, the City has created the following incentives to encourage development that works to achieve this policy. In reviewing the special permit applications under this section, the Commission shall take into consideration the impact of the proposed activity on visual access to the water. This consideration shall be made with the objective that waterfront property shall be developed in a manner to maximize visual access to and from the water. *(Amended 09/01/98)*

1. For every reduction of 5 percent in lot coverage below the maximum 50 percent, an additional 10 feet of building height may be permitted up to a maximum of 90 feet; or *(Amended 09/01/98)*

2. Maximum building height may be increased by 10 feet for every 10 feet the building is set back from one of the minimum required setback lines, up to a maximum of 90 feet of building height. *(Amended 09/01/98)*

C. Additional Permissible Modifications for Development on Lots of 15 Acres or More.

The Commission recognizes the need to provide design and procedural flexibility for complex, large scale developments which may include a mix of uses, or which may be developed in phases over a period of years. Therefore, developments on lots of 15 acres or more may apply for, and the Commission may approve, modifications to the following provisions: (09/01/98)

(1) Lot Coverage (ref. Section 550.5.5)

The Commission may increase maximum lot coverage from 50% to no more than 65% if the additional coverage is devoted exclusively to one or more parking structures. *(Amended 09/01/98)*

(2) Maximum Building Height (ref. Section 550.5.6)

The Planning & Zoning Commission has determined that the loss of public views of the Thames River and Long Island Sound contribute significantly to the destruction of the character of the City as a waterfront community. As a means to protect and enhance the existing and potential views of the water, the City has created the following incentives to encourage development that works to achieve this policy. In reviewing the special permit applications under this section, the Commission shall take into consideration the impact of the proposed activity on visual access to the water. This consideration shall be made with the objective that waterfront property shall be developed in a manner to maximize visual access to and from the water. *(Amended 09/01/98)*

a) The Commission may increase building height to a

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maximum of no more than 150 feet if it finds that such height is appropriate after considering the following: *(Amended 09/01/08)*

(1) Physical constraints of the site, including soils, topography, parcel size and shape, neighboring buildings and land uses and other limitations; and *(Amended 09/01/98)*

(2) Project design, including proposed building placement and design, grading, landscaping and similar features. *(Amended 09/01/98)*

(3) Multiple Principal Buildings On One Lot (ref. Section 605H)

The Commission may modify the requirements of Section 605H in order to permit a unified arrangement of buildings on one parcel.

In reviewing requests for modifications of these provisions, the Commission shall consider provisions for internal vehicular and pedestrian circulation, building designs, heights and separation distances, site and building ownership and control, parking location and design, emergency access and the location and nature of abutting uses. *(Amended 09/01/98)*

(4) Location of Accessory Structures (ref. Section 607)

The Commission may allow accessory structures to be placed in required yards, including front yards, subject to a review of the size and design of the proposed structure, proposed landscaping and screening, the use proposed for the structure, views to the water from adjacent public streets and property, physical site limitations, operational needs of the proposed use and the location and other characteristics of adjacent uses and structures. *(Amended 09/01/98)*

(5) Parking Requirements (ref. Section 614)

The Commission may modify the parking requirements of Section 614, up to but not exceeding a reduction of 20% of the required number of parking stalls for a given use or mix of uses. In reviewing request for modification of these requirements, the Commission shall consider the mix and characteristics of the uses proposed, the nature of traffic anticipated, the availability of off-

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site parking and/or shared parking arrangements, and the ability of emergency vehicles to service the site. *(Amended 09/01/98)*

(6) Fence Heights and Locations (ref. Section 617)

The Commission may waive or modify the requirements of Section 617, to permit fences to be located closer to a property line, but only for fences in proposed commercial and industrial developments which will abut a WCI-2, WD, LI-O, C-1, CBD, INST, or OS district. In reviewing such modifications, the Commission shall consider the location and nature of abutting uses, the security and operational needs of the proposed use, fence design, height and materials, maintenance provisions, site topography, views to the water, and access for emergency personnel and vehicles. *(Amended 09/01/98)*

Section 560 LI-O - Light Industrial Office District

(Amended 11/15/98)

560.1 Purpose of District. To provide areas for a wide range of industrial office and research activity that conforms to a high level of performance standards, that can be located in close proximity to residential, institutional, and commercial areas without objectionable influence, and that can serve as a buffer in some cases between more objectionable industrial activities and residential and/or certain commercial areas, and to allow for increased residential densities consistent with Transit Oriented Development and Smart growth principles and practices. *(Amended 03/07/17)*

560.1a Permitted Uses. The following uses are permitted by right:

1) Home Based Businesses in accordance with Article IV, Section 400.2 (2) and Article V, Section 500.2 (7). *(Amended 12/21/12)*

560.2 Uses subject to issuance of a Special Use Permit by the Planning & Zoning Commission in accordance with Article VIII, Section 810 of this regulation:

1) Business and professional offices and office buildings.

2) Light manufacturing, fabrication, processing and assembly activities, provided that such activities are designed, constructed, and enclosed so that there will be no observable external evidence thereof, other than loading and unloading functions which shall be fully screened from any adjacent R or NB district. Industrial uses involving primary production from raw materials, such as but not limited to asphalt, cement, charcoal, fuel briquettes, chemicals, and related products which may be dangerous, offensive, or create nuisances, and processes, whether or not related to such production, including but not limited to nitrating, milling, reduction, refining, melting, alloying and distillation shall be prohibited.

3) Research, design, and development laboratories.

4) Radio or television station studios including antenna.

5) Wholesale businesses, and building material storage and sale, but excluding storage of coal, coke, fuel oil, gravel, sand, loam, fill material or junk.

6) Retail stores and service businesses as part of a planned development. *(Amended 07/11/88)*

7) As a means of preserving existing housing stock and providing housing, residential uses may be permitted in accordance with requirements of the R-lA district. *(Amended 04/26/85)*

8) Parking facilities. *(Amended 06/04/85)*

9) Institutions for high learning, business, vocational, and training schools, including colleges, universities, junior colleges, business, banking, business management, secretarial and office service schools, computer and data processing schools, art and drafting schools, barber, beauty, and cosmetology schools, commercial or non-commercial food preparation schools, photography schools, schools for training in the martial arts, dancing, gymnastics, and music, and schools for fashion design; subject to the following requirements:

   (a) The curriculum shall satisfy the requirements of the Connecticut State Department of Education.

   (b) Where such use is on a parcel that adjoins any R district, no music or noise shall be audible in such districts.

10) Residential uses subject to the density restrictions and requirements of the R-4 Multi-family Office - High Density District in either stand-alone residential or mixed use commercial/residential buildings. *(Amended 03/07/17)*

11) Self Service Storage Facility subject to the following conditions: *(Amended 09/25/01)*

   (a) No commercial, wholesale or retail sales or miscellaneous garage sales,

   (b) No outside storage,

   (c) No operations of power tools, spray painting equipment, refrigerators, or other similar equipment or appliances,

   (d) No use that is noxious or offensive because of odors, dust, noise, fumes or vibrations,

   (e) No service, sales, repairs or fabrications of motor vehicles, trailers or other similar equipment, appliances, or machinery,

   (f) No storage of hazardous materials or flammable chemicals,

   (g) If a travel isle between storage units is provided, the isle must be a minimum of 24 feet in width,

   (h) The facility must be completely enclosed by fencing a minimum height of six (6), feet of material to be determined at the discretion of the Commission. Additionally, the site must be appropriately landscaped to effectively screen the

activity from neighboring uses and comply with Section 614 C 13) of the City of New London's Zoning Regulations

(i) The minimum required lot size is one acre or 40,000 square feet.

(j) Access to the facility is limited to normal hours of operation, as determined by the Commission.

(k) Parking shall be required per Section 614 B 1). The minimum number of parking spaces for employees shall be four (4).

12) Additions and expansions of facilities in existence as of the effective date of this regulation for out of school and after school programs for children including customary programs providing recreation, tutoring and instructing in the performing arts and other subjects, subject to the following requirements: *(Amended 03/11/05)*

(a) The applicant shall obtain all applicable licenses, certifications, or approvals that may be required by Federal, State or Local law;

(b) The existing facility shall have a minimum of eighty thousand (80,000) square feet of land area;

(c) Any addition or expansion of this use shall be limited to the land area owned by the applicant on the effective date of this regulation.

13) Commercial recreations, such as, but not limited to, tennis clubs, skating rinks, billiard parlors, bowling alleys, health clubs and uses normally accessory thereto (lockers, restaurants, retail sale of goods associated with the particular activity). *(Amended 07/10/18)*

560.3 Accessory Uses

1) Off-street parking and loading.

2) Garden houses; greenhouses.

3) Signs, subject to the requirements of Article VI, Section 615 of this regulation.

4) Fully enclosed storage.

5) Cafeteria and recreation facilities for use of employees or clientele.

6) Public utility installations.

7) Accessory uses customary or incidental to a permitted use.

8) Keeping of animals according to Section 622 A. *(Amended 08/10/12)*

560.4 Lot and Bulk Requirements

1) Minimum required lot area - 20,000 square feet.

2) Minimum lot width - 150 feet.

3) Minimum required lot frontage - 100 feet.

4) Minimum required yards: *(Amended 03/07/17)*
   front - 10 feet
   side - 6 feet
   rear - 10 feet.

   Except as otherwise provided, where a lot in any LI-O district adjoins any R or NB district, a landscaped buffer of at least 20 feet in width shall be provided along the property line in accordance with the provisions of Article VI, section 603.

5) Maximum height 70 feet, except the maximum height may be increased by special permit, provided that parking is created under, within, or on top of the structure, or the commission finds that the parking requirements are substantially exceeded in some other manner of off-street parking. *(Amended 03/07/17)*

6) Maximum lot coverage - 80 percent.

560.5 Off-Street Parking and Loading

Off-street parking and loading spaces shall be provided for each lot within this district in accordance with the provisions of Article VI, Section 614 of these regulations.

Section 570 INST - Institutional District

570.1 Purpose of District. To provide for areas of the city in which various public, quasi public, and private institutional uses can be accommodated on large parcels along with appropriate and/or necessary supplementary uses in an environment conducive to assuring an attractive setting, proper transition between residential uses and the institutional uses, with sufficient access and consideration of the impact upon the surrounding neighborhood.

570.2 Permitted Uses. The following uses are permitted by right:

1) Multi-family, townhouse for employees and clients of the institution.

2) Place of worship subject to the requirements of Article IV, Section 410.3.2 herein.

3) Cemeteries.

4) Institutions for higher learning, business, vocational, and training schools, including colleges, universities and junior colleges, subject to the following requirements:

   (a) The curriculum shall satisfy the requirements of the Connecticut State Department of Education.

   (b) Single rooms for dormitories or staff housing shall be counted as a dwelling unit as in the R-3 district for purposes of measuring density.

5) Quasi-public and private parks, nature preserves, arboreta.

6) Buildings with mixed uses subject to the following requirements:

   (a) All lot and bulk requirements for each use are satisfied;

   (b) Separate entrances and exits shall be provided for residential and non-residential portions of the building.

7) Museums.

8) Hospitals for human beings, skilled nursing facilities, convalescent home or intermediate care facilities which were in existence on the effective date of this regulation.

9) Parking facilities. *(Amended 06/04/85)*

570.3 Uses subject to issuance of a Special Permit by the Planning and Zoning Commission in accordance with Article VIII, Section 810 of this regulation.

1) Hospitals for human beings, skilled nursing facilities, convalescent homes or intermediate care facilities, subject to the following requirements:

(a) The parcel shall be a minimum of 60,000 square feet.

(b) The facility shall be duly licensed by the State of Connecticut.

2) Intensification, building additions or additions of more than 5% of an institutions' existing patient beds in existing hospitals for human beings, skilled nursing facilities, convalescent homes or intermediate care facilities.

3) Hospices.

4) Private, public, or quasi public rehabilitation facilities to include:

(a) Outpatient, day treatment, or inpatient alcohol counseling, treatment, or rehabilitation clinics or centers;

(b) Outpatient, day treatment, or inpatient drug counseling, treatment, or rehabilitation clinics or centers;

(c) Outpatient, day treatment, or inpatient substance abuse counseling, treatment or rehabilitation clinics or centers;

(d) Non-residential or residential halfway houses for current or former inmates of federal, state, or local correctional facilities; and

(e) Other such similar outpatient or inpatient counseling, treatment, or rehabilitation clinics or centers that the Planning and Zoning Commission shall find to be substantively similar to the uses listed in this section. (*Amended 08/01/10)*

That any use identified within this section shall be subject to the following restrictions and requirements: *(Amended 08/01/10)*

(1) That such uses shall obtain all appropriate licenses and permits required by Federal, State and Local laws, statutes and regulations within (1) year of the date of approval unless an extension of the time period is applied for by the applicant prior to the actual expiration date and granted by the Planning and Zoning Commission.

(2) That such uses shall provide a minimum of 15 square feet of inside waiting or seating area space for each patron to be served within any one hour period of operation.

(3) That such uses shall not be located within 500 feet of any nursery, elementary, or secondary school, college, university building or playground.

(4) That such uses which provide residential services, either short term or long term, shall have a minimum of 70 square feet for the first resident and 50 square feet for each additional resident. *(Amended 05/01/89)*

5) Child Day Care Center, subject to the requirements of Section 420.3.6 herein *(Amended 08/15/02)*

570.4 Environmental Impact Statement

In addition to any other requirements of this regulation, an applicant for development in the INST zone shall submit with its Site Plan Application an environmental impact statement in accordance with Article VIII, Section 800.H.12.

570.5 Accessory Uses

1) Off-street parking and loading.

2) Garden houses; greenhouses.

3) Signs, subject to the requirements of Article VI, Section 615.

4) Fully enclosed storage.

5) Dumpster, screened from public view.

6) Cafeteria and recreation facilities for use of employees or clientele.

7) Public utility installations.

8) Crematories as accessory to a cemetery use.

9) Accessory uses customary or incidental to a permitted use.

10) Keeping of animals according to Section 622 A. *(Amended 08/10/12)*

570.6 Lot and Bulk Requirements

Where more than one principal building exists or is proposed in a campus-type setting, the lot coverage requirements of Article V, Section 570.6, may apply to the entire parcel and the yard requirements to the perimeter of the parcel only. Buildings to be cited interior to the minimum required yards may be cited without subdivision of the parcel as long as the capacity of the parcel to accommodate the cumulative development on the site as determined by these regulations is not exceeded. On developments of more than three acres, concentration of parking may not be permitted if in the judgment of the Zoning Official, such layout might unduly encourage parking on neighboring City streets.

1) Minimum required lot area - 40,000 square feet.

2) Minimum lot width - 150 feet.

3) Minimum required lot frontage - 150 feet.

4) Minimum required yards:

front - 40 feet, except that the total square footage of any required front yard on any given street may be reduced by an amount up to 20% of the square footage of the required front yard when the area of reduction is devoted exclusively to a parking structure and if the Commission finds that the parking structure may alleviate an existing or anticipated parking shortage, or existing or anticipated traffic problem, on site or on adjacent streets. That from zero (0) feet to twenty five (25) feet of structure height, there shall be a minimum of eight (8) feet of setback from the property line, and that for each additional ten (10) feet of structure height or portion thereof that there shall be an additional four (4) feet of setback from the property line. The structure height shall be the highest point along a plane adjacent to the setback line for the purpose of this section. *(Amended 05/26/88)*

side - 25 feet

rear - 40 feet.

Except as otherwise provided, where a lot in any INST district adjoins any R District, a landscaped buffer of at least 40 feet shall be provided along the property line.

5) Maximum height - 6 stories or 75 feet, whichever is less.

6) Maximum lot coverage - 30 percent, except up to a maximum of 45 percent when the additional coverage is devoted exclusively to a parking structure consisting of at least two (2) levels of parking. *(Amended 05/26/88)*

570.7 Off-Street Parking and Loading

Off-street parking and loading spaces shall be provided for each lot within this district in accordance with the provisions of Article VI, Section 614 of these regulations.

Section 580 OS - Open Space District

580.1 Purpose of District. To provide for areas in the city in which municipal, quasi-public and private parks, playgrounds, beaches and open space can be accommodated along with appropriate and/or necessary supplementary uses and facilities which enhance the public use and enjoyment of these important municipal resources.

580.2 Permitted Uses. The following uses are permitted by right:

1) Public or private parks, playgrounds, nature preserves, arboreta, land trusts, and beaches including all appropriate and/or necessary supplementary uses or facilities customarily associated with the permitted use.

580.3 Uses permitted subject to issuance of a Special Use Permit by the Planning & Zoning Commission in accordance with Article VIII, Section 810 of this regulation: *(Amended 09/06/01)*

1) Museums

a) The lot shall be a minimum of fifteen (15) acres and or the museum may be located on a smaller leased area provided that the leased area is part of a lot of at least fifteen acres or more. *(Amended 09/06/05)*

2) Public School: Any owned building or group of buildings the use of which meets state requirements for elementary or secondary public education meeting the following requirements: *(Amended 07/05/05)*

a) The parcel on which the use is located must be at least five (5) acres or more in size and the school use may occupy no more than 50% of any contiguous area zoned as Open Space within which it is located.

580.4 Accessory Uses

1) Off-street parking and loading.

2) Signs, subject to the requirements of Article VI, Section 615.

3) Dumpster, screened from public view.

7) Public utility installations.

5) Accessory uses customary or incidental to a permitted use.

580.5 Lot and Bulk Requirements - Where more than one principal building exists or is proposed in a campus-type setting, the lot coverage requirements of Article V, Section 580.5.6 may apply to the entire parcel and the yard requirements to the perimeter of the parcel only.

1) Minimum required lot area-five (5) acres for Specially Permitted uses only. *(Amended 07/05/05*

2) Minimum lot width-150 feet.

3) Minimum required lot frontage – 150 feet.

4) Minimum required yards-(for buildings only)
Front – 40 feet
Side – 25 feet
Rear – 40 feet
Except as otherwise provided, where a lot in any OS district adjoins any R. District, a landscape buffer of at least 25 feet may be required along the property line.

5) Maximum height – 5 stories or 60 feet, whichever is less.

6) Maximum lot coverage-35 percent for museum use 10 percent for all other uses.

580.6 Off-Street Parking and Loading

Off-street parking and loading spaces shall be provided for each lot within district in accordance with the provision of Article VI, Section 614 of these regulations.

Section 590 <u>MD – Maritime District</u>
(Amended 1/22/2001)

590.1 Purpose of District. The purpose of the Maritime District is to encourage the development of discrete waterfront areas of the City pursuant to a comprehensive development plan. The regulations governing the Maritime District are designed to promote a mix of land uses in order to:

1) Create a vibrant atmosphere that takes advantage of the unique character and beauty of the city's waterfront.

2) Implement the overall goals and planning objectives of the Plan of Conservation and Development, the Coastal Area Management Plan, and the Connecticut Coastal Management Act.

3) Increase general public access to the waterfront and public enjoyment of waterfront views.

4) Preserve and encourage water dependent uses.

5) Maximize economic benefit to the city and its residents.

590.2 Permitted Uses. The following uses are permitted by right:

1) Public parks and playgrounds.

2) Home Based Businesses in accordance with Article IV, Section 400.2.2. *(Amended 10/18/01)*

590.3 Uses Permitted subject to the issuance of a Special Permit by the Planning and Zoning Commission in accordance with the provisions of Article VIII, Section 810 of these regulations. These specially permitted uses are intended to be allowed in conjunction with the permitted uses cited under Section 590.2 and the public access easements cited under Section 590.4.8 to the extent feasible.

1) Yacht clubs and marinas.

2) Boat docks, slips, piers and wharves for yachts and pleasure boats or for boats for hire carrying passengers on excursions, ferry boat piers and transportation terminals, pleasure, or fishing trips or for vessels engaged in fishery or shell fishery.

3) Water taxi terminal.

4) Yacht broker, marine insurance broker.

5) The rental of boats.

6) Retail sale or rental of boating, fishing, diving, and bathing supplies and equipment.

7) A sail loft or ship's chandlery.

8) Museums with maritime themes or historic purposes.

9) Base operations for fishing and lobstering business, including as an accessory use of such business a store or market for the sale of fish, shellfish, and other related food products.

10) Commercial bulk processing of fish and shellfish.

11) Hotels, inns, motels, and conference facilities with restaurant and club facilities incidental and customary to such facilities.

12) Business, professional or governmental offices.

13) Multi-family residential uses and/or single family attached dwellings.

14) Tennis clubs, skating rinks, swimming clubs, or health clubs and uses normally accessory thereto such as lockers and the sale of goods associated with the particular activity.

15) Membership clubs conducting social and civic activities exclusively to members and their guests.

16) Retail stores

17) Personal service stores, such as but not limited to, barber shop, beauty shop, tailor, and laundromat.

18) Restaurants and food service establishments.

19) Public utility installations.

20) Buildings with mixed uses subject to the following requirements:

    (a) All lot and bulk requirements for each use are satisfied, unless otherwise modified by the Commission as permitted herein.

21) Art or craft studios or studios for teaching the performing arts.

22) Child Day Care Center, subject to the requirements of Section 420.3.6 herein and in addition no child day care center shall be located in a flood hazard area. *(Amended 08/15/02)*

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23) Research and development uses, provided that any manufacturing shall be limited to prototypes and products testing.

24) Banks

25) Parking facilities and structures.

26) Private parks and private playgrounds.

590.4 Accessory Uses

1) Off-street parking and loading.

2) Signs subject to the requirements of Article VI, Section 615.

3) Enclosed storage.

4) Suitably screened dumpsters.

5) Accessory uses customary or incidental to a permitted use.

6) Home occupation subject to requirements of Section 400 (2) (2) of these regulations.

7) Swimming pool and/or tennis court and related recreational facilities.

8) Uses which provide general public access to the waterfront. Access may be provided by any approved means including, but not limited to, easements, boardwalks, decks or other similar means. Such public access shall be identified on the site plan and shall be provided in the form of a permanent easement acceptable to the City's Director of Law. Easements along the shoreline shall be at least 15 feet wide from the nearest public street to the water and at least 12 feet wide along the identified portion of the site shoreline.

9) Keeping of animals according to Section 622 A. *(Amended 08/10/12)*

590.5 Lot and Bulk Requirements

1) Minimum lot area – 10,000 square feet.

2) Minimum lot width – 100 feet.

3) Minimum lot frontage – 75 feet.

Where the Commission deems it desirable and feasible, it may approve a site plan for a use which does not have frontage on a public street, provided that the lot meets all other

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requirements and access is assured by covenants or other instrument acceptable to the Planning and Zoning Commission.

4) Minimum setbacks.

Front yard – 10 feet, except in no case shall new building construction at the foundation line be less than 25 feet from the Thames River at mean high water level elevation.

Side yard – 10 feet.

Rear yard – 10 feet, except in no case shall new building construction at the foundation line be less than 25 feet from the Thames River at mean high water elevation.

The Commission may permit a reduction in a required yard to 0 feet if in its judgment such a reduction will help achieve the purposes of the district.

5) Maximum lot coverage of principal and accessory buildings – 50 percent, except that lot coverage of up to 70 percent shall be permitted on a lot used for multi-family residential use or single family attached dwellings.

6) Maximum height – 50 feet, except that in reviewing a special permit application under this section, the commission may allow the maximum height to be increased to 100 feet if: (1) the portion of the principal building with an excess height is located more than 100 feet from the mean high water elevation; or (2) the lot coverage of the subject lot does not exceed 50 percent; or (3) the Commission determines that such increased height will significantly improve visual access to and from the water by the public in comparison to alternative building designs.

590.6 Off-Street Parking & Loading

Off-street parking and loading spaces shall be provided for on each lot within this district in accordance with the provisions of Article VI, Section 614 of these regulations. The Commission may, in addition to or in lieu of, a parking waiver or reduction granted under Section 614(E), permit, by special permit, a reduction of up to thirty (30%) percent of the required number of parking stalls for a given use or mix of uses. In reviewing a request for a modification under this Section, the Commission shall consider the mix and characteristics of the uses proposed, the nature of traffic anticipated, the availability of off-site parking and/or shared parking arrangements, and the ability of emergency vehicles to service the site.

590.7 Modifications to Supplementary Regulations of Article VI as incentives to achieve purposes of the District and design guidelines.

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1) Multiple Principal Buildings On One Lot (ref. Section 605H)

The Commission may modify the requirements of Section 605H in order to permit, in the Maritime District, a unified arrangement of multiple buildings on one parcel. In reviewing requests for modifications of these provisions, the Commission shall

consider provisions for internal vehicular and pedestrian circulation, building designs, heights and separation distances, site and building ownership and control, parking location and design, emergency access and the location and nature of abutting uses.

2) Location of Accessory Structures (ref. Section 607)

The Commission may allow accessory structures to be placed in required yards, including front yards, subject to a review of the size and design of the proposed structure, proposed landscaping and screening, the use proposed for the structure, views to the water from adjacent public streets and property, physical site limitations, operational needs of the proposed use and the location and other characteristics of adjacent uses and structures.

3) Fence Heights and Locations (ref. Section 617)

The Commission may waive or modify the requirements of Section 617, to permit fences to be located closer to a property line. In reviewing such modifications, the Commission shall consider the location and nature of abutting uses, the security and operational needs of the proposed use, fence design, height and materials, maintenance provisions, site topography, views to the water, and access for emergency personnel and vehicles.

590.8 Design Review Guidelines

The following design guidelines shall apply to all development within the MD district.

1) Related Objectives and Requirements

In reviewing a proposed application within the MD zone, the Commission shall consider the following:

1. Site Plan objectives in Section 800B;

2. Coastal Area Management requirements in Section 840F;

3. The Coastal Resources section of the New London Plan of Conservation and Development goals and objectives;

4. Special Permit objectives in Section 810B, if applicable.

5. Flood Plain Management Requirements in Section 830.

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2) Connecticut Coastal Management Act (CCMA)

Development in the MD shall be consistent with the applicable resources and use policies, and related goals and objectives of the CCMA. In reviewing a development proposal, in addition to other requirements of this Section, the Commission shall consider the following:

1. The quality and extent of views from the adjacent public streets through the property to the water.

2. The design and relationship of development to the waterfront as viewed from the water.

3. The design and function of any easements or other access provided to an along the shoreline, including new bulkheading or docking facilities.

4. The environmental impact on the ecosystem and the habitat of Long Island Sound.

5. The maximization of general public access to the waterfront.

6. The minimization of adverse impacts to water dependent uses.

3) High Quality Urban Design Features

Developments shall strive to provide high quality design features, consistent with the development's purpose and setting. Landscape, site and building lighting, surface treatments, pedestrian features, walkways, signs and other similar features should all be of the high quality of materials, installed in accordance with applicable standards and procedures and properly maintained or replaced in kind as necessary.

4) Water Quality and Coastal Resource Protection

All development shall strive to protect and enhance sensitive natural features and resources. Applicants shall integrate natural features and resources into the development plan where feasible and appropriate, and may employ a variety of measures to achieve this objective, including but not limited to remediation of contaminated soils and groundwater; best management practices to improve the quality of storm water discharge to Long Island Sound and tidal wetlands; and restoration of degraded wildlife habitats.

5) Mixed Uses

Developments shall strive to create a blend of uses in the district as a whole in a manner consistent with the purposes of the zone stated in Section 590.1.