

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Chapter 153 – Planning and Development	v
Comprehensive Plan	v
§ 153.05 Title and Adoption	v
§ 153.06 Guidance and Consideration	v
§ 153.07 Amendments	v
Transportation Plan	vii
§ 153.31 Title and Adoption	vii
§ 153.32 Guidance and Consideration	vii
§ 153.33 Copy on File	vii
Chapter 157 – New Haven Unified Development Ordinance	1
§ 157.101 Title	1
§ 157.102 Authority	1
§ 157.103 Effective Date	1
§ 157.104 Purpose	1
§ 157.105 Jurisdiction	2
§ 157.106 Annexation	2
§ 157.107 Applicability	5
§ 157.108 Compliance	5
§ 157.109 Design Standards	5
§ 157.110 Graphics, Headings, and Illustrations	5
§ 157.111 Interpretation	6
§ 157.112 Minimum Requirements	6
§ 157.113 Overlay Districts	6
§ 157.114 Relation to Plans	6
§ 157.115 Relation to Other Laws and Regulations	6
§ 157.116 Saving Provision	6
§ 157.117 Severability	7
§ 157.118 Similar Uses Permitted	7
§ 157.119 State Statute Amendments	7
§ 157.120 Subdividing Land	7
§ 157.121 Transitional Provisions and Vested Rights	9
§ 157.122 Zoning District Designation Conversions	11
Zoning Districts	13
§ 157.201 General Zoning District Provisions	13
§ 157.202 Permitted Uses	15

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.203	A1 Agricultural	17
§ 157.204	Reserved.....	24
§ 157.205	Reserved.....	24
§ 157.206	R1 Single Family Residential.....	25
§ 157.207	R2 Two Family Residential	31
§ 157.208	R3 Multiple Family Residential	37
§ 157.209	R4 Flex Residential.....	44
§ 157.210	RP Planned Residential.....	53
§ 157.211	MHS Manufactured Home Subdivision	61
§ 157.212	MHP Manufactured Home Park.....	68
§ 157.213	C1 Professional Office and Personal Services	72
§ 157.214	C2 Limited Commercial.....	78
§ 157.215	NC Neighborhood Center.....	86
§ 157.216	SC Shopping Center.....	94
§ 157.217	C3 General Commercial.....	102
§ 157.218	C4 Intensive Commercial.....	110
§ 157.219	CC City Center.....	118
§ 157.220	Reserved.....	126
§ 157.221	MU Mixed Use.....	128
§ 157.222	BTI Business, Technology, and Industrial Park.....	137
§ 157.223	I1 Limited Industrial.....	143
§ 157.224	I2 General Industrial	150
§ 157.225	I3 Intensive Industrial.....	159
§ 157.226	I4 Industrial Flex	168
§ 157.227	Planned Unit Development (PUD)	176
Development Processes and Standards		187
§ 157.301	Development Plans.....	187
§ 157.302	Site Plan Review	195
§ 157.303	Subdivision Control.....	199
Additional General Standards.....		211
§ 157.401	Purpose	211
§ 157.402	Accessory Structures and Uses	213
§ 157.403	Temporary Buildings, Structures and Uses.....	219
§ 157.404	Development Design Standards	221
§ 157.405	Development Standards Waivers and Exceptions.....	246
§ 157.406	Home Occupations.....	248

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.407	Parking	250
§ 157.408	Landscape Standards	257
§ 157.409	Signs	271
§ 157.410	Reserved	286
§ 157.411	Reserved	288
§ 157.412	Floodplain	290
§ 157.413	Reserved	316
§ 157.414	Sexually Oriented Business Location Standards	318
Administration		320
§ 157.501	Purpose	320
§ 157.502	Planning and Zoning Bodies	326
§ 157.503	Procedures	350
§ 157.504	Nonconforming Situations	350
§ 157.505	Enforcement	356
§ 157.506	Definitions	362

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Chapter 153 – PLANNING AND DEVELOPMENT

COMPREHENSIVE PLAN

§ 153.05 TITLE AND ADOPTION

The **Comprehensive Plan** for the **City** of New Haven shall be formally known as "The **Comprehensive Plan** for the **City** of New Haven"; it may also be cited and referred to as the "New Haven **Comprehensive Plan**" or the "**Comprehensive Plan**". The **Comprehensive Plan**, containing goals, objectives, strategies, guiding principles, maps, figures, and charts for Community Facilities, Community Identity and Appearance, Economic **Development**, Environmental Stewardship, Housing and Neighborhoods, Land **Use**, Transportation, and Utilities, was adopted by the New Haven Common Council on April 23, 2002.

§ 153.06 GUIDANCE AND CONSIDERATION

The Common Council of the **City** of New Haven and each governmental entity within the **planning jurisdiction** of the New Haven **Plan Commission** shall be guided by and give consideration to the general policy and pattern of **development** set out in the **Comprehensive Plan** and to other land **use** policies adopted in this subchapter, including the:

- (A) Authorization, acceptance, or construction of water mains, sewers, connections, facilities, or utilities;
- (B) Authorization, construction, **development**, alteration, or abandonment of public ways, public places, public lands, public **buildings** and **structures**, or public utilities;
- (C) Objectives and policies for future land **use development**; and
- (D) Adoption, amendment, or repeal of zoning ordinances, (including zoning maps), **subdivision** control ordinances, historic preservation ordinances, and other land **use** ordinances.

§ 153.07 AMENDMENTS

Amendments to the **Comprehensive Plan** shall be prepared and approved according to the procedures set forth in IC 36-7-4-500 (the 500 series – Comprehensive Plan). Copy on File

A copy of the approved **Comprehensive Plan**, including all maps and amendments, shall be placed and kept on file in the office of the New Haven **Planning Department** and shall be available for public examination during the regular business hours of said offices.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

TRANSPORTATION PLAN

§ 153.31 TITLE AND ADOPTION

A Transportation Plan, prepared by the Northeastern Indiana Regional Coordinating Council and adopted by the New Haven Common Council, shall be considered the Transportation Plan for the **City** of New Haven. It may be cited and referred to as the “Transportation Plan”.

§ 153.32 GUIDANCE AND CONSIDERATION

The New Haven Common Council and other governmental entities within the jurisdiction of the New Haven **Plan Commission** shall pay reasonable regard to the general policies, objectives, and proposed highway, transit, and pedestrian/bicycle systems improvement projects set forth in the Transportation Plan as part of the review and approval of proposed projects; the authorization, construction, **development**, and improvement of **public streets** and roadways; the abandonment of public ways; and other matters relevant to the Transportation Plan.

§ 153.33 COPY ON FILE

A copy of the approved Transportation Plan shall be kept on file in the office of the **City Clerk**. A copy of the Transportation Plan shall also be placed and kept on file in the office of the **Planning Department** and in the office of the Northeastern Indiana Regional Coordinating Council (NIRCC). The Transportation Plan shall be available for public examination during the regular business hours of said offices.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Chapter 157 – NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.101 TITLE

This ordinance shall be formally known as the “New Haven Zoning Ordinance”; the New Haven Zoning Ordinance may also be cited and referred to as the “Zoning Ordinance” or “ordinance”.

§ 157.102 AUTHORITY

This ordinance is adopted by the **City** of New Haven pursuant to its authority under the laws of the State of Indiana, including the 600 Series of Indiana Code (IC 36-7-4-600).

§ 157.103 EFFECTIVE DATE

This ordinance and any subsequent amendments shall be in full force and effect as of the designated effective date noted in the ordinance adopted by the New Haven Common Council; if there is no designated effective date, the ordinance shall be in effect as of the date of the Mayor’s approval.

§ 157.104 PURPOSE

The purpose of this ordinance is to promote carefully planned, orderly growth and **development** and the efficient **use** of land resources within the **City** and the **City’s planning jurisdiction**, and to carry out the land **use** objectives and strategies of the **Comprehensive Plan**, and in doing so to:

- (A) Carry out the purposes of IC 36-7-4-201(b) and the IC 36-7-4-600 Series, including, but not limited to the following:
- (1) Promote the health, safety, convenience, and welfare of the citizens of the community;
 - (2) Secure adequate light, air, and convenience of access;
 - (3) Provide safety from fire, flood, and other danger;
 - (4) Reduce or avoid congestion and provide for the safe and efficient movement of vehicles and pedestrians along public ways;
 - (5) Encourage that the growth of the community is commensurate with and promotive of the efficient and economical **use** of public funds;
 - (6) Set forth the **uses** permitted in the **City’s** residential, commercial, and industrial **districts**; and establish other permitted and prohibited land **uses**;
 - (7) Establish **uses** that the **Board of Zoning Appeals** may permit as **contingent uses** and **special uses**, along with the **zoning districts** where **special uses** will be allowed;
 - (8) Regulate both the **use** and the intensity of **use** of land for commercial, community, industrial, institutional, residential, and other purposes and activities;
 - (9) Establish minimum standards for **lot** areas and sizes, **yard** requirements, and **residential building** sizes;
 - (10) Establish maximum **building** and **structure** heights;
 - (11) Establish standards for accessory construction such as **fences, garages, sheds, swimming pools**, and similar **buildings, structures** and **uses**; and
 - (12) Provide consistent **subdivision** control provisions, standards, and policies.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (B) Provide for the enforcement of this ordinance, including recourse for **violations** and other noncompliance with these provisions; and
- (C) Define terms used in this chapter.

§ 157.105 JURISDICTION

This ordinance shall apply to all land within the **planning jurisdiction** of the **City** of New Haven. A map showing the boundaries of the **City's planning jurisdiction** shall be available for public inspection in the office of the **Planning Department**. This ordinance does not revoke any previously-granted extra-territorial **planning jurisdiction**. Any requests for New Haven to exercise jurisdiction over any part of the unincorporated area beyond the New Haven corporate limits shall be prepared and considered as set forth in IC 36-7-4-205(e). **Planning Department** staff shall maintain a map showing all areas of extra-territorial jurisdiction.

§ 157.106 ANNEXATION

Upon annexation, the Allen **County zoning districts** shall automatically be converted from the existing Allen **County** zoning classification into the corresponding New Haven **zoning district** based on **district** conversions in §157.201(E). **Uses** that were permitted in the Allen **County zoning district** at the time of annexation, but are not permitted in the new New Haven zoning **district** upon the effective date of the annexation, shall be considered **nonconforming uses**.

(A) **Board of Zoning Appeals** and Hearing Officer

(1) Previous Approvals

Any application previously approved by the Allen **County Board of Zoning Appeals** prior to the effective date of annexation shall remain valid and in full force and effect so long as the approval is not changed, amended, revoked, terminated, or lapsed.

(2) Renewals or Status Reports

Any application previously approved by the Allen **County Board of Zoning Appeals** prior to the effective date of the annexation that is subject to renewal, or a status report may have the renewal, or the status reviewed by action of the New Haven **Board of Zoning Appeals** after the effective date of annexation. The renewal or the status report shall be based on the criteria used for the original approval, so long as no changes or amendments are proposed for the previous approval.

(3) Proposed Changes or Amendments to Previous Approvals

Any application to change or amend a previous approval by the Allen **County Board of Zoning Appeals** shall be governed by the criteria in effect at the time of the original approval for a period of two (2) years following the effective date of annexation. If an approval is proposed to be changed or amended after two (2) years from the effective date of annexation, then the change or amendment shall be governed by the criteria in effect at the time the complete application for the change or amendment is filed.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(B) Plan Commission Approvals

(1) Vested **Development** Plans and Vested **Plats**

- (a) For purposes of this Section 157.106(B), the term “vested **Development** Plan” shall mean a **Development** Plan where a **Certificate of Compliance** has been issued for construction that has been authorized by an **Improvement Location Permit** issued under the Allen **County** Plan Commission’s **Development** Plan approval prior to the effective date of annexation.
- (b) For purposes of this Section 157.106(B), the term “vested **plat**” shall mean a subdivision **plat** where at least one section of the approved primary **plat** also has an approved secondary **plat** that has been recorded with the Allen **County Recorder’s** Office prior to the effective date of annexation.

(2) Sunset Provisions for Vested **Development** Plans

For vested **Development** Plans approved by the Allen **County** Plan Commission prior to the effective date of annexation, the applicant can elect to have the remainder of the construction within the **Development** Plan governed by the **Development** Plan’s **conditions** of approval and the provisions of the Allen **County** Zoning Ordinance for two (2) years following the effective date of annexation. After this 2-year period, the **Development** Plan approval shall expire, and all construction within the **Development** Plan shall comply with the provisions of the New Haven Zoning Ordinance.

(3) Sunset Provisions for Non-Vested **Development** Plans

For **Development** Plans approved by the Allen **County** Plan Commission that are not vested prior to the effective date of annexation, the applicant can elect to have the construction within the **Development** Plan governed by the **Development** Plan’s **conditions** of approval and the provisions of the Allen **County** Zoning Ordinance for one (1) year following the effective date of annexation. After this 1-year period, the **Development** Plan approval shall expire and all construction within the **Development** Plan shall comply with the provisions of the New Haven Zoning Ordinance.

(4) Sunset Provisions for Vested **Plats**

For vested **plats** approved by the Allen **County** Plan Commission prior to the effective date of annexation, the applicant can elect to have the remainder of the subdivision developed in accordance with the primary **plat’s conditions** of approval and the provisions of the Allen **County** Zoning Ordinance for two (2) years following the effective date of annexation. After this 2-year period, the primary **plat** approval for the remainder of the subdivision shall expire, and the applicant shall be required to apply for and receive primary and secondary **plat** approval for the remainder of the subdivision in accordance with the provisions of the New Haven Zoning Ordinance.

(5) Sunset Provisions for Non-Vested **Plats**

For **plats** approved by the Allen **County** Plan Commission that are not vested prior to the effective date of annexation, the applicant can elect to have the subdivision developed in accordance with the primary **plat’s conditions** of approval and the provisions of the Allen **County** Zoning Ordinance for one (1) year following the effective date of annexation. After this 1-year period, the primary **plat** approval for the remainder of the subdivision shall expire, and the applicant shall be required to apply for and receive primary and secondary **plat** approval for the remainder of the subdivision in accordance with the provisions of the New Haven Zoning Ordinance.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(6) Changes or Amendments to **County Development Plan** or **Plat** Approvals

After the effective date of annexation, no **substantial changes** or amendments can be made to any **Development Plan** or primary **plat** previously approved by the Allen **County Plan Commission**. If an applicant wishes to substantially change or modify the Allen **County Development Plan** or primary **plat** approval, the applicant shall apply for a new **Development Plan** or primary **plat** approval under the New Haven Zoning Ordinance.

(7) No Extensions of **County Development Plan** or **Plat** Approvals

The New Haven **Plan Commission** shall not grant any extension of any approval for a **Development Plan** or primary **plat** previously approved by the Allen **County Plan Commission**.

(C) **Improvement Location Permits**

For **Improvement Location Permits** issued by **Planning Department** staff prior to the effective date of annexation, the construction authorized by the permit shall be governed by the provisions of the Allen **County Zoning Ordinance** for the time that the permit remains valid. After a permit is no longer valid, all subsequent construction shall require a new New Haven **Improvement Location Permit**, and shall comply with the provisions of the New Haven Zoning Ordinance.

(D) **Zoning Violations**

Any **violation** of the Allen **County Zoning Ordinance** prior to the effective date of annexation shall not be a **nonconforming use** after the effective date of annexation if the **use** or **structure** also violates the provisions of the New Haven Zoning Ordinance. The **violation** shall be subject to the penalties and enforcement pursuant to §157.505 (Enforcement).

(E) **Nonconforming Uses**

Any **nonconforming use** or **structure** under the Allen **County Zoning Ordinance** shall be allowed to continue after the effective date of annexation, as long as the nonconformity that resulted in the nonconforming state under the Allen **County Zoning Ordinance** continues to exist after the effective date of annexation. If the nonconformity that existed under the Allen **County Zoning Ordinance** prior to annexation ceases to exist for a period of twelve (12) months, then the nonconforming status of the **use** or **structure** shall lapse, and the **use** or **structure** must be brought into compliance with the New Haven Zoning Ordinance.

(F) **Commitments**

All written **commitments** required as part of an approval by the Allen **County Board of Zoning Appeals**, Allen **County Plan Commission** or the Board of Commissioners of the **County** of Allen and recorded against the real estate prior to the effective date of annexation shall remain in full force and effect after the effective date of annexation, until those written **commitments** are either modified or terminated by either the New Haven **Board of Zoning Appeals** or the New Haven **Plan Commission** under the terms of the New Haven Zoning Ordinance.

(G) **Covenants**

Covenants, **easements**, and affidavits required as part of an approval by the Allen **County Board of Zoning Appeals**, Allen **County Plan Commission**, or the Board of Commissioners of the **County** of Allen and recorded against the real estate prior to the effective date of annexation shall remain in full force and effect after the effective date of annexation, until those covenants or restrictions are either modified or terminated by New Haven **Board of Zoning Appeals** or New Haven **Plan Commission**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.107 APPLICABILITY

Except as noted below, this ordinance shall be applicable to all **structures**, land, and **uses** on property located within the **planning jurisdiction** of the **City** of New Haven, including private **primary uses** on otherwise-exempt property. Any applicant or property **owner** who feels that their property or proposed **building, structure** or **use** is expressly exempted from this ordinance (as in the case of express field implied pre-emption, or pre-emption under IC 36-7-4-1104(b)) shall be required to furnish documentation supporting such an exemption. A project that may otherwise be deemed exempt may be voluntarily submitted for review. Projects or properties which are exempt within New Haven's **planning jurisdiction** shall not automatically be exempt outside of New Haven's **planning jurisdiction**.

However, this ordinance does not apply to, and does not regulate or restrict, the **City's** public **use** of any **lot** or **parcel** within the **Commission's planning jurisdiction** that is owned and occupied for **City** purposes by the Mayor, Common Council, the **City** Clerk, or any **City** department heads, **City** departments or **City** officers established under I.C. 36-4-9. In the event the Mayor, Common Council, the **City** Clerk, or any **City** departments heads, **City** departments or **City** officers cease to own or occupy the **lot** or **parcel** for a **City** public **use**, then this ordinance shall apply, and shall regulate and restrict, any other **use** of the **lot** or **parcel**. Any prior **use** of a **lot** or **parcel** by the Mayor, Common Council, the **City** Clerk, or any **City** department heads, **City** departments or **City** officers that was exempt from this ordinance shall not be deemed a **nonconforming use** when the Mayor, Common Council, the **City** Clerk, or any **City** department heads, **City** departments or **City** officers cease to own or occupy the **lot** or **parcel** for a **City** public **use**.

§ 157.108 COMPLIANCE

After the effective date of this ordinance, no **building, structure**, or land shall be used, and no **building** or **structure** shall be altered, converted, enlarged, erected, moved, reconstructed, or reused except in conformance with the provisions of this ordinance, including the issuance of any required permits. No **lot** or **parcel** shall hereafter be established or divided except in conformance with the provisions of this ordinance. Existing **buildings, structures** and **uses** that do not comply with the provisions of this ordinance shall be subject to the provisions of §157.504 (Nonconforming Situations).

§ 157.109 DESIGN STANDARDS

The **Plan Commission** may adopt **design standards** for **use** in the review and approval of **Development** Plans and/or **development** proposals for different areas within the **City's planning jurisdiction**, consistent with a **development** strategy or plan(s) adopted by Common Council. Prior to the adoption of any such standards, the **Plan Commission** shall give notice and hold a public hearing in accordance with the **Commission's** rules. Copies of adopted **design standards** shall be available in the office of the **Planning Department**.

§ 157.110 GRAPHICS, HEADINGS, AND ILLUSTRATIONS

To aid in the creation of standards that are reasonable, clear and precise, this ordinance includes diagrams, graphics, illustrations, images, and tables to help show the applicability, **use**, and intent of the relevant standards. The accompanying ordinance text is also intended to explain the standard that the diagram, graphic, or illustration is showing. If there is a conflict between the text and a diagram, graphic, or illustration, the text shall override the diagram, graphic, or illustration.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.111 INTERPRETATION

In cases where the provisions of this ordinance require interpretation, the interpretation shall be provided by the **Zoning Administrator**, with assistance from the **Plan Commission**, **Board of Zoning Appeals**, definitions used in State or Federal law, or other **Planning Department** staff, if determined necessary by the **Zoning Administrator**. In interpreting this ordinance, words are to be given their plain, ordinary, and usual meaning, unless a contrary purpose or meaning is shown by the ordinance itself. Where possible, every word is to be given effect and meaning, and no word or part is to be held to be meaningless if it can be reconciled with the rest of this ordinance.

§ 157.112 MINIMUM REQUIREMENTS

Unless specifically noted otherwise, the provisions of this ordinance shall be held to be the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the **City**, and are designed to encourage the establishment and maintenance of reasonable community standards for the physical environment of the **City**.

§ 157.113 OVERLAY DISTRICTS

This ordinance permits the creation of overlay **districts**, as a **district** that extends across one or more underlying **zoning districts**, to prescribe additional or alternate regulations to the regulations included in the underlying **zoning district** for a specific critical feature or resource.

§ 157.114 RELATION TO PLANS

In the administration, enforcement, and amendment of this ordinance, reasonable regard should be paid to the **Comprehensive Plan**. Amendments to the text of this ordinance should maintain and enhance the consistency between this ordinance and the **Comprehensive Plan**. In the event the **Plan Commission** determines that this ordinance is inconsistent with the **Comprehensive Plan**, the **Commission** may initiate an ordinance amendment pursuant to I.C. 36-7-4-602(b).

§ 157.115 RELATION TO OTHER LAWS AND REGULATIONS

- (A) This ordinance does not supersede or amend more restrictive requirements of ordinances or regulations adopted by other local entities, including **building**, drainage, health, housing, **on-site sewage systems**, sewage, and water regulations or other similar requirements. If a conflict arises between this ordinance and other local ordinances or regulations, any action taken under this ordinance shall be based on the standards and regulations herein. When not in conflict, this ordinance shall be construed as being in addition to or supplemental to such other ordinances or regulations.
- (B) This ordinance does not supersede more restrictive requirements which may be contained in the Indiana Code, the Indiana Administrative Code, the United States Code, or the Code of Federal Regulations. To the extent that the regulatory standards of this ordinance are more restrictive than the requirements contained in the Indiana Code, the Indiana Administrative Code, the United States Code, or the Code of Federal Regulations and such regulatory standards are not otherwise specifically prohibited by the Indiana Code, the Indiana Administrative Code, the United States Code, or the Code of Federal Regulations, such regulatory standards shall be applicable and enforceable.

§ 157.116 SAVING PROVISION

This ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous Zoning Ordinance, **Subdivision** Control Ordinance, or related

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

ordinance. This ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

§ 157.117 SEVERABILITY

If any provision of this ordinance as existing now or later amended, or its application to any **person** or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 157.118 SIMILAR USES PERMITTED

The **uses** specified herein shall be permitted in the noted **zoning districts**. Land **uses** similar to those listed as permitted in a **district**, but not specifically mentioned in these provisions may be permitted with the approval of the **Zoning Administrator**; however, in the absence of a determination by the **Zoning Administrator** that a non-mentioned **use** is permitted, no land shall be used for any purpose other than a **use** specified herein.

§ 157.119 STATE STATUTE AMENDMENTS

If any of the provisions of Indiana Code cited in this ordinance are amended or superseded, this ordinance shall be deemed amended with regard to the reference(s) to the new or revised code, until such time that the ordinance is amended to conform to the new or revised code. If Indiana Code is amended to require a more restrictive standard than this ordinance, the more restrictive State standard shall be applicable and enforced.

§ 157.120 SUBDIVIDING LAND

Land may be **subdivided** within any **zoning district**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.121 TRANSITIONAL PROVISIONS AND VESTED RIGHTS

The intent of this section is to make this ordinance fully effective, but to allow for the continuation of all vested rights related to permits and approvals issued prior to November 9, 2020. The transitional provisions shall apply to the following situations:

(A) Applications Filed Prior to November 9, 2020

(1) Completed Applications

Any application for an **Improvement Location Permit**, **Certificate of Occupancy**, or **Certificate of Compliance**, or any application for a land use approval from the **Board of Zoning Appeals** or the **Plan Commission**, which has been filed with the required filing fee and which has been determined to be complete prior to November 9, 2020 shall be regulated by the terms and provisions of the zoning ordinance that were in effect as of the date the application was determined to be complete. Any re-application for an expired application or permit shall meet the provisions and **development** standards of the zoning ordinance in effect at the time of re-application. However, any such completed application filed before November 9, 2020 shall be subject to the administrative procedures, procedural rules, and hearing process in effect at the time the completed application is reviewed or heard at a public hearing.

(2) No Applications Submitted and Incomplete Applications

Projects for which no application has been submitted or which have been determined to be incomplete prior to November 9, 2020 shall be subject to all requirements and standards of this ordinance.

(B) Approved Permits and Projects

(1) Permits

All permits (including **Improvement Location Permits**, Site Plan reviews, **Certificates of Occupancy**, and **Certificates of Compliance**) which have been issued prior to November 9, 2020, or which are issued after November 9, 2020 for a complete application filed under §157.121(A)(1) shall remain valid and in effect until the applicable expiration date. Projects with valid permits may be carried out in accordance with the provisions and **development** standards of the zoning ordinance in effect at the time of the approval of the permit, or at the time of filing a completed application under §157.121(A)(1), provided that the permit does not expire or lapse prior to November 9, 2020. If an application to substantially change a permit is filed after three (3) years of November 9, 2020, then the change to the permit shall be governed by all requirements and standards of this ordinance in effect at the time of applying for the change.

(2) **Plan Commission** Final Decisions

All **Plan Commission** final decisions (as defined in IC 36-7-4-1016(b), which includes **Development Plans and plats**) which have been approved prior to November 9, 2020, or which were approved after November 9, 2020 for a complete application filed under §157.121(A)(1) above, shall remain valid and in effect until the applicable expiration date. A final decision of the **Plan Commission** may be carried out in accordance with the **Plan Commission's conditions** of approval and the provisions and **development** standards of the zoning ordinance in effect at the time of the **Plan Commission's** decision, or for a completed application under §157.121(A)(1) above at the time the application is filed; unless the **Plan Commission's** decision is reversed, expired or lapsed prior to November 9, 2020. If an application to substantially change a **Plan Commission** final decision is filed after three (3)

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

years of November 9, 2020, then the change to the final decision shall be governed by all requirements and standards of this ordinance in effect at the time of applying for the change.

(3) **Board of Zoning Appeals** Final Decisions

All **Board of Zoning Appeals** final decisions (as defined in IC 36-7-4-1016(a), which includes special exceptions, **special uses**, **contingent uses**, **use** variances, and variance from **development** standards) which have been approved prior to November 9, 2020, or which were approved after November 9, 2020, for a complete application filed under §157.121(A)(1) above, shall remain valid and in effect until the applicable expiration date. A final decision of the **Board of Zoning Appeals** may be carried out in accordance with the **Board of Zoning Appeals'** conditions of approval and the provisions and **development** standards of the zoning ordinance in effect at the time of the **Board of Zoning Appeals'** decision, or for a completed application under §157.121(A)(1) at the time the application is filed; unless the **Board of Zoning Appeals'** decision expires, lapses, or is reversed prior to November 9, 2020. If an application to substantially change a **Board of Zoning Appeals** final decision is filed after three (3) years of November 9, 2020, then the change to the final decision shall be governed by all requirements and standards of this ordinance in effect at the time of applying for the change.

(4) **Commitments**

Any **commitments** submitted as part of a rezoning, a **Plan Commission** final decision, or a **Board of Zoning Appeals'** final decision that is recorded prior to November 9, 2020, shall remain in full force and in effect. If an application to substantially change a **commitment** is filed after three (3) years of November 9, 2020, then the change to the **commitment** shall be governed by all requirements and standards of this ordinance in effect at the time of applying for the change.

(5) **Changes**

No provision of this ordinance shall require any change in the plans, construction, or designated **use** of any **structure** for which an **Improvement Location Permit** has been issued prior to November 9, 2020, or for a permit that was issued under §157.121(A)(1) above.

(6) **Extensions**

The decision-making body that granted the original approval may renew or extend the time of a valid previous approval. Any extension granted shall not exceed the time specified for the extension of the specific permit approval in §157.503 (Procedures).

(7) **Re-application**

Any re-application for an expired permit or project approval shall meet the provisions and standards of the zoning ordinance in effect at the time of re-application.

(C) **Violations** Continue

Any **violation** occurring under the previous Zoning Ordinance will continue to be a **violation** under this ordinance and be subject to penalties and enforcement pursuant to §157.505 (Enforcement), unless the **use**, **development**, construction, or other activity complies with the provisions of this updated ordinance.

(D) **Nonconforming Uses and Structures** Under Prior Ordinance

Any **nonconforming use** or **structure** that lawfully existed on November 9, 2020 will be allowed to continue, as long as the nonconformity that resulted in the nonconforming status under the

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

previous ordinance continues to exist. If a nonconformity under the previous ordinance conforms to the provisions or **development** standards of this ordinance, then the **use** or **structure** shall no longer be deemed nonconforming but shall be considered a permitted **use** or **structure** and subject to the provisions of this ordinance.

§ 157.122 ZONING DISTRICT DESIGNATION CONVERSIONS

The existing **zoning district** designations shall be converted into updated **zoning district** designations as noted in the table below.

Existing and Updated Zoning Designations	
Existing Zoning Designation	Updated Zoning Designation
A-1/Agricultural District	A1/Agricultural District
RS-1/Single Family Residential	R1/Single Family Residential
RS-2/Attached Single Family and Two Family Residential	R2/Two Family Residential
RS-3/Multiple Family Residential	R3/Multiple Family Residential
	R4/Residential Flex
	RP/Planned Residential
RSP-1/Planned Single Family Residential	R1/Single Family Residential
RSP-2/Planned Two Family	R2/Two Family Residential
RSP-3/Planned Multiple Family Residential	R3/Multiple Family Residential
MH/Manufactured Housing District	MHS/ Manufactured Home Park
RSP-MH/Planned Manufactured Housing	MHP/ Manufactured Home Subdivision
	NC/ Neighborhood Center
C-2/Planned Shopping Center District	SC/ Shopping Center
C1-A/ Professional and Personal Services District	C1/ Professional Office and Personal Services
	C2/Limited Commercial
C-1 General Commercial District	C3/General Commercial
C-4/Roadside Commercial District	C4/Intensive Commercial
C1-A(P)/Planned Professional and Personal Services	C1/ Professional Office and Personal Services
C-1(P)/Planned General Commercial	C3/General Commercial
C-4(P)/Planned Roadside Commercial District	C4/Intensive Commercial
	MU/Mixed-Use
	CC/City Center
	BTI/Business, Technology, and Industrial Park
I-1/Light Industrial	I1/Limited Industrial
I-2/General Industrial	I2/General Industrial
I-3/Heavy Industrial	I3/Intensive Industrial
I-1(P)/Light Industrial Planned	I1/Limited Industrial
I-2(P)/General Industrial Planned	I2/General Industrial
I-3(P)/Heavy Industrial Planned	I3/Intensive Industrial
	I4/Industrial Flex

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

ZONING DISTRICTS

§ 157.201 GENERAL ZONING DISTRICT PROVISIONS

(A) Purpose

The purpose of this section is to establish designations, standards, and requirements for the following:

- (1) **Zoning district** boundaries;
- (2) **Zoning district** conversions;
- (3) **Zoning district** designations;
- (4) Zoning maps; and
- (5) **Zoning district** and map determinations and interpretations.

(B) Zoning Districts

All of the area within the **planning jurisdiction** of the **Plan Commission** is hereby divided and classified into the **zoning districts** designated in the following table.

DISTRICT DESIGNATIONS	
A1	Agricultural
R1	Single Family Residential
R2	Two Family Residential
R3	Multiple Family Residential
R4	Residential Flex
RP	Planned Residential
MHS	Manufactured Home Subdivision
MHP	Manufactured Home Park
C1	Professional Office and Personal Services
C2	Limited Commercial
NC	Neighborhood Center
SC	Shopping Center
C3	General Commercial
C4	Intensive Commercial
CC	City Center
MU	Mixed Use
BTI	Business, Technology, and Industrial Park
I1	Limited Industrial
I2	General Industrial
I3	Intensive Industrial
I4	Industrial Flex

(C) Zoning Maps

The **zoning districts** designated herein, and the boundaries of the respective **zoning districts**, shall be as shown on the New Haven zoning maps on file in the office of the **Planning Department** staff. The zoning maps are hereby incorporated as part of this chapter.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(D) District Boundaries

Zoning district boundary lines shall be considered to be: **lot lines**; the centerline of any **alley**, **street**, or road **right-of-way**; or the centerline of any ditch, drain, **river**, **stream**, or other watercourse unless the zoning maps indicate otherwise. However, for the purpose of establishing minimum distances from **residential zoning districts** as required in this chapter, the measurement shall always be taken from **lot line to lot line**, as opposed to being taken from the center line or other point within a **public street** or **alley right-of-way**.

(E) District Conversions

- (1) Any land which may be added to the **planning jurisdiction** of the **Plan Commission** shall automatically be converted from the existing Allen **County** zoning classification into the corresponding New Haven **zoning district** as set forth in the following table.

CORRESPONDING ZONING DESIGNATIONS			
COUNTY DISTRICT		NEW HAVEN DISTRICT	
A1	Agricultural	A1	Agricultural
A3	Estates	R1	Single Family Residential
R1	Single Family Residential	R1	Single Family Residential
R2	Two Family Residential	R2	Two Family Residential
R3	Multiple Family Residential	R3	Multiple Family Residential
		RP	Planned Residential
MHS	Manufactured Home Subdivision	MHS	Manufactured Home Subdivision
MHP	Manufactured Home Park	MHP	Manufactured Home Park
C1	Professional Office and Personal Services	C1	Professional Office and Personal Services
C2	Limited Commercial	C2	Limited Commercial
NC	Neighborhood Center	NC	Neighborhood Center
SC	Shopping Center	SC	Shopping Center
C3	General Commercial	C3	General Commercial
C4	Intensive Commercial	C4	Intensive Commercial
BTI	Business, Technology, and Industrial Park	BTI	Business, Technology, and Industrial Park
I1	Limited Industrial	I1	Limited Industrial
I2	General Industrial	I2	General Industrial
I3	Intensive Industrial	I3	Intensive Industrial

- (2) If no specific zoning conversion is noted in this chapter, the **Zoning Administrator** shall determine the appropriate **zoning district** conversion based on the **Comprehensive Plan**, existing or proposed **development** in the area, and recommendation of the **Plan Commission**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(F) Interpretation of Zoning Maps

If there is uncertainty or conflict with regard to the location of a **zoning district** boundary, the **Zoning Administrator** shall determine the correct boundary location, in accordance with the following:

- (1) It is intended that **zoning district** boundary lines follow the boundary survey perimeter **lot lines** or the legal description submitted as a part of an approved zoning map amendment;
- (2) If no survey or legal description exists then the **zoning district** boundary lines are intended to follow **lot lines**; the centerline of any **alley**, **street**, or road **right-of-way**; or the centerline of any ditch, drain, **river**, **stream**, or other watercourse;
- (3) If a **zoning district** boundary line divides a **lot**, the location of the boundary line shall be determined by measurement, based on the scale of the zoning map; and
- (4) The **Zoning Administrator** may also consider existing or previous land **use(s)** on a **lot** in making such a determination.

§ 157.202 PERMITTED USES

The following **uses** shall be permitted as set forth in the specified **zoning districts** in the following sections. Land **uses** similar to those listed as permitted in a **district**, but not specifically mentioned in these sections may be permitted with the approval of the **Zoning Administrator**, based in part of the purpose of the applicable **zoning district**. However, in the absence of a determination by the **Zoning Administrator** that a non-mentioned **use** is permitted, no land shall be used for any purpose other than a **use** specified herein. All **development** proposals shall be subject to the applicable review and approval procedures as set forth in §157.301 (**Development Plans**), §157.302 (**Site Plan Review**), and §157.503(B) (**Improvement Location Permit**).

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.203 A1 AGRICULTURAL

(A) Purpose

The Agricultural **district** is intended to permit a wide range of agricultural activities as well as limited types of low-density residential **development** and other **uses** customarily conducted in or associated with agricultural areas, and certain additional community-oriented **uses**.

(B) Permitted Uses

The following **uses** are permitted as a matter of right in an A1 **district**:

- (1) **Accessory building, structure, or use** as set forth in §157.203(D) plus **roadside stand**;
- (2) **Agricultural uses and buildings**, including:
 - (a) Agricultural barn, as a **primary building** on a site of at least (5) acres; the property owner shall submit documentation of participation in an **agricultural use**;
 - (b) **agronomic crop production**, along with the operation of any machinery or vehicles necessary for the crop production; **apiculture**; floriculture; forestry and tree farming; horticulture; and viticulture; and
 - (c) dairy, livestock, and poultry farming, including grassland and range pastures; excluding **Confined Feeding Operations (CFOs)** or Concentrated Animal Feeding Operations (CAFOs); also excluding fertilizer works, **slaughter houses**, and plants for the processing of animal skins or hide and/or the reduction of animal matter.
- (3) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court**, or other similar assembly/**recreation facility or use**, in association with a **minor plat** or an existing single **family** subdivision;
- (4) **Greenhouse** (retail);
- (5) **Group residential facility** (small);
- (6) **Manufactured home, Type II**
- (7) **Manufactured home, Type III**, as either a primary or second **primary building**;
- (8) **Model home**, in association with a **minor plat** (permitted for up to two (2) years);
- (9) **Plant nursery** (retail);
- (10) **Riding stable, residential** (shall be located on a lot with a single **family** residence);
- (11) **Riding stable, nonresidential** (on a **lot** with no **residential building**; the stable shall be located on a **tract** of at least five (5) acres);
- (12) **Single family dwelling** (detached);
- (13) **Two family dwelling**;
- (14) **Universally permitted use**;
- (15) **Wind energy conversion system, micro** (on unplatted **parcels**); and
- (16) **Wind energy conversion system, standard** (on **parcels** of over five (5) acres not **adjacent to platted lots** or residential zoning **districts**).
- (17) Winery.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:

- (1) **Accessory building** conversion to a single-family residence;
- (2) **Accessory building**, as a **primary building**, on a site of at least five (5) acres;
- (3) **Agriculturally allied uses**, to include:
 - (A) agriculture equipment repair facility;
 - (B) commercial dairy for the processing, packaging and distribution of dairy products;
 - (C) feed mills where grain is processed on a commercial basis;
 - (D) fertilizer sales, mixing and **storage**;
 - (E) livestock sales/**auction** barns; and
 - (F) a trucking operation primarily engaged in commercial transportation of agricultural products
- (4) **Airstrip/heliport** (private; for corporate or multiple **owner use**);
- (5) **Animal hospital**; any outside animal areas shall meet the minimum **primary building setback** standards;
- (6) **Animal kennel** (associated with a single-family residence); any outside animal areas shall meet the minimum **primary building setback** standards;
- (7) **Animal rescue** (associated with a single-family residence); any outside animal areas shall meet the minimum **primary building setback** standards
- (8) **Arena**;
- (9) **Asphalt plant**; the plant shall be located at the site of an active, operating pit or quarry, and the operation of the plant shall stop if the pit or quarry operation stops;
- (10) **Bed and breakfast**;
- (11) **Boarding house**;
- (12) **Class II child care home**;
- (13) **Commercial communication tower**;
- (14) **Community garden** that includes a **structure**;
- (15) **Concrete plant**; the plant shall be located at the site of an active, operating pit or quarry, and the operation of the plan shall stop if the pit or quarry operation stops;
- (16) **Country club**;
- (17) **Educational institution** (not otherwise permitted);
- (18) **Educational institution**-associated facilities, **uses**, and areas, on non-contiguous properties;
- (19) **Funeral home**;
- (20) **Golf course**;
- (21) **Group residential facility (large)**;
- (22) **Home business** (see §157.503(D)(3)(b) for additional standards);

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (23) **Home enterprise** (see §157.503(D)(3)(c) for additional standards);
- (24) **Home workshop** (see §157.503(D)(3)(d) for additional standards);
- (25) **Homeless/emergency shelter** (accessory to a **religious institution**), for up to eight (8) individuals;
- (26) **Model home** (for an extension of time or expansion of scope);
- (27) **Nature preserve** that includes a **structure** or **parking area**;
- (28) **Neighborhood facility**;
- (29) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);
- (30) Reception, meeting, or **recreation hall**; **clubhouse**;
- (31) **Recreation area**;
- (32) **Recreation facility**;
- (33) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
- (34) **Residential facility for a court-ordered re-entry program**;
- (35) **Residential facility for homeless individuals**, for up to eight (8) individuals;
- (36) **Shooting range** (indoor or outdoor archery, firearm, skeet, trap, or similar);
- (37) **Sign** (temporary **subdivision** direction);
- (38) **Solar panel (ground-mounted)**;
- (39) **Storage building** (As a **primary building**);
- (40) **Utility facility, private** (not otherwise permitted or exempt);
- (41) **Veterinary clinic**; any pen or run shall be located at least one hundred (100) feet from any **lot line**;
- (42) **Wind energy conversion system, micro** (to allow systems for **single family detached dwellings** on platted land, or to request approval of a greater height); and
- (43) **Wind energy conversion system, standard** (to allow systems on a **parcel** of less than five (5) acres, or **adjacent to platted lots or residential zoning districts**).

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(D) Accessory Buildings, Structures, and Uses

Accessory buildings, structures, and uses shall be permitted, including but not limited to:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Notes:		
(1) If integrated into a single-family detached dwelling, and if there is no freestanding accessory dwelling unit on the property; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building, including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent, parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill/fire pit	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Shed	Performances (indoor)
Smoke house/oven (outdoor)	Shop (for sale of religious institution related items)
Tree house	
Notes:	
(1) Also permitted for nonresidential uses	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the AR1 **district**; all are minimum standards unless otherwise noted (the table continues onto the next page).

A1 AGRICULTURAL DISTRICT DEVELOPMENT STANDARDS	
Building size (square feet)	
Single family residence	950 ⁽¹⁾
Accessory structures	On lots of less than two (2) acres served by an on-site sewage system , new detached accessory building square footage shall be less than the square footage of the primary building .
Number of buildings permitted on a lot	
Two freestanding single family dwelling units are permitted: one primary single family detached residential building per lot, plus: Either one Type III manufactured home , or <u>one</u> freestanding accessory dwelling unit , if there is no integrated accessory dwelling unit on the lot	
Multiple primary nonresidential buildings are permitted per lot	
Height (maximum) ⁽²⁾	
Accessory building	25'
Primary building	40'
Lot area (square feet)	
Private sewage disposal	87,120 (2 acres)
Public sewer	12,000
Lot width (at front building line)	
Private sewage disposal	120'
Public sewer	75'
Front yard	
Platted lot	25' (or platted front building line , whichever is greater)
Unplatted lot if adjacent to: Arterial/collector street Local or private street PC-approved easement	115' from the centerline of the street 65' from the centerline of the street 30' from the easement
Flag Lot	30' Flag lots shall have two (2) required front yards (see definition of lot line, front)
Through lot	As noted above, at each end of the lot , based on the street classification/type the yard is adjacent to, except that: • If no access is permitted to the rear of the lot, then a detached accessory structure shall be permitted as set forth below, and a fence shall be permitted with no setback; or • If access is permitted to the rear of the lot, then a detached accessory structure shall be permitted with a 10' setback and a fence shall be permitted with a 5' setback
If there is an existing residence on an adjacent parcel on the same side of the street with a nonconforming front setback , and the existing residence is within 300' of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

A1 AGRICULTURAL DISTRICT DEVELOPMENT STANDARDS	
Side yard ⁽³⁾	
Interior lot Private sewage disposal Public sewer	15' 15' if the lot is at or over 150' wide 7' if the lot is less than 150' wide
Corner lot	The street side yard setback shall be the same as the front yard setback, based on the side lot line street classification, except that: • On corner lots, if there is a platted street side yard building line then an addition to a primary residential structure or an accessory structure shall meet that platted building line. • If there is no platted building line, on a lot of up to 50' an addition to a primary residential structure or an accessory structure (except for fences and walls) shall meet a 10' side yard setback; on a lot of over 50' an addition to a primary residential structure or an accessory structure shall meet a 25' side yard setback. • For fences and walls, if there is no platted building line, a fence (except for an ornamental fence or a retaining wall of up to 3' in height) shall meet a 5' setback; an ornamental fence or a retaining wall of up to 3' in height shall not have a setback requirement.
Rear yard	
Primary building	25' ⁽⁴⁾ 50' (if adjacent to an arterial or collector street)
Accessory structure ⁽⁵⁾	3' from a side or rear lot line ⁽⁶⁾
Swimming pool	6' from a side or rear lot line ⁽⁶⁾
Notes: (1) Excluding basement and attached garage area (2) See §157.405(C) (Development Standards Waivers and Exceptions) for exceptions; §157.409 (Signs) for maximum sign heights ; and §157.404(O) (Residential Impact Mitigation) for additional restrictions (3) See rear yard information for accessory structure and swimming pool side yard standards (4) A single story addition to an existing single family detached residence may encroach up to 10' into the required rear yard , if the addition is 250 square feet or less (5) Excluding swimming pools (6) If located behind the primary building	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(2) Yard Projections and Additional Location Standards

Permitted **yard** projections and additional location standards shall be as set forth in the table below:

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS ⁽¹⁾			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽³⁾	May project up to 2'
Awning or canopy	May project up to 4'	May project up to 4' ⁽³⁾	May project up to 4'
Balcony, fire escape, or stairway, open	May project up to 4'	Shall not project	May project up to 4'
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal)	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, porch , or stoop, open (shall not extend above the height of the first floor)	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 10'
Dog/pet house, grill, fire pit, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Slab on grade patio	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 20'
Stoop	Permitted ⁽²⁾	May project up to 4' ⁽³⁾	Permitted ⁽²⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Notes: (1) Except as noted below, buildings and structures shall not project into or be located in a required yard (2) May be located within required yard with no setback , except that non-ornamental fences and walls shall meet corner lot setback and clear visibility standards; see development standards table for fence corner lot setback standards (3) However, a 3' side yard shall be maintained (4) Shall meet minimum setback			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.204 RESERVED

§ 157.205 RESERVED

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.206 R1 SINGLE FAMILY RESIDENTIAL

(A) Purpose

The Single **Family Residential district** is intended to create and maintain areas for single **family** residential **uses** on individual **lots** or **tracts** and to provide for a variety of areas for single **family** neighborhoods, along with certain additional **uses**.

(B) Permitted Uses

The following **uses** are permitted as a matter of right in an R1 **district**:

- (1) **Accessory building, structure, or use** as set forth in §157.206(D);
- (2) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court,** or other similar assembly or **recreation facility**, including **structures** and **uses** typically associated with a single **family subdivision**;
- (3) **Group residential facility (small)**;
- (4) **Model home** (permitted for up to two (2) years);
- (5) **Single family dwelling (detached)**; and
- (6) **Universally permitted use**.

(C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:

- (1) **Animal keeping** (outdoor, small animal);
- (2) **Bed and breakfast**;
- (3) **Boarding house**;
- (4) **Class II child care home**;
- (5) **Club, private (transitional use)**;
- (6) **Community facility** not otherwise permitted (**transitional use**);
- (7) **Community garden** that includes a **structure**;
- (8) **Country club**;
- (9) **Educational institution** (not otherwise permitted);
- (10) **Educational institution**-associated facilities, **uses**, and areas on non-contiguous properties;
- (11) **Emergency response facility (transitional use)**;
- (12) **Funeral home**;
- (13) **Golf course**;
- (14) **Group residential facility (large)**;
- (15) **Helipoint** (noncommercial/private individual or accessory to permitted **nonresidential use**, excluding **hospital uses**);
- (16) **Home business** (see §157.503(D)(3)(b) for additional standards);
- (17) **Home enterprise** (see §157.503(D)(3)(c) for additional standards);

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (18) **Home workshop** (see §157.503(D)(3)(d) for additional standards);
- (19) **Homeless/emergency shelter** (accessory to a **religious institution**), for up to eight (8) individuals;
- (20) **Instruction/training/education (transitional use)**;
- (21) **Live-work unit**;
- (22) **Manufactured home, Type II** (see §157.503(D)(3)(e) for additional standards);
- (23) **Medical office (transitional use)**;
- (24) **Model home** (for extension of time/expansion of scope);
- (25) **Museum**;
- (26) **Nature preserve** that includes a **structure** or **parking area**;
- (27) **Neighborhood facility**;
- (28) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);
- (29) **Personal service (transitional use**, excluding copy/duplicating service, **health club**/fitness center, or social service agency);
- (30) **Professional office/business service (transitional use**, excluding **bank**, **credit union**, **loan office**, or **savings and loan**);
- (31) **Recreation use, outdoor (athletic field, riding stable, swim club, tennis club)**;
- (32) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
- (33) **Residential facility for a court-ordered re-entry program**;
- (34) **Residential facility for homeless individuals**, for up to eight (8) individuals; the facility shall be located a minimum of 3000 feet from a small **group residential facility**, a large **group residential facility**, a court-ordered re-entry program **residential facility**, or another **residential facility for homeless individuals**, as measured from the closest property lines of the facilities;
- (35) **Riding stable, residential** (shall be located on a lot with a single **family** residence);
- (36) **Sign** (temporary **subdivision** direction);
- (37) **Solar panel (ground mounted)**;
- (38) **Subdivision clubhouse, meeting hall, neighborhood center**, or swim/tennis facility, if not previously approved as part of the **subdivision**;
- (39) **Studio (transitional use)**;
- (40) **Two family dwelling**;
- (41) **Utility facility, private** (not otherwise permitted or exempt);
- (42) **Wind energy conversion system, micro** (for **single family detached dwellings** on **unplatted land**); and
- (43) **Wind energy conversion system, standard** (for **fire/police station, public park/recreation area, religious institution, or school uses**; or unplatted residential land over five (5) acres).

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(D) Accessory Buildings, Structures and Uses

Accessory buildings, structures, and uses shall be permitted, including but not limited to:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Notes:		
(1) If integrated into a single family detached dwelling ; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building, including hall and gymnasium
Class I Child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent, parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill or fire pit	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Shed	Performances (indoor)
Smokehouse/oven (outdoor)	Shop (for sale of religious institution related items)
Tree house	
Notes:	
(1) Also permitted for nonresidential uses	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the R1 **district**; all are minimum standards unless otherwise noted (the table continues onto the next page).

R1 SINGLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS		
Building size (square feet)		
Single family dwelling	700 ⁽¹⁾	
Accessory structures	Total square footage shall be less than the primary building	
Number of buildings permitted on a lot		
One primary residential building per lot		
Multiple primary nonresidential buildings are permitted per lot		
Height (maximum) ⁽²⁾		
Accessory building	25'	
Primary building	40'	
Lot area (square feet)		
Public sewer (interior lot)	6,000	
Public sewer (corner lot)	8,500	
Private sewage disposal	87,120 (2 acres)	
Lot width (at front building line)		
Private sewage disposal	120'	
Public sewer (interior lot)	50' (interior lot)	
Public sewer (corner lot)	70' (corner lot)	
Private sewage disposal	120'	
Front yard ⁽³⁾		
Platted lot	25' (or platted building line setback , whichever is greater)	
Unplatted lot if adjacent to: Arterial/collector street Local or private street PC-approved easement	115' from the centerline of the street 25' from the street right-of-way 30' from the easement	
Flag Lot	30' Flag lots shall have two (2) required front yards (see definition of lot line, front)	
Through lot	At each end of the lot , based on the street classification/type the yard is adjacent to, except that: • If no access is permitted to the rear of the lot , then a detached accessory structure shall be permitted as set forth below, and a fence shall be permitted with no setback ; or • If access is permitted to the rear of the lot , then a detached accessory structure shall be permitted with a 10' setback and a fence shall be permitted with a 5' setback	
If there is an existing residence on an adjacent parcel on the same side of the street with a nonconforming front setback , and the existing residence is within 300' of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

R1 SINGLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS	
Side yard ⁽³⁾	
Interior lot Private sewage disposal Public sewer	15' 5'
Corner lot	The street side yard setback shall be the same as the front yard setback, based on the side lot line street classification except that: • On corner lots, if there is a platted street side yard building line then an addition to a primary residential structure or an accessory structure shall meet that platted building line. • If there is no platted building line, on a lot of up to 50' an addition to a primary residential structure or an accessory structure (except for fences and walls) shall meet a 10' side yard setback; on a lot of over 50' an addition to a primary residential structure or an accessory structure shall meet a 25' side yard setback. • For fences and walls, if there is no platted building line, a fence (except for an ornamental fence or a retaining wall of up to 3' in height) shall meet a 5' setback; an ornamental fence or a retaining wall of up to 3' in height shall not have a setback requirement.
Rear yard	
Primary building	25 ⁽⁴⁾ 50' (if adjacent to an arterial or collector street)
Accessory structure ⁽⁵⁾	3' from a side or rear lot line ⁽⁶⁾
Swimming pool	6' from a side or rear lot line ⁽⁶⁾
Notes: (1) Excluding basement and attached garage area (2) See §157.405(C) (Development Standards Waivers and Exceptions) for exceptions; §157.409 (Signs) for maximum sign heights ; and §157.404(O) (Residential Impact Mitigation) for additional restrictions (3) See rear yard information for accessory structure and swimming pool side yard standards (4) A single story addition to an existing single family detached residence may encroach up to 10' into the required rear yard , if the addition is 250 square feet or less (5) Excluding swimming pools (6) If located behind the primary building	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(2) Yard Projections and Additional Location Standards

Permitted **yard** projections and additional location standards shall be as set forth in the table below:

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS ⁽¹⁾			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽³⁾	May project up to 2'
Awning or canopy	May project up to 4'	May project up to 4' ⁽³⁾	May project up to 4'
Balcony, fire escape, or stairway, open	May project up to 4'	Shall not project	May project up to 4'
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal)	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, or porch , open (shall not extend above the height of the first floor)	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 10'
Dog/pet house, grill, fire pit, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Slab on grade patio	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 20'
Stoop	Permitted ⁽²⁾	May project up to 4' ⁽³⁾	Permitted ⁽²⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Notes: (1) Except as noted below, buildings and structures shall not project into or be located in a required yard (2) May be located within required yard with no setback , except that non-ornamental fences and walls shall meet corner lot setback and clear visibility standards; see development standards table for fence corner lot setback standards (3) However, a 3' side yard shall be maintained (4) Shall meet minimum setback			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.207 R2 TWO FAMILY RESIDENTIAL

(A) Purpose

The Two-Family **Residential district** is intended to create areas for medium density residential **uses** on individual **lots** or **tracts** and to provide for a variety of areas for single **family** and two **family** residential **development**, along with certain additional **uses**.

(B) Permitted Uses

The following **uses** are permitted as a matter of right in an R2 **district**:

- (1) **Accessory building, structure, or use** as set forth in §157.207(D);
- (2) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court**, or other similar assembly or **recreation facility**, including **structures** and **uses** typically associated with a single-family **subdivision**;
- (3) **Group residential facility (small)**;
- (4) **Model home** (permitted for up to two (2) years);
- (5) **Single family dwelling (attached)**; one **building** of up to two (2) units);
- (6) **Single family dwelling (detached)**;
- (7) **Two family dwelling**; and
- (8) **Universally permitted use**.

(C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:

- (1) **Animal keeping** (outdoor, small animal);
- (2) **Bed and breakfast**;
- (3) **Boarding house**;
- (4) **Class II child care home**;
- (5) **Club, private (transitional use)**;
- (6) **Community facility** not otherwise permitted (**transitional use**);
- (7) **Community garden** that includes a **structure**;
- (8) **Country club**;
- (9) **Educational institution** (not otherwise permitted);
- (10) **Educational institution-associated facilities, uses, and areas** on non-contiguous properties;
- (11) **Emergency response facility (transitional use)**;
- (12) **Funeral home**;
- (13) **Golf course**;
- (14) **Group residential facility (large)**;
- (15) **Helipoint** (noncommercial/private individual or accessory to a permitted **nonresidential use**, excluding **hospital uses**);

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (16) **Home business** (see §157.503(D)(3)(b) for additional standards);
- (17) **Home enterprise** (see §157.503(D)(3)(c) for additional standards);
- (18) **Home workshop** (see §157.503(D)(3)(d) for additional standards);
- (19) **Homeless/emergency shelter** (accessory to a **religious institution**), for up to eight (8) individuals;
- (20) **Instruction/training/education (transitional use)**;
- (21) **Live-work unit**;
- (22) **Manufactured home, Type II** (see §157.503(D)(3)(e) for additional standards);
- (23) **Medical office (transitional use)**;
- (24) **Model home** (for extension of time/expansion of scope);
- (25) **Museum**;
- (26) **Nature preserve** that includes a **structure** or **parking area**;
- (27) **Neighborhood facility**;
- (28) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);
- (29) **Personal service (transitional use)**, excluding copy/duplicating service, **health club**/fitness center, or social service agency);
- (30) **Professional office/business service (transitional use)**, excluding **bank**, **credit union**, **loan office**, or **savings and loan**);
- (31) **Recreation use, outdoor (athletic field, riding stable, swim club, tennis club)**;
- (32) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
- (33) **Residential facility for a court-ordered re-entry program**;
- (34) **Residential facility for homeless individuals**, for up to eight (8) individuals;
- (35) **Sign** (temporary **subdivision** direction);
- (36) **Solar panel (ground mounted)**;
- (37) **Subdivision clubhouse, meeting hall, neighborhood center**, or swim/tennis facility, if not previously approved as part of the **subdivision**;
- (38) **Studio (transitional use)**;
- (39) **Utility facility, private** (not otherwise permitted or exempt);
- (40) **Wind energy conversion system, micro** (for single **family** detached **structures** on **unplatted land** only); and
- (41) **Wind energy conversion system, standard** (for fire/**police station**, **public park/recreation area**, **religious institution**, or **school uses**; or unplatted residential land over five (5) acres).

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(D) Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Notes:		
(1) If integrated into a single-family detached dwelling ; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building, including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent, parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill or fire pit	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Shed	Performances (indoor)
Smoke house/oven (outdoor)	Shop (for sale of religious institution related items)
Tree house	
Notes:	
(1) Also permitted for nonresidential uses	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the R2 **district**; all standards are minimum standards unless otherwise noted (the table continues onto the next page).

R2 TWO FAMILY RESIDENTIAL DEVELOPMENT STANDARDS		
Building size (square feet)		
Single family dwelling	700 ⁽¹⁾	
Accessory structures	Total square footage shall be less than the primary building	
Number of buildings permitted on a lot		
One primary residential building per lot		
Multiple primary nonresidential buildings are permitted per lot		
Height (maximum) ⁽²⁾		
Accessory building	25'	
Primary building	40'	
Lot area (square feet)		
	Detached Single Family Dwelling	Attached Single Family Dwelling
Public sewer (interior lot)	6,000	3,000
Public sewer (corner lot)	8,500	6,000
Private sewage disposal	87,120 (2 acres)	
Lot width (at front building line)		
	Detached Single Family Dwelling	Attached Single Family Dwelling
Public sewer (interior lot)	50'	25'
Public sewer (corner lot)	70'	50'
Private sewage disposal	120'	
Front yard ⁽³⁾		
Platted lot	25' (or platted building line setback , whichever is greater)	
Flag Lot	30' Flag lots shall have two (2) required front yards (see definition of lot line, front)	
Unplatted lot if adjacent to: Arterial/collector street Local or private street PC-approved easement	115' from the centerline of the street 25' from the street right-of-way 30' from the easement	
Through lot	At each end of the lot , based on the street classification/type the yard is adjacent to, except that: • If no access is permitted to the rear of the lot , then a detached accessory structure shall be permitted as set forth below, and a fence shall be permitted with no setback ; or • If access is permitted to the rear of the lot , then a detached accessory structure shall be permitted with a 10' setback and a fence shall be permitted with a 5' setback	
If there is an existing residence on an adjacent parcel on the same side of the street with a nonconforming front setback , and the existing residence is within 300' of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

R2 TWO FAMILY RESIDENTIAL DEVELOPMENT STANDARDS	
Side yard ⁽³⁾	
Interior lot Private sewage disposal Public sewer	15' 5'
Corner lot	The street side yard setback shall be the same as the front yard setback, based on the side lot line street classification, except that: • On corner lots, if there is a platted street side yard building line then an addition to a primary residential structure or an accessory structure shall meet that platted building line. • If there is no platted building line, on a lot of up to 50' an addition to a primary residential structure or an accessory structure (except for fences and walls) shall meet a 10' side yard setback; on a lot of over 50' an addition to a primary residential structure or an accessory structure shall meet a 25' side yard setback. • For fences and walls, if there is no platted building line, a fence (except for an ornamental fence or a retaining wall of up to 3' in height) shall meet a 5' setback; an ornamental fence or a retaining wall of up to 3' in height shall not have a setback requirement.
Rear yard	
Primary building	25' ⁽⁴⁾ 50' (if adjacent to an arterial or collector street)
Accessory structure ⁽⁵⁾	3' from a side or rear lot line ⁽⁶⁾
Swimming pool	6' from a side or rear lot line ⁽⁶⁾
Notes: (1) Excluding basement and attached garage area (2) See §157.405(C) (Development Standards Waivers and Exceptions) for exceptions; §157.409 (Signs) for maximum sign heights ; and §157.404(O) (Residential Impact Mitigation) for additional restrictions (3) See rear yard information for accessory structure and swimming pool side yard standards (4) A single-story addition to an existing single family detached residence may encroach up to 10' into the required rear yard , if the addition in 250 square feet or less (5) Excluding swimming pools (6) If located behind the primary building	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(2) **Yard** Projections and Additional Location Standards

Permitted **yard** projections and additional location standards shall be as set forth in the table below:

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS⁽¹⁾			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽³⁾	May project up to 2'
Awning or canopy	May project up to 4'	May project up to 4' ⁽³⁾	May project up to 4'
Balcony, fire escape, or stairway, open	May project up to 4'	Shall not project	May project up to 4'
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal)	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, or porch , open (shall not extend above the height of the first floor)	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 10'
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Slab on grade patio	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 20'
Stoop	Permitted ⁽²⁾	May project up to 4' ⁽³⁾	Permitted ⁽²⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Notes: (1) Except as noted below, buildings and structures shall not project into or be located in a required yard (2) May be located within required yard with no setback , except that non-ornamental fences and walls shall meet corner lot setback and clear visibility standards; see development standards table for fence corner lot setback standards (3) However, a 3' side yard shall be maintained (4) Shall meet minimum setback			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.208 R3 MULTIPLE FAMILY RESIDENTIAL

(A) Purpose

(B) The Multiple **Family Residential district** is intended to create areas for high density multiple **family residential uses**, as well as single and two-family **dwelling** units and other compatible **nonresidential uses** where adequate public facilities are available. Permitted **Uses**

The following **uses** are permitted as a matter of right in an R3 **district**:

- (1) **Accessory building, structure, or use** as set forth in §157.208(D) (including rental/management office in a **multiple family complex**);
- (2) **Assisted living facility**;
- (3) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court**, or other similar assembly or **recreation facility**, including **structures** and **uses** typically associated with a single-family **subdivision**;
- (4) **Fraternity or sorority house**;
- (5) **Group residential facility (small)**;
- (6) **Model home** (permitted for up to two (2) years);
- (7) **Multiple family complex**;
- (8) **Multiple family dwelling**;
- (9) **Off-site campus housing**;
- (10) **Retirement facility**;
- (11) **Single family dwelling (attached)**;
- (12) **Single family dwelling (detached**; including multiple **primary structures**);
- (13) **Two family dwelling**; and
- (14) **Universally permitted use**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:

- (1) **Animal keeping** (outdoor, small animal);
- (2) **Bed and breakfast**;
- (3) **Boarding house**;
- (4) **Class II child care home**;
- (5) **Club, private (transitional use)**;
- (6) **Community facility** not otherwise permitted (**transitional use**);
- (7) **Community garden** that includes a **structure**;
- (8) **Country club**;
- (9) **Educational institution** (not otherwise permitted);
- (10) **Educational institution**-associated facilities, **uses**, and areas on non-contiguous properties;
- (11) **Emergency response facility (transitional use)**;
- (12) **Funeral home**;
- (13) **Golf course**;
- (14) **Group residential facility (large)**;
- (15) **Heliport (private individual or accessory to permitted nonresidential use, excluding hospital uses)**;
- (16) **Home business** (see §157.503(D)(3)(b) for additional standards);
- (17) **Home enterprise** (see §157.503(D)(3)(c) for additional standards);
- (18) **Home workshop** (see §157.503(D)(3)(d) for additional standards);
- (19) **Homeless/emergency shelter** (accessory to a **religious institution**), for up to eight (8) individuals;
- (20) **Instruction/training/education (transitional use)**;
- (21) **Live-work unit**;
- (22) **Manufactured home, Type II** (see §157.503(D)(3)(e) for additional standards);
- (23) **Medical office (transitional use)**;
- (24) **Model home** (for extension of time/expansion of scope);
- (25) **Museum**;
- (26) **Nature preserve** that includes a **structure** or **parking area**;
- (27) **Neighborhood facility**;
- (28) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);
- (29) **Personal service (transitional use, excluding copy/duplicating service, health club/fitness center, or social service agency)**;

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (30) **Professional office/business service (transitional use, excluding bank, credit union, loan office, or savings and loan);**
- (31) **Recreation use, outdoor (athletic field, riding stable, swim club, tennis club);**
- (32) **Religious institution or non-public school illuminated athletic field(s);**
- (33) **Residential facility for a court-ordered re-entry program;**
- (34) **Residential facility for homeless individuals, for up to eight (8) individuals;**
- (35) **Sign (temporary subdivision direction);**
- (36) **Solar panel (ground mounted);**
- (37) **Subdivision clubhouse, meeting hall, neighborhood center, or swim/tennis facility, if not previously approved as part of the subdivision;**
- (38) **Studio (transitional use);**
- (39) **Utility facility, private (not otherwise permitted or exempt);**
- (40) **Wind energy conversion system, micro (for single family detached buildings on unplatted land only); and**
- (41) **Wind energy conversion system, standard (for fire/police station, public park/recreation area, religious institution, or school uses; or unplatted residential land over five (5) acres).**

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(D) Accessory Buildings, Structures and Uses

The noted accessory buildings, structures, and uses shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Notes:		
(1) If integrated into a single-family detached dwelling; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building, including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent, parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill or fire pit	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Shed	Performances (indoor)
Smoke house/oven (outdoor)	Shop (for sale of religious institution related items)
Tree house	
Notes:	
(1) Also permitted for nonresidential uses	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the R3 **district**; all standards are minimum standards unless otherwise noted (the table continues onto the next page).

R3 MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS		
Building size (square feet)		
Single family dwelling	700 ⁽¹⁾	
Accessory structures	Total square footage shall be less than the primary building	
Number of buildings permitted on a lot		
One primary residential building per lot (multiple primary residential buildings shall be permitted if approved by the Plan Commission as part of a Development Plan)		
Multiple primary nonresidential buildings are permitted per lot		
Height (maximum) ⁽²⁾		
Accessory building	25'	
Primary building	40'	
Lot area (square feet)		
	Detached Single Family Dwelling	Attached Single Family Dwelling
Public sewer (interior lot)	6,000	3,000
Public sewer (corner lot)	8,500	6,000
Private sewage disposal	87,120 (2 acres)	
Lot width (at front building line)		
	Detached Single Family Home	Attached Single Family Home
Public sewer (interior lot)	50' (interior lot)	25'
Public sewer (corner lot)	70'	50'
Private sewage disposal	120'	
Front yard ⁽³⁾		
Platted lot	25' (or platted building line setback , whichever is greater)	
Unplatted lot if adjacent to: Arterial/collector street Local or private/interior private street PC-approved easement	115' from the centerline of the street 25' from the street right-of-way or the private street roadway 30' from the easement	
Flag Lot	30' Flag lots shall have two (2) required front yards (see definition of lot line, front)	
Through lot	At each end of the lot , based on the street classification/type the yard is adjacent to, except that: • If no access is permitted to the rear of the lot , then a detached accessory structure shall be permitted as set forth below, and a fence shall be permitted with no setback ; or • If access is permitted to the rear of the lot , then a detached accessory structure shall be permitted with a 10' setback and a fence shall be permitted with a 5' setback	
If there is an existing residence on an adjacent parcel on the same side of the street with a nonconforming front setback , and the existing residence is within 300' of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

R3 MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS	
Side yard ⁽³⁾	
Interior lot	
Private sewage disposal	15'
Public sewer	5'
Corner lot	The street side yard setback shall be the same as the front yard setback, based on the side lot line street classification, except that: • On corner lots, if there is a platted street side yard building line then an addition to a primary residential structure or an accessory structure shall meet that platted building line. • If there is no platted building line, on a lot of up to 50' an addition to a primary residential structure or an accessory structure (except for fences and walls) shall meet a 10' side yard setback; on a lot of over 50' an addition to a primary residential structure or an accessory structure shall meet a 25' side yard setback. • For fences and walls, if there is no platted building line, a fence (except for an ornamental fence or a retaining wall of up to 3' in height) shall meet a 5' setback; an ornamental fence or a retaining wall of up to 3' in height shall not have a setback requirement.
Rear yard	
Primary building	25' ⁽⁴⁾ 50' if adjacent to a collector or arterial street
Accessory structure ⁽⁵⁾	3' from a side or rear lot line ⁽⁶⁾
Swimming pool	6' from a side or rear lot line ⁽⁶⁾
Multiple family building and complex perimeter setback	
One story building	25'
Two story building	30'
Three story or above building	40'
Multiple family complex building separation	
Multiple family building	25' (separation from any other primary multiple family building)
Condominium building	10' (side yard separation from the side of another primary single or two family building)
Townhouse building	10' (separation from the side of another primary townhouse building) 20' (separation from the front or rear of another primary townhouse building)
Multiple family complex building recreation space	
120 square feet of developed recreation space per dwelling	
Notes: (1) Excluding basement and attached garage area (2) See §157.405(C) (Development Standards Waivers and Exceptions) for exceptions; §157.409 (Signs) for maximum sign heights; and §157.404(O) (Residential Impact Mitigation) for additional restrictions (3) See rear yard information for accessory structure and swimming pool side yard standards (4) A single story addition to an existing single family detached residence may encroach up to 10' into the required rear yard, if the addition is 250 square feet or less. (5) Excluding swimming pools (6) If located behind the primary building	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(2) **Yard** Projections and Additional Location Standards

Permitted **yard** projections and additional location standards shall be as set forth in the table below:

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS⁽¹⁾			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽³⁾	May project up to 2'
Awning or canopy	May project up to 4'	May project up to 4' ⁽³⁾	May project up to 4'
Balcony, fire escape, or stairway, open	May project up to 4'	Shall not project	May project up to 4'
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal)	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, or porch , open (shall not extend above the height of the first floor)	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 10'
Dog/pet house, grill, fire pit, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Slab on grade patio	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 20'
Stoop	Permitted ⁽²⁾	May project up to 4' ⁽³⁾	Permitted ⁽²⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Notes: (1) Except as noted below, buildings and structures shall not project into or be located in a required yard (2) May be located within required yard with no setback , except that non-ornamental fences and walls shall meet corner lot setback and clear visibility standards; see development standards table for fence corner lot setback standards (3) However, a 3' side yard shall be maintained (4) Shall meet minimum setback			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.209 R4 FLEX RESIDENTIAL

(A) Purpose

The Flex **Residential district** is intended to provide the flexibility to create areas for low to high density single, two-family, and multiple **family residential uses**, as well as other compatible **nonresidential uses** where adequate public facilities are available. The Flex Residential district is intended to be used for creating new or modifying existing developments to be consistent with the principles of traditional neighborhood design. This includes homes on smaller lots and street networks with block lengths less than 600 feet.

Certain additional **professional office** and commercial **uses** may also be permitted, if approved by the **Board of Zoning Appeals** (see §157.503(D)(1)). **Multiple family complexes** and projects with multiple **lots** or **development sites**, or multiple **primary buildings** on a single **development site** (including multiple **single family detached dwellings**) shall require the review and approval of a **Development Plan** (see §157.301).

The **Commission** shall require the submission of a site plan, proposed building elevation details, and architectural plans with an application for rezoning to the R4 district. The **Commission** shall find that the project(s) associated with the rezoning is consistent with the principles of traditional neighborhood design. The R4 zoning district is intended to be an incentive district that allows for increased residential density for projects that meet the design standards as outlined in §157.404(Z).

(B) Permitted Uses

The following **uses** are permitted as a matter of right in an R4 **district**:

- (1) **Accessory building, structure, or use** as set forth in §157.208(D) (including rental/management office in a **multiple family complex**);
- (2) **Assisted living facility**;
- (3) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court**, or other similar assembly or **recreation facility**, including **structures** and **uses** typically associated with a single **family subdivision**;
- (4) **Fraternity or sorority house**;
- (5) **Group residential facility (small)**;
- (6) **Live-work unit**;
- (7) **Model home** (permitted for up to two (2) years);
- (8) **Multiple family complex**;
- (9) **Multiple family dwelling**;
- (10) Off-site **campus housing**;
- (11) **Retirement facility**;
- (12) **Single family dwelling (attached)**;
- (13) **Single family dwelling (detached**; including multiple **primary structures**);
- (14) **Two family dwelling**; and
- (15) **Universally permitted use**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:

- (1) **Animal keeping** (outdoor, small animal);
- (2) **Bed and breakfast**;
- (3) **Boarding house**;
- (4) **Class II child care home**;
- (5) **Club, private (transitional use)**;
- (6) **Community facility** not otherwise permitted (**transitional use**);
- (7) **Community garden** that includes a **structure**;
- (8) **Country club**;
- (9) **Educational institution** (not otherwise permitted);
- (10) **Educational institution**-associated facilities, **uses**, and areas on non-contiguous properties;
- (11) **Emergency response facility (transitional use)**;
- (12) **Funeral home**;
- (13) **Golf course**;
- (14) **Group residential facility (large)**;
- (15) **Heliport (private individual or accessory to permitted nonresidential use, excluding hospital uses)**;
- (16) **Home business** (see §157.503(D)(3)(b) for additional standards);
- (17) **Home enterprise** (see §157.503(D)(3)(c) for additional standards);
- (18) **Home workshop** (see §157.503(D)(3)(d) for additional standards);
- (19) **Homeless/emergency shelter** (accessory to a **religious institution**), for up to eight (8) individuals;
- (20) **Instruction/training/education (transitional use)**;
- (21) **Live-work unit (transitional use)**;
- (22) **Manufactured home, Type II** (see §157.503(D)(3)(e) for additional standards);
- (23) **Medical office (transitional use)**;
- (24) **Model home** (for extension of time/expansion of scope);
- (25) **Museum**;
- (26) **Nature preserve** that includes a **structure** or **parking area**;
- (27) **Neighborhood facility**;
- (28) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);
- (29) **Personal service (transitional use, excluding copy/duplicating service, health club/fitness center, or social service agency)**;

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (30) **Professional office/business service (transitional use, excluding bank, credit union, loan office, or savings and loan);**
- (31) **Recreation use, outdoor (athletic field, riding stable, swim club, tennis club);**
- (32) **Religious institution or non-public school illuminated athletic field(s);**
- (33) **Residential facility for a court-ordered re-entry program;**
- (34) **Residential facility for homeless individuals, for up to eight (8) individuals;**
- (35) **Sign (temporary subdivision direction);**
- (36) **Solar panel (ground mounted);**
- (37) **Subdivision clubhouse, meeting hall, neighborhood center, or swim/tennis facility, if not previously approved as part of the subdivision;**
- (38) **Studio (transitional use);**
- (39) **Utility facility, private (not otherwise permitted or exempt);**
- (40) **Wind energy conversion system, micro (for single family detached buildings on unplatted land only); and**
- (41) **Wind energy conversion system, standard (for fire/police station, public park/recreation area, religious institution, or school uses; or unplatted residential land over five (5) acres).**

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(D) Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Notes:		
(2) If integrated into an existing single family detached residence; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building, including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent, parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill or fire pit	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Shed	Performances (indoor)
Smoke house/oven (outdoor)	Shop (for sale of religious institution related items)
Tree house	
Notes:	
(2) Also permitted for nonresidential uses	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the R4 **district**; all standards are minimum standards unless otherwise noted (the table continues onto the next page).

R4 FLEX RESIDENTIAL DEVELOPMENT STANDARDS		
Building size (square feet)		
Single family residence	700 ⁽¹⁾	
Accessory structures	Total square footage shall be less than the primary building	
Number of buildings permitted on a lot		
One primary residential building per lot (multiple primary residential buildings shall be permitted if approved by the Plan Commission as part of a Development Plan)		
Multiple primary nonresidential buildings are permitted per lot		
Height (maximum) ⁽²⁾		
Accessory building	25'	
Primary building	50'	
Lot area (square feet)		
Private sewage disposal	87,120 (2 acres)	
Public sewer	1,400 (interior lot) 1,400 (corner lot)	
Lot width		
	Front Building Line	Front Lot Line
Private sewage disposal	120'	120'
Public sewer	15' (all lots)	15' (all lots)
Lot Depth		
50' minimum		
Front yard ⁽³⁾		
Platted lot	0' (or platted building line setback , whichever is greater)	
Unplatted lot if adjacent to: Arterial/collector street Local or private/interior private street PC-approved easement	115' from the centerline of the street 25' from the street right-of-way or the private street roadway 30' from the easement	
Through lot	At each end of the lot , based on the street classification/type the yard is adjacent to, except that: • If no access is permitted to the rear of the lot , then a detached accessory structure shall be permitted as set forth below, and a fence shall be permitted with no setback ; or • If access is permitted to the rear of the lot , then a detached accessory structure shall be permitted with a 10' setback and a fence shall be permitted with a 5' setback	
If there is an existing residence on an adjacent parcel on the same side of the street with a nonconforming front setback , and the existing residence is within 300' of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

R4 FLEX RESIDENTIAL DEVELOPMENT STANDARDS	
Side yard ⁽³⁾	
Interior lot Private sewage disposal Public sewer	15' 0' (or platted building line setback , whichever is greater)
Corner lot	The street side yard setback shall be the same as the front yard setback, based on the side lot line street classification, except that: • On corner lots, if there is a platted street side yard building line then an addition to a primary residential structure or an accessory structure shall meet that platted building line. • If there is no platted building line, on a lot of up to 50' an addition to a primary residential structure or an accessory structure (except for fences and walls) shall meet a 10' side yard setback; on a lot of over 50' an addition to a primary residential structure or an accessory structure shall meet a 25' side yard setback. • For fences and walls, if there is no platted building line, a fence (except for an ornamental fence or a retaining wall of up to 3' in height) shall meet a 5' setback; an ornamental fence or a retaining wall of up to 3' in height shall not have a setback requirement.
Rear yard	
Primary building	0' (or platted building line setback, whichever is greater) ⁽⁴⁾ 50' if adjacent to a collector or arterial street
Accessory structure ⁽⁵⁾	3' from a side or rear lot line ⁽⁶⁾
Swimming pool	6' from a side or rear lot line ⁽⁶⁾
Multiple family building and complex perimeter setback	
One story building	0'
Two story building	0'
Three story or above building	0'
Multiple family complex building separation	
Multiple family building	10' (separation from any other primary multiple family building)
Condominium building	10' (side yard separation from the side of another primary single or two family building)
Townhouse building	10' (separation from the side of another primary townhouse building) 10' (separation from the front or rear of another primary townhouse building)
Multiple family complex building recreation space	
120 square feet of recreation space per dwelling	
Notes: (1) Excluding basement and attached garage area (2) See §157.405(C) (Development Standards Waivers and Exceptions) for exceptions; §157.409 (Signs) for maximum sign heights ; and §157.404(O) (Residential Impact Mitigation) for additional restrictions (3) See rear yard information for accessory structure and swimming pool side yard standards (4) A single story addition to an existing single family detached residence may encroach up to 10' into the required rear yard , if the addition is 250 square feet or less. (5) Excluding swimming pools (6) If located behind the primary building	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(2) Yard Projections and Additional Location Standards

Permitted **yard** projections and additional location standards shall be as set forth in the table below:

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS ⁽¹⁾			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽³⁾	May project up to 2'
Awning or canopy	May project up to 4'	May project up to 4' ⁽³⁾	May project up to 4'
Balcony, fire escape, or stairway, open	May project up to 4'	Shall not project	May project up to 4'
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal)	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, porch , or stoop, open (shall not extend above the height of the first floor)	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 10'
Dog/pet house, grill, fire pit, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Slab on grade patio	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 20'
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Notes: (1) Except as noted below, buildings and structures shall not project into or be located in a required yard (2) May be located within required yard with no setback , except that non-ornamental fences and walls shall meet corner lot setback and clear visibility standards; see development standards table for fence corner lot setback standards (3) However, a 3' side yard shall be maintained (4) Shall meet minimum setback			

(3) Platted Building Line Setback

The **Commission** may require the inclusion of a platted **building** line **setback** for new residential **subdivisions** and **multifamily complexes** within the R4/Residential Flex **zoning district**. The platted **building** line **setback** distance for front, side, and rear lot lines may be set at the discretion of the **Commission**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.210 RP PLANNED RESIDENTIAL

(A) Purpose

The Planned **Residential district** is intended to create areas for mixed residential **uses**. The purpose of this **district** is to permit residential and other compatible **nonresidential uses**, where adequate public facilities are available.

(B) Permitted Uses

The following **uses** are permitted as a matter of right in an RP **district**:

- (1) **Accessory building, structure, or use** as set forth in §157.209(D) (including rental/management office in a **multiple family complex**);
- (2) **Assisted living facility**;
- (3) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court**, or other similar assembly or **recreation facility**, including **structures** and **uses** typically associated with a single **family subdivision**;
- (4) **Group residential facility (small)**;
- (5) **Fraternity or sorority house**;
- (6) **Model home** (permitted for up to two (2) years);
- (7) **Multiple family complex**;
- (8) **Multiple family dwelling**;
- (9) **Off-site campus housing**;
- (10) **Retirement facility**;
- (11) **Single family dwelling (attached)**;
- (12) **Single family dwelling (detached)**;
- (13) **Two family dwelling**; and
- (14) **Universally permitted use**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:

- (1) **Animal keeping** (outdoor, small animal);
- (2) **Bed and breakfast**;
- (3) **Boarding house**;
- (4) **Class II child care home**;
- (5) **Club, private (transitional use)**;
- (6) **Community facility** not otherwise permitted (**transitional use**);
- (7) **Community garden** that includes a **structure**;
- (8) **Country club**;
- (9) **Educational institution** (not otherwise permitted);
- (10) **Educational institution**-associated facilities, **uses**, and areas on non-contiguous properties;
- (11) **Emergency response facility (transitional use)**;
- (12) **Funeral home**;
- (13) **Golf course**;
- (14) **Group residential facility (large)**;
- (15) **Heliport (private individual or accessory to permitted nonresidential use, excluding hospital uses)**;
- (16) **Home business** (see §157.203(D)(3)(b) for additional standards);
- (17) **Homeless/emergency shelter** (accessory to a **religious institution**), for up to eight (8) individuals;
- (18) **Instruction/training/education (transitional use)**;
- (19) **Live-work unit (transitional use)**;
- (20) **Manufactured home, Type II** (see §157.203(D)(3)(e) for additional standards);
- (21) **Medical office (transitional use)**;
- (22) **Model home** (for extension of time/expansion of scope);
- (23) **Museum**;
- (24) **Nature preserve** that includes a **structure** or **parking area**;
- (25) **Neighborhood facility**;
- (26) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);
- (27) **Personal service (transitional use, excluding copy/duplicating service, health club/fitness center, or social service agency)**;
- (28) **Professional office/business service (transitional use, excluding bank, credit union, loan office, or savings and loan)**;

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (29) **Recreation use, outdoor (athletic field, riding stable, swim club, tennis club);**
- (30) **Religious institution** or non-public **school** illuminated **athletic field(s);**
- (31) **Residential facility for a court-ordered re-entry program;**
- (32) **Residential facility for homeless individuals, for up to eight (8) individuals;**
- (33) **Sign** (temporary **subdivision** direction);
- (34) **Solar panel (ground mounted);**
- (35) **Subdivision clubhouse, meeting hall, neighborhood center, or swim/tennis facility, if not previously approved as part of the subdivision;**
- (36) **Studio (transitional use);**
- (37) **Utility facility, private** (not otherwise permitted or exempt);
- (38) **Wind energy conversion system, micro** (for single family detached **residential buildings** on **unplatted land** only); and
- (39) **Wind energy conversion system, standard** (for fire/**police station, public park/recreation area, religious institution, or school uses; or unplatted residential land over five (5) acres.**

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(D) Accessory Buildings, Structures and Uses

Accessory buildings, structures, and uses shall be permitted, including but not limited to:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Notes:		
(1) If integrated into a single family detached dwelling; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building, including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent, parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill or fire pit	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Shed	Performances (indoor)
Smoke house/oven (outdoor)	Shop (for sale of religious institution related items)
Tree house	
Notes:	
(1) Also permitted for nonresidential uses	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the RP **district**; all are minimum standards unless otherwise noted (the table continues onto the next page).

RP PLANNED RESIDENTIAL DEVELOPMENT STANDARDS		
Building size (square feet)		
Single family dwelling	700 ⁽¹⁾	
Accessory structures	Total square footage shall be less than the primary building	
Number of buildings permitted on a lot		
One primary residential building per lot (multiple primary residential buildings shall be permitted if approved by the Plan Commission as part of a Development Plan)		
Multiple primary nonresidential buildings are permitted per lot		
Height (maximum) ⁽²⁾		
Accessory building	25'	
Primary building	40'	
Lot area (square feet)		
	Detached Single Family Dwelling	Attached Single Family Dwelling
Public sewer (interior lot)	6,000	3,000
Public sewer (corner lot)	8,500	6,000
Private sewage disposal	87,120 (2 acres)	
Lot width (at front building line)		
	Detached Single Family Dwelling	Attached Single Family Dwelling
Public sewer (interior lot)	50' (interior lot)	25'
Public sewer (corner lot)	70'	50'
Private sewage disposal	120'	
Front yard ⁽³⁾		
Platted lot	25'	
Unplatted lot if adjacent to: Arterial/collector street Local or private/interior private street PC-approved easement	115' from the centerline of the street 25' from the street right-of-way or the private street roadway 30' from the easement	
Flag Lot	30' Flag lots shall have two (2) required front yards (see definition of lot line, front)	
Through lot	At each end of the lot , based on the street classification/type the yard is adjacent to, except that: • If no access is permitted to the rear of the lot , then a detached accessory structure shall be permitted as set forth below, and a fence shall be permitted with no setback ; or • If access is permitted to the rear of the lot , then a detached accessory structure shall be permitted with a 10' setback and a fence shall be permitted with a 5' setback	
If there is an existing residence on an adjacent parcel on the same side of the street with a nonconforming front setback , and the existing residence is within 300' of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

RP PLANNED RESIDENTIAL DEVELOPMENT STANDARDS	
Side yard ⁽³⁾	
Interior lot Private sewage disposal Public sewer	15' 5'
Corner lot	The street side yard setback shall be the same as the front yard setback, based on the side lot line street classification except that: • On corner lots, if there is a platted street side yard building line then an addition to a primary residential structure or an accessory structure shall meet that platted building line. • If there is no platted building line, on a lot of up to 50' an addition to a primary residential structure or an accessory structure (except for fences and walls) shall meet a 10' side yard setback; on a lot of over 50' an addition to a primary residential structure or an accessory structure shall meet a 25' side yard setback. • For fences and walls, if there is no platted building line, a fence (except for an ornamental fence or a retaining wall of up to 3' in height) shall meet a 5' setback; an ornamental fence or a retaining wall of up to 3' in height shall not have a setback requirement.
Rear yard	
Primary building	25' ⁽⁴⁾ 50' if adjacent to a collector or arterial street
Accessory structure ⁽⁵⁾	3' from a side or rear lot line ⁽⁶⁾
Swimming pool	6' from a side or rear lot line ⁽⁶⁾
Multiple family building and complex perimeter setback	
One story building	25'
Two story building	30'
Three story or above building	40'
Multiple family complex building separation	
Multiple family building	25' (separation from any other primary multiple family building)
Condominium building	10' (side yard separation from the side of another primary single or two family building)
Townhouse building	10' (separation from the side of another primary townhouse building) 20' (separation from the front or rear of another primary townhouse building)
Multiple family complex building recreation space	
120 square feet of developed recreation space per dwelling	
Notes: (1) Excluding basement and attached garage area (2) See §157.405(C) in (Development Standards Waivers and Exceptions) for exceptions; §157.409 (Signs) for maximum sign heights ; and §157.404(O) (Residential Impact Mitigation) for additional restrictions (3) See rear yard information for accessory structure and swimming pool side yard standards (4) A single story addition to an existing single family detached residence may encroach up to 10' into the required rear yard , if the addition is 250 square feet or less (5) Excluding swimming pools (6) If located behind the primary building	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(2) **Yard** Projections and Additional Location Standards

Permitted **yard** projections and additional location standards shall be as set forth in the table below:

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS ⁽¹⁾			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽³⁾	May project up to 2'
Awning or canopy	May project up to 4'	May project up to 4' ⁽³⁾	May project up to 4'
Balcony, fire escape, or stairway, open	May project up to 4'	Shall not project	May project up to 4'
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal)	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, or porch , open (shall not extend above the height of the first floor)	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 10'
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Slab on grade patio	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 20'
Stoop	Permitted ⁽²⁾	May project up to 4' ⁽³⁾	Permitted ⁽²⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Wall (retaining; up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining; over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Notes: (1) Except as noted below, buildings and structures shall not project into or be located in a required yard (2) May be located within required yard with no setback , except that non-ornamental fences and walls shall meet corner lot setback and clear visibility standards; see development standards table for fence corner lot setback standards (3) However, a 3' side yard shall be maintained (4) Shall meet minimum setback			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.211 MHS MANUFACTURED HOME SUBDIVISION

(A) Purpose

The **Manufactured Home Subdivision district** is intended to create areas for the **development** of **Type II manufactured homes** on individual **lots** which will provide for an environment of predominantly single **family development** with certain additional **uses**.

(B) Permitted Uses

The following **uses** are permitted as a matter of right in an MHS **district**:

- (1) **Accessory building, structure, or use** as set forth in §157.210(D);
- (2) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court**, or other similar assembly or **recreation facility**, including **structures** and **uses** typically associated with a single **family subdivision**;
- (3) **Group residential facility (small)**;
- (4) **Manufactured home, Type II**;
- (5) **Model home** (permitted for up to two (2) years);
- (6) **Single family dwelling (detached)**; and
- (7) **Universally permitted use**.

(C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:

- (1) **Animal keeping** (outdoor, small animal);
- (2) **Bed and breakfast**;
- (3) **Boarding house**;
- (4) **Class II child care home**;
- (5) **Club, private (transitional use)**;
- (6) **Community facility** not otherwise permitted (**transitional use**);
- (7) **Community garden** that includes a **structure**;
- (8) **Country club**;
- (9) **Educational institution** (not otherwise permitted - a post-secondary **educational institution** including a college, university, professional **school**, seminary, or vocational **school**);
- (10) **Educational institution**-associated facilities, **uses**, and areas on non-contiguous properties;
- (11) **Emergency response facility (transitional use)**;
- (12) **Funeral home**;
- (13) **Golf course**;
- (14) **Group residential facility (large)**;
- (15) **Heliport (private individual or accessory to a permitted nonresidential use, excluding hospital uses)**;
- (16) **Home business** (see §157.503(D)(3)(b) for additional standards);

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (17) **Homeless/emergency shelter** (accessory to a **religious institution**), for up to eight (8) individuals;
- (18) **Instruction/training/education (transitional use)**;
- (19) **Live-work unit (transitional use)**;
- (20) **Medical office (transitional use)**;
- (21) **Model home** (for extension of time/expansion of scope);
- (22) **Museum**;
- (23) **Nature preserve** that includes a **structure** or **parking area**;
- (24) **Neighborhood facility**;
- (25) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);
- (26) **Personal service (transitional use**, excluding copy/duplicating service, **health club**/fitness center, or social service agency);
- (27) **Professional office/business service (transitional use**, excluding **bank**, **credit union**, **loan office**, or **savings and loan**);
- (28) **Recreation use, outdoor (athletic field, riding stable, swim club, tennis club)**;
- (29) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
- (30) **Residential facility for a court-ordered re-entry program**;
- (31) **Residential facility for homeless individuals**, for up to eight (8) individuals;
- (32) **Sign** (temporary **subdivision** direction)
- (33) **Solar panel (ground mounted)**;
- (34) **Subdivision clubhouse, meeting hall, neighborhood center**, or swim/tennis facility, if not previously approved as part of the **subdivision**;
- (35) **Studio (transitional use)**;
- (36) **Two family dwelling** (to allow conforming status for existing **nonconforming uses**);
- (37) **Utility facility, private** (not otherwise permitted or exempt);
- (38) **Wind energy conversion system, micro** (for **single family detached buildings** on **unplatted land** only); and
- (39) **Wind energy conversion system, standard** (for **fire/police station, public park/recreation area, religious institution, or school uses**; or unplatted residential land over five (5) acres).

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(D) Accessory Buildings, Structures and Uses

Accessory buildings, structures, and uses shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Notes:		
(1) If integrated into a single family detached dwelling; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building, including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent, parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill or fire pit	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Shed	Performances (indoor)
Smoke house/oven (outdoor)	Shop (for sale of religious institution related items)
Tree house	
Notes:	
(1) Also permitted for nonresidential uses	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the MHS **district**; all standards are minimum standards unless otherwise noted (the table continues onto the next page).

MHS MANUFACTURED HOME SUBDIVISION DEVELOPMENT STANDARDS	
Building size (square feet)	
Single family dwelling	700 ⁽¹⁾
Accessory structures	Total square footage shall be less than the primary building
Number of buildings permitted on a lot	
One primary residential building per lot	
Multiple primary nonresidential buildings are permitted per lot	
Height (maximum) ⁽²⁾	
Accessory building	25'
Primary building	40'
Lot area (square feet)	
Public sewer (interior lot)	5,000
Public sewer (corner lot)	6,500
Private sewage disposal	87,120' (2 acres)
Lot width (at front building line)	
Public sewer (interior lot)	50'
Public sewer (corner lot)	70'
Private sewage disposal	120'
Front yard ⁽³⁾	
Platted lot	5' (or platted building line setback , whichever is greater)
Unplatted lot if adjacent to: Arterial/collector street Local or private street PC-approved easement	115' from the centerline of the street 25' from the street right-of-way 30' from the easement
Flag Lot	30' Flag lots shall have two (2) required front yards (see definition of lot line, front)
Through lot	At each end of the lot , based on the street classification/type the yard is adjacent to, except that: • If no access is permitted to the rear of the lot, then a detached accessory structure shall be permitted as set forth below, and a fence shall be permitted with no setback; or • If access is permitted to the rear of the lot, then a detached accessory structure shall be permitted with a 10' setback and a fence shall be permitted with a 5' setback
If there is an existing residence on an adjacent parcel on the same side of the street with a nonconforming front setback , and the existing residence is within 300' of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Side yard ⁽³⁾	
Interior lot Private sewage disposal Public sewer	15' 5' (or platted building line setback, whichever is greater)
Corner lot	The street side yard setback shall be the same as the front yard setback, based on the side lot line street classification except that: • On corner lots, if there is a platted street side yard building line then an addition to a primary residential structure or an accessory structure shall meet that platted building line. • If there is no platted building line, on a lot of up to 50' an addition to a primary residential structure or an accessory structure (except for fences and walls) shall meet a 10' side yard setback; on a lot of over 50' an addition to a primary residential structure or an accessory structure shall meet a 25' side yard setback. • For fences and walls, if there is no platted building line, a fence (except for an ornamental fence or a retaining wall of up to 3' in height) shall meet a 5' setback; an ornamental fence or a retaining wall of up to 3' in height shall not have a setback requirement.
Rear yard	
Primary building	15' (or platted building line setback, whichever is greater) ⁽⁴⁾ 50' (if adjacent to an arterial or collector street)
Accessory structure ⁽⁵⁾	3' from a side or rear lot line ⁽⁶⁾
Swimming pool	6' from a side or rear lot line ⁽⁶⁾
Notes: (1) Excluding basement and attached garage area (2) See §157.405(C) (Development Standards Waivers) and Exceptions for exceptions; §157.409 (Signs) for maximum sign heights ; and §157.404(O) (Residential Impact Mitigation) for additional restrictions (3) See rear yard information for accessory structure and swimming pool side yard standards (4) A single story addition to an existing single family detached residence may encroach up to 10' into the required rear yard , if the addition is 250 square feet or less (5) Excluding swimming pools (6) If located behind the primary building	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(2) Yard Projections and Additional Location Standards

Permitted **yard** projections and additional location standards shall be as set forth in the table below:

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS ⁽¹⁾			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Arbor, basketball goal, bird bath/house/feeder, driveway, flagpole, garden (private), landscape elements, mail/newspaper delivery box, property boundary marker, small satellite dish, trellis, yard light	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window, or similar feature)	May project up to 2'	May project up to 2' ⁽³⁾	May project up to 2'
Awning or canopy	May project up to 4'	May project up to 4' ⁽³⁾	May project up to 4'
Balcony, fire escape, or stairway, open	May project up to 4'	Shall not project	May project up to 4'
Bath house/cabana, carport, garage, gazebo, greenhouse, pergola, shed, smoke house (personal)	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck, landing, or porch, open (shall not extend above the height of the first floor)	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 10'
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), play equipment, radio antenna (amateur), large satellite dish, tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Slab on grade patio	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 20'
Stoop	Permitted ⁽²⁾	May project up to 4' ⁽³⁾	Permitted ⁽²⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Notes:			
(1) Except as noted below, buildings and structures shall not project into or be located in a required yard			
(2) May be located within required yard with no setback , except that non-ornamental fences and walls shall meet corner lot setback and clear visibility standards; see development standards table for fence corner lot setback standards			
(3) However, a 3' side yard shall be maintained			
(4) Shall meet minimum setback			

(3) Platted Building Line Setback

The **Commission** may require the inclusion of a platted **building** line **setback** for new residential **subdivisions** within the MHS/Manufactured Home Subdivision **zoning district**. The platted building line setback distance for front, side, and rear lot lines may be set at the discretion of the **Commission**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.212 MHP MANUFACTURED HOME PARK

(A) Purpose

The **Manufactured Home Park district** is intended to create areas for the location of multiple **Type III manufactured homes** on leased or rented **lots**. **Manufactured home park developments** shall require the review and approval of a **Development Plan** (see §157.301).

(B) Permitted Uses

The following **uses** are permitted as a matter of right in an MHP **district**:

- (1) **Accessory building, structure, or use** as set forth in §157.211(C);
- (2) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court,** or other similar assembly or **recreation facility**, in association with an approved **Development Plan**;
- (3) **Manufactured home** project under single ownership (including **model home**, but excluding sales or service **lot**);
- (4) **Manufactured home, Type II;**
- (5) **Manufactured home, Type III;** and
- (6) **Universally permitted use.**

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(C) Accessory Buildings, Structures, and Uses

Accessory buildings, structures, and uses shall be permitted, including but not limited to:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Access ramp	Hedge	Satellite dish
Address marker	Holiday decorations	Sign
Arbor or pergola	Landscape elements	Solar panels (building mounted)
Bird bath	Mailbox	Swimming pool
Bird house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building, including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent, parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill or fire pit	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Shed	Performances (indoor)
Smoke house/oven (outdoor)	Shop (for sale of religious institution related items)
Tree house	
Notes:	
(1) Also permitted for nonresidential uses	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(D) Development Standards

The standards in the following table shall apply in the MHP **district**; all are minimum standards unless otherwise noted.

MHP MANUFACTURED HOME PARK DEVELOPMENT STANDARDS	
Building size (square feet)	
Single family residence	700
Accessory structures	Total square footage shall be less than the primary building
Number of buildings permitted on a lot	
One primary residential building per lot	
Width Standard Minimum of 24'	
Height (maximum) ⁽¹⁾	
Accessory building	25'
Primary building	40'
Front yard	
Standard lot	5'
Through lot	5' (minimum yard at both ends of the lot)
Side yard	
Standard lot	5'
Rear yard	
Standard lot	5'
Manufactured home park perimeter setback	
50'	
Manufactured home park building separation	
5' (separation from any other primary building)	
Manufactured home park recreation space	
120 square feet of developed recreation space per dwelling	
Notes:	
(1) See §157.405(C) (Development Standards Waivers and Exceptions) for exceptions; §157.409 (Signs) for maximum sign heights ; and §157.404(O) (Residential Impact Mitigation) and §157.411 (Airport Overlay Districts) for additional restrictions	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.213 C1 PROFESSIONAL OFFICE AND PERSONAL SERVICES

(A) Purpose

The **Professional Office and Personal Services district** is intended to provide areas for **professional offices, personal services**, community, and similar low intensity **nonresidential uses**, along with certain residential facilities. This **district** can serve as a buffer between residential **uses/zoning districts** and higher intensity commercial **uses**.

(B) Permitted Uses

The following **uses** are permitted as a matter of right in a C1 **district**. In C1 **districts**, **outdoor display**, temporary outdoor sales, and **outdoor storage** shall not be permitted.

C1 PROFESSIONAL OFFICE AND PERSONAL SERVICES USE CATEGORIES

Community facility	Professional office/business service	Universally permitted use
Instruction/training/education	Residential facility, general	Miscellaneous use
Medical facility or office	Residential facility, limited	
Personal service	Studio	

C1 PROFESSIONAL OFFICE AND PERSONAL SERVICES SPECIFIC PERMITTED USES

Accessory building/structure/use	Collection agency	Graphic design service
Accountant	Clothing alterations	Group residential facility (large) ⁽¹⁾
Adoption service	Community garden	Group residential facility (small)
Adult care home	Computer training	Gymnastics instruction
Advertising	Consulting service	Health club
Alteration Service	Copy service	Homeless shelter ⁽¹⁾
Answering service	Correctional services facility	Hospice care center
Appraiser	Counseling service	Hospital
Architect	Craft instruction	Insurance agency
Art instruction	Craft studio	Interior design service
Art studio	Credit service	Internet service
Assisted living facility	Credit union	Investment service
Attorney	Customer service facility	Laboratory
Auction service	Dance instruction	Land surveyor
Audiologist	Data processing facility	Legal service
Audio-visual studio	Data storage facility	Live-work unit
Bank	Day care	Loan office
Bankruptcy service	Day spa	Marketing agency
Barber shop	Dentist	Martial arts training
Barber/beauty school	Diagnostic center	Massage therapy
Beauty shop	Dialysis center	Medical training
Bed and breakfast	Doctor	Model unit
Blood bank	Dormitory	Mortgage service
Blood or plasma donor facility	Driving instruction	Multiple family complex ⁽⁴⁾
Boarding house	Educational institution	Multiple family dwelling ⁽⁴⁾
Bookkeeping service	Embroidery	Museum
Broadcast studio	Employment agency	Music instruction
Broker	Engineer	Music studio
Business training	Finance agency	Nail salon
Campus housing (off-site)	Financial planning service	Neighborhood facility
Child care center	Fitness center	Nursing home
Child care home (class I or II)	Foundation office	Nutrition service
Chiropractor	Fraternity house	Ophthalmologist
Clinic	Funeral home	Optician

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Optometrist	Residential facility for homeless individuals up to 8)⁽¹⁾	Title company
Painting studio	Retirement facility	Townhouse complex⁽⁴⁾
Parking area (off-site)⁽²⁾	Savings and loan	Travel agency
Photography studio	Sculpture studio	Treatment center
Photography training	Security service	Tutoring service
Physical therapy facility	Sleep disorder facility	Universally permitted use⁽²⁾
Pilates instruction	Social service agency	Veterinary clinic
Planner	Sorority house	Website service
Podiatrist	Stained glass studio	Wedding consultant
Public transportation facility	Stock and bond broker	Weight loss service
Radio station	Surgery center	Wind energy conversion system (micro)⁽¹⁾
Real estate	Tanning salon	Yoga instruction
Recording studio	Tax consulting	Zoo
Residential dwelling unit ⁽¹³⁾	Television station	
Notes: (1) If not adjacent to a residential district (2) See universally permitted use definition for additional standards (3) Above, to the rear of, or attached to a permitted nonresidential use (4) See multiple family building and complex perimeter setback and building separation requirements in R3 district (157.208(E)(1))		

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:

- (1) **Animal service**, indoor (animal grooming, **animal hospital**, **animal kennel**, animal obedience **school**, **veterinary clinic**);
- (2) **Automatic teller machine (ATM)** (stand-alone);
- (3) **Club, private**;
- (4) **Commercial communication tower** (see §157.503(D)(3)(a) for additional standards);
- (5) **Community garden** that includes a **structure**;
- (6) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted);
- (7) **Group residential facility (large)** (if **adjacent** to a **residential district**);
- (8) **Home business** (in a **single family detached dwelling** only; (see §157.503(D)(3)(b) for additional standards);
- (9) **Homeless/emergency shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**);
- (10) **Manufactured home, Type II** (see §157.503(D)(3)(e) for additional standards);
- (11) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);
- (12) **Parking area** (as the **primary use** of a **lot**), a **special use** shall not be required for a universally permitted **off-site parking area**;
- (13) **Recreation facility or use**, outdoor (**athletic field**, **riding stable**, swim **club**, tennis **club**);
- (14) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
- (15) **Residential facility for court-ordered re-entry program**;
- (16) **Residential facility for homeless individuals** (if **adjacent** to a **residential district**);
- (17) Retail: **art gallery**, **bakery**, **coffee shop**, confectionary/candy/ice cream store, craft gallery, delicatessen, florist, jeweler, medical supply sales, musical instrument sales, sandwich **shop**, tearoom (this **special use** shall only be permitted to allow for the conversion of an existing **building**; allowed up to 2500 square feet; **drive-through facilities** shall not be permitted as part of this **special use**);
- (18) **Sign** (temporary **subdivision** direction);
- (19) **Solar panel (ground mounted)**;
- (20) Tattoo establishment;
- (21) **Utility facility, private** (not otherwise permitted or exempt);
- (22) **Wind energy conversion (WEC) system (standard**, or more than 1 micro system); and
- (23) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**).

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(D) Accessory Buildings, Structures and Uses

The noted accessory buildings, structures, and uses shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note: (1) If integrated into a single family detached dwelling; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building, including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent, parsonage, rectory, or similar residence
Greenhouse	Donation site/recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution related items)
Note: (1) Also permitted for nonresidential uses	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the C1 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

C1 PROFESSIONAL OFFICE AND PERSONAL SERVICES DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure		40'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		25'	
Through lot		25' at each end of the lot	
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		25'	10'
Over 30'		50'	25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building – corner lot street side yard		25'	
Rear yard			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		25'	10'
Over 30'		50'	25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See §157.405(C) (Development Standards Waivers and Exceptions) for exceptions; §157.409 (Signs) for maximum sign heights ; and §157.404(O) (Residential Impact Mitigation)			
(2) Whichever is less			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, or porch , or open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Stoop	Permitted ⁽¹⁾	May project up to 4' ⁽²⁾	Permitted ⁽¹⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes: (1) May be located within required yard with no setback (2) However, a 5' side or rear yard shall be maintained (3) If not adjacent to a residential district ; shall not project if adjacent to a residential district (4) Shall meet minimum primary structure setback (5) However, fences and walls shall meet corner lot primary structure setback standard (6) Up to 3' in height			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.214 C2 LIMITED COMMERCIAL

(A) Purpose

The Limited Commercial **district** is intended to provide areas for moderate intensity business, community, office, **personal service**, and **limited retail uses**, along with certain residential facilities. Neighborhood-oriented **uses** are encouraged.

(B) Limitations on **Building** Size and Number of **Buildings**

For new commercial **development**, a single **building** on a single **lot** shall be permitted, with a square footage of up to 25% coverage of the **net lot area**, to a maximum **building** size of 22,000 square feet.

(C) Permitted Uses

The following **uses** are permitted as a matter of right in a C2 **district**. Unless otherwise noted or defined, all **primary uses** shall be conducted indoors. In C2 **districts**, **outdoor display** shall be permitted within ten (10) feet of the **primary structure** on the front or **street side(s)**; or beneath a **gas station canopy**. **Outdoor storage** shall: be located behind the **primary structure**, or on the internal side of a **corner lot**; meet **primary building setback** standards; and be located on a paved or permitted gravel surface.

C2 LIMITED COMMERCIAL USE CATEGORIES

Animal service, indoor	Instruction/training/education	Residential facility, limited
Automobile service, limited	Medical facility or office	Retail, limited
Clothing	Personal service	Studio
Community facility	Professional office/business service	Universally permitted use
Electronics	Recreation/tourism, limited	Miscellaneous use
Food and beverage service	Residential facility, general	

C2 LIMITED COMMERCIAL SPECIFIC PERMITTED USES

Accessory building/structure/use	Assisted living facility	Billiard or pool hall
Accountant	Attorney	Bingo establishment
Adoption service	Auction service	Blood bank
Adult care center	Audiologist	Blood or plasma donor facility
Advertising	Audio-visual studio	Boardinghouse
Air conditioning sales	Automatic teller machine	Book store
Alteration service	Automobile accessory store (indoor)	Bookkeeping service
Animal grooming (indoor)	Automobile rental (indoor)	Bowling alley
Animal hospital (indoor)	Automobile sales (indoor)	Brewery (micro)
Animal kennel (indoor)	Bait sales	Broadcast studio
Animal obedience school (indoor)	Bakery goods Bait sales	Broker
Answering service	Bank	Business training
Antique shop	Bankruptcy service	Campus housing (off-site)
Apparel and accessory store	Banquet hall	Catalog showroom
Appliance store	Bar	Caterer
Appraiser	Barber shop	Child care center
Arcade	Barber/beauty school	Child care home (class I or II)
Architect	Beauty shop	Chiropractor
Art gallery	Barber/beauty school	Clinic
Art instruction	Beauty shop	Clock sales
Art supply store	Bed and breakfast	Clothing alterations
Art studio	Bicycle sales and repair shop	Clothing store

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Clothing rental	Farmers market (including outdoor sales)	Massage therapy
Club, private	Finance agency	Meat / fish market
Coffee shop	Financial planning service	Medical supply sales
Coin shop	Fireworks sales (indoor)	Medical training
Collection agency	Fitness center	Model unit
Community garden (including outdoor)	Flea market (indoor)	Mortgage service
Computer sales and service	Floor covering store	Motel
Computer software store	Florist	Movie rental
Computer training	Foundation office	Movie sales
Candy store	Fraternity house	Multiple family complex ⁽⁴⁾
Consignment shop	Fruit / vegetable store (indoor)	Multiple family dwelling ⁽⁴⁾
Consulting service	Funeral home	Museum
Consumer electronics sales	Furniture store	Music instruction
Consumer electronics service	Furrier	Music store
Convenience store	Game rentals	Music studio
Copy service	Game sales	Musical instrument store
Correctional services facility	Gift shop	Nail salon
Cosmetic store	Glass cutting/glazing shop	Neighborhood facility
Costume rental	Graphic design service	Nursing home
Counseling service	Grocery store or supermarket	Nutrition service
Craft instruction	Group residential facility (large) ⁽¹⁾	Ophthalmologist
Craft studio	Group residential facility (small)	Optician
Craft supply store	Gymnastics instruction	Optometrist
Credit service	Hardware store	Package liquor store
Credit union	Haunted house	Paint store
Customer service facility	Health club	Painting studio
Dance instruction	Heating sales	Parking area (off-site) ⁽²⁾
Data processing facility	Hobby shop	Parking area ⁽¹⁾
Data storage facility	Home improvement business	Parking structure
Day care	Homeless shelter ⁽¹⁾	Pet store
Day spa	Hospital	Pharmacy
Delicatessen	Hot tub sales	Photography supply store
Dentist	Hotel	Photography training
Department store	Insurance agency	Photography studio
Diagnostic center	Interior decorating store	Physical therapy facility
Dialysis center	Interior design service	Picture framing facility
Diaper service facility	Internet/web site service	Pilates instruction
Dinner theater	Investment service	Planetarium
Distillery (micro)	Jewelry sales	Planner
Doctor	Laboratory	Podiatrist
Dormitory	Land surveyor	Pottery sales
Driving instruction	Laundromat	Public transportation facility
Drug store	Leather goods store	Radio station
Dry cleaning store	Legal service	Real estate
Educational institution	Library	Reception hall
Embroidery	Live-work unit	Recreation facility ⁽¹⁾
Employment agency	Loan office	Rental store
Engineer	Luggage store	Recording studio
Entertainment facility (indoor)	Marketing agency	Residential dwelling unit ⁽³⁾
Fabric shop	Martial arts training	Residential facility for homeless individuals (up to 8) ⁽¹⁾

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Restaurant, including drive-through	Surgery center	Title company
Retirement facility	Swim club	Townhouse complex ⁽⁴⁾
Sandwich shop	Swimming pool sales	Toy store
Savings and loan	Tobacco store	Travel agency
Sculpture studio	Tailor	Treatment center
Security service	Tanning salon	Tutoring service
Shoe repair shop	Tattoo establishment	Universally permitted use ⁽²⁾
Shoe store	Tavern	Variety store
Sign sales store	Tax consulting	Veterinary clinic (indoor)
Skating rink	Taxi service	Watch sales
Sleep disorder facility	Tea room	Website service
Social service agency	Telephone sales	Wedding consultant
Sorority house	Telephone service	Weight loss service
Sporting goods sales	Television station	Wind energy conversion system (micro) ⁽²⁾
Stained glass studio	Tennis club	Window sales
Stationery Store	Theater	Yoga instruction
Stock and bond broker	Tire sales	Zoo
Notes: (1) If not adjacent to a residential district (2) See universally permitted use definition for additional standards. (3) Above, to the rear of, or attached to a permitted nonresidential use (4) See multiple family building and complex perimeter setback and building separation requirements in R3 district (157.208(E)(1))		

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(D) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:

- (1) **Automobile maintenance (quick service);**
- (2) **Commercial communication tower** (see §157.503(D)(3)(a) for additional standards);
- (3) **Community garden** that includes a **structure**;
- (4) **Educational institution-associated uses** (on non-contiguous properties);
- (5) **Gas station** (as a primary or **accessory use**);
- (6) **Greenhouse**;
- (7) **Group residential facility (large)** (if **adjacent** to a **residential district**);
- (8) **Home business** (in a **single-family detached dwelling** only; see §157.503(D)(3)(b) for additional standards);
- (9) **Homeless/emergency shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**);
- (10) **Manufactured home, Type II** (see §157.503(D)(3)(e) for additional standards);
- (11) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);
- (12) **Outdoor use** (in conjunction with a permitted **primary use**);
- (13) **Parking area** (as a **primary use**, if **adjacent** to a **residential district**); a **special use** shall not be required for a universally permitted **off-site parking area**;
- (14) **Plant nursery**;
- (15) **Recreation area**, including accessory **recreation areas**;
- (16) **Recreation facility** (if **adjacent** to a **residential district**);
- (17) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
- (18) **Residential facility for a court-ordered re-entry program**;
- (19) **Residential facility for homeless individuals** (if **adjacent** to a **residential district**);
- (20) **Shooting range** (indoor);
- (21) **Sign** (temporary **subdivision** direction);
- (22) **Solar panel (ground mounted)**;
- (23) **Utility facility, private** (not otherwise permitted or exempt);
- (24) **Wind energy conversion (WEC) system (standard**, or more than 1 micro system); and
- (25) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**);

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(E) Accessory Buildings, Structures and Uses

The noted accessory buildings, structures, and uses shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note: (1) If integrated into a single family detached dwelling; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building, including hall and gymnasium
Class I Child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent, parsonage, rectory, or similar residence
Greenhouse	Donation site/recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution related items)
Note: (1) Also permitted for nonresidential uses	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(F) Development Standards

- (1) The standards in the following table shall apply in the C2 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

C2 LIMITED COMMERCIAL DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure		40'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		25'	
Through lot		25' at each end of the lot	
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	25'		10'
Over 30'	50'		25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building – corner lot street side yard		25'	
Rear yard			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	25'		10'
Over 30'	50'		25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See §157.405(C) (Development Standards Waivers and Exceptions) for exceptions; §157.409 (Signs) for maximum sign heights ; and §157.404(O) (Residential Impact Mitigation)			
(2) Whichever is less			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, or porch , open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Stoop	Permitted ⁽¹⁾	May project up to 4' ⁽²⁾	Permitted ⁽¹⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes: (1) May be located within required yard with no setback (2) However, a 5' side or rear yard shall be maintained (3) If not adjacent to a residential district ; shall not project if adjacent to a residential district (4) Shall meet minimum primary structure setback (5) However, fences and walls shall meet corner lot primary structure setback standard (6) Up to 3' in height			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.215 NC NEIGHBORHOOD CENTER

(A) Purpose

The **Neighborhood Center district** is intended to provide areas for the day-to-day shopping needs of directly surrounding residential neighborhoods. Neighborhood center zoning districts and uses should be closely integrated with residential zones to promote walkable, compact, and dense development. **Uses** typically found within this type of center include moderate intensity business, community, office, **personal service**, and **limited retail uses**, along with certain residential facilities.

(B) In NC districts, all developments are subject to a Development Plan or Site Plan Review.

(C) Permitted Uses

In NC **districts**, **outdoor display** shall be permitted within ten (10) feet of the **primary structure** on the front or **street side(s)**; **Outdoor storage** shall: be located behind the **primary structure**, or on the internal side of a **corner lot**; meet **primary building setback** standards; and be located on a paved or permitted gravel surface. The following **uses** are permitted as a matter of right in an NC **district**; the permitted **uses** shall include, but not be limited to the following **uses**. Unless otherwise noted or defined, all **primary uses** shall be conducted indoors. Additionally, all NC districts are subject to landscaping standards found in §157.408 of this ordinance.

NC NEIGHBORHOOD CENTER USE CATEGORIES

Animal service, indoor	Instruction/training/education	Residential facility, limited
Automobile service, limited	Medical facility or office	Retail, limited
Clothing	Personal service	Studio
Community facility	Professional office/business service	Universally permitted use
Electronics	Recreation/tourism, limited	Miscellaneous use
Food and beverage service	Residential facility, general	

NC NEIGHBORHOOD CENTER SPECIFIC PERMITTED USES

Accessory building/structure/use	Attorney	Book store
Accountant	Auction service	Bookkeeping service
Adoption service	Audiologist	Bowling alley
Adult care center	Audio-visual studio	Brewery (micro)
Advertising	Automatic teller machine	Broadcast studio
Air conditioning sales	Automobile accessory store (indoor)	Broker
Alteration service	Automobile rental (indoor)	Business training
Animal grooming (indoor)	Automobile sales (indoor)	Campus housing (off-site)
Animal hospital (indoor)	Bait sales	Candy store
Animal kennel (indoor)	Bakery goods	Catalog showroom
Animal obedience school (indoor)	Bank	Caterer
Answering service	Bankruptcy service	Child care center
Antique shop	Bar	Child care home (class I or II)
Apparel and accessory store	Barber shop	Chiropractor
Appliance store	Barber/beauty school	Clinic
Appraiser	Beauty shop	Clock sales
Arcade	Bed and breakfast	Clothing alterations
Architect	Bicycle sales and repair shop	Clothing rental
Art gallery	Billiard or pool hall	Clothing store
Art instruction	Bingo establishment	Club, private
Art supply store	Blood bank	Coffee shop
Art studio	Blood or plasma donor facility	Coin shop
Assisted living facility	Boardinghouse	Collection agency

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Community garden (including outdoor)	Funeral home	Parking area (off-site) ⁽²⁾
Computer sales and service	Furniture store	Parking area ⁽¹⁾
Computer software store	Furrier	Parking structure
Computer training	Game Rental	Pet store
Consignment shop	Game Sales	Pharmacy
Consulting service	Gift shop	Photography studio
Consumer electronics sales	Glass cutting/glazing shop	Photography supply store
Consumer electronics service	Graphic design service	Photography training
Convenience store	Grocery store or supermarket	Physical therapy facility
Copy or duplicating service	Group residential facility (small)	Picture framing facility
Correctional services facility	Gymnastics instruction	Pilates instruction
Cosmetic store	Hardware store	Planetarium
Costume rental	Haunted house	Planner
Counseling service	Health club	Podiatrist
Craft instruction	Heating sales	Pottery sales
Craft studio	Hobby shop	Public transportation facility
Craft supply store	Home improvement business	Radio station
Credit service	Home repair	Real estate
Credit union	Hospice care center	Reception hall
Customer service facility	Hospital	Recording studio
Dance instruction	Hotel	Recreation facility ⁽²⁾
Data processing facility	Jewelry sales	Rental store
Data storage facility	Laboratory	Residential dwelling unit ⁽³⁾
Day care	Land surveyor	Restaurant, including drive-through
Day spa	Laundromat	Retirement facility
Delicatessen	Leather goods store	Savings and loan
Dentist	Legal service	Sandwich shop
Department store	Live-work unit	Sculpture studio
Dialysis center	Loan office	Security service
Diaper service facility	Luggage store	Shoe store
Dinner theater	Marketing agency	Shoe repair shop
Distillery (micro)	Martial arts training	Sign sales store
Doctor	Massage therapy	Skating rink
Dormitory	Meat /fish market	Sleep disorder facility
Driving instruction	Medical supply sales	Social service agency
Drug store	Medical training	Sorority house
Dry cleaning store	Model unit	Sporting goods sales
Educational institution	Mortgage service	Stained glass studio
Embroidery	Movie rental	Stationery store
Employment agency	Movie sales	Stock and bond broker
Engineer	Multiple family complex ⁽⁴⁾	Surgery center
Fabric shop	Multiple family dwelling ⁽⁴⁾	Swim club
Farmers market (including outdoor sales)	Museum	Swimming pool sales
Finance agency	Music instruction	Tailor service
Financial planning service	Music store	Tanning salon
Fitness center	Music studio	Tavern
Floor covering store	Nail salon	Tax consulting
Florist	Nursing home	Tea room
Floor covering store	Nutrition service	Telephone sales
Florist	Ophthalmologist	Telephone service
Foundation office	Optician	Television station
Fraternity house	Optometrist	Tennis club
Fruit / vegetable store (indoor)	Painting studio	Theater

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Tire sales	Tutoring service	Wedding consultant
Title company	Universally permitted use⁽²⁾	Weight loss service
Tobacco store	Variety store	Wind energy conversion system (micro)⁽²⁾
Townhouse complex(4)	Veterinary clinic (indoor)	Window sales
Toy store	Watch sales	Yoga instruction
Travel agency	Website sales	
Notes: (1) If not adjacent to a residential district (2) See universally permitted use definition for additional standards (3) Above, to the rear of, or attached to a permitted nonresidential use (4) See multiple family building and complex perimeter setback and building separation requirements in R3 district (157.208(E)(1))		

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(D) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:

- (1) **Automobile maintenance (quick service);**
- (2) **Commercial communication tower** (see §157.503(D)(3)(a) for additional standards);
- (3) **Community garden** that includes a **structure**;
- (4) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted);
- (5) **Gas station** (as a primary or **accessory use**)
- (6) **Greenhouse**;
- (7) **Group residential facility (large)** (if **adjacent** to a **residential district**);
- (8) **Home business** (for single **family detached buildings** only; see §157.503(D)(3)(b) for additional standards);
- (9) **Homeless/emergency shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**);
- (10) **Manufactured home, Type II** (see §157.503(D)(3)(e) for additional standards);
- (11) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);
- (12) **Outdoor use** (in conjunction with a permitted **primary use**);
- (13) **Parking area** (if **adjacent** to a **residential district**); a **special use** shall not be required for a universally permitted **off-site parking area**;
- (14) **Plant nursery**;
- (15) **Recreation area**, including accessory **recreation areas**;
- (16) **Recreation facility** (if **adjacent** to a **residential district**);
- (17) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
- (18) **Residential facility for a court-ordered re-entry program**;
- (19) **Residential facility for homeless individuals** (if **adjacent** to a **residential district**);
- (20) **Sign** (temporary **subdivision** direction);
- (21) **Solar panel (ground mounted)**;
- (22) **Utility facility, private** (not otherwise permitted or exempt);
- (23) **Wind energy conversion (WEC) system (standard**, or more than 1 micro system); and
- (24) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**).

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(E) Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note: (1) If integrated into a single family detached dwelling; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I Child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution related items)
Note: (1) Also permitted for nonresidential uses	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(F) Development Standards

- (1) The standards in the following table shall apply in the NC **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

NC NEIGHBORHOOD CENTER DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure		40'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		0'	
Through lot		0' at each end of the lot	
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	10'		5'
Over 30'	15'		5'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	10'	5'
Over 25' or	Over 200 sq. ft.	15'	5'
Side yard (corner lot)			
Primary building – corner lot street side yard		0'	
Accessory building – corner lot street side yard		0'	
Rear yard			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	10'		5'
Over 30'	15'		5'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	10'	5'
Over 25' or	Over 200 sq. ft.	15'	5'
Notes:			
(1) See §157.405(C) (Development Standards Waivers and Exceptions) for exceptions; §157.409 (Signs) for maximum sign heights ; and §157.404(O) (Residential Impact Mitigation) for additional restrictions			
(2) Whichever is less			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, or porch , or open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Stoop	Permitted ⁽¹⁾	May project up to 4' ⁽²⁾	Permitted ⁽¹⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes: (1) May be located within required yard with no setback (2) However, a 5' side or rear yard shall be maintained (3) If not adjacent to a residential district ; shall not project if adjacent to a residential district (4) Shall meet minimum primary structure setback (5) However, fences and walls shall meet corner lot primary structure setback standard (6) Up to 3' in height			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.216 SC SHOPPING CENTER

(A) Purpose

The **Shopping Center districts** are intended to create areas for the provision of adequate commercial facilities at suitable locations and of appropriate design, scale and intensity which will create a functional and compatible relationship with the immediate surroundings and community. It is intended that SC **districts** be composed of multiple, different **uses** that serve the retail needs of the community. **Uses** typically found within this type of center include moderate intensity business, community, office, **personal service**, and **limited retail uses**, along with certain residential facilities.

(B) Limitations on **Building** Size and Number of **Buildings**

For new commercial **development**, single or multiple **buildings** shall be permitted; new commercial/retail **developments** with total **building** square footage of over 80,000 square feet or with individual tenant spaces over 40,000 square feet shall require an SC zoning classification.

(C) Permitted Uses

In SC **districts**, **outdoor display** shall meet the **building setback** standards; display area shall be limited to a maximum of 10% of the **primary structure** or tenant space. **Outdoor storage** shall: be located behind the **primary structure**, or on the **internal side** of a **corner lot**; meet **primary building setback** standards; and be located on a paved or permitted gravel surface. The following **uses** are permitted as a matter of right in an SC **district**; the permitted **uses** shall include, but not be limited to the following **uses**. Unless otherwise noted or defined, all **primary uses** shall be conducted indoors.

SC SHOPPING CENTER USE CATEGORIES

Animal service, indoor	Instruction/training/education	Residential facility, limited
Automobile service, limited	Medical facility or office	Retail/service, general
Clothing	Personal service	Retail, limited
Community facility	Professional office/business service	Studio
Electronics	Recreation/tourism, limited	Universally permitted use
Food and beverage service	Residential facility, general	Miscellaneous use

SC SHOPPING CENTER SPECIFIC PERMITTED USES

Accessory building/structure/use	Architect	Bankruptcy service
Accountant	Art gallery	Banquet hall
Adoption service	Art instruction	Bar
Adult care center	Art studio	Barber shop
Advertising	Art supply store	Barber/beauty school
Air conditioning sales	Assisted living facility	Beauty shop
Alteration service	Attorney	Bed and breakfast
Animal grooming (indoor)	Auction service	Bicycle sales and repair shop
Animal hospital (indoor)	Audiologist	Billiard or pool hall
Animal kennel (indoor)	Audio-visual studio	Bingo establishment
Animal obedience school (indoor)	Automatic teller machine	Blood bank
Answering service	Automobile accessory store (indoor)	Blood or plasma donor facility
Antique shop	Automobile rental (indoor)	Boarding-house
Apparel and accessory store	Automobile sales (indoor)	Book store
Appliance store	Bait sales	Bookkeeping service
Appraiser	Bakery goods	Bowling alley
Arcade	Bank	Brewery (micro)

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Broadcast studio	Distillery (micro)	Interior decorating store
Broker	Doctor	Interior design service
Business training	Dormitory	Internet service
Campus housing (off-site)	Driving instruction	Investment service
Candy store	Drug store	Jewelry sales
Catalog showroom	Dry cleaning store	Laboratory
Caterer	Educational institution	Land surveyor
Child care center	Embroidery	Landscape contracting service
Child care home (class I or II)	Employment agency	Laundromat
Chiropractor	Engineer	Leather goods store
Clinic	Entertainment facility (including outdoor)	Legal service
Clock sales	Fabric shop	Live-work unit
Clothing alterations	Farmers market (including outdoor sales)	Loan office
Clothing rental	Finance agency	Luggage store
Clothing store	Financial planning service	Marketing agency
Club, private	Fireworks sales (indoor)	Martial arts training
Coffee shop	Fitness center	Massage therapy
Coin shop	Flea market (indoor)	Meat or fish market
Collection agency	Floor covering store	Medical supply sales
Community garden (including outdoor)	Florist	Medical training
Computer sales and service	Foundation office	Model unit
Computer software store	Fraternity house	Mortgage service
Computer training	Fruit/vegetable store (indoor)	Motel
Consignment shop	Funeral home	Movie sales
Consulting service	Furniture store	Movie rental
Consumer electronics sales	Furrier	Multiple family complex ⁽³⁾
Consumer electronics service	Game rental	Multiple family dwelling ⁽³⁾
Convenience store	Game sales	Museum
Copy service	Gas station ⁽¹⁾	Music instruction
Correctional services facility	Gift shop	Music store
Cosmetic store	Glass cutting/glazing shop	Music studio
Costume rental	Graphic design service	Musical instrument store
Counseling service	Grocery store or supermarket	Nail salon
Craft instruction	Group residential facility (large) ⁽²¹²⁾	Neighborhood facility
Craft studio	Group residential facility (small)	Nursing home
Craft supply store	Gymnastics instruction	Nutrition service
Credit service	Hardware store	Ophthalmologist
Credit union	Health club	Optician
Customer service facility	Heating sales	Optometrist
Dance instruction	Hobby shop	Package liquor store
Data processing facility	Home improvement business	Paint store
Data storage facility	Home improvement store	Painting studio
Day care	Home repair	Parking area ⁽²²¹⁾
Day spa	Homeless shelter ⁽²¹²⁾	Parking area (off-site) ⁽⁴³²⁾
Delicatessen	Hospice care center	Parking structure
Dentist	Hospital	Pet store
Department store	Hot tub sales	Pharmacy
Diagnostic center	Hotel	Photography supply store
Dialysis center	Household appliance store	Photography studio
Diaper service facility	Ice cream store	Photography training
Dinner theater	Insurance agency	Physical therapy facility

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Picture framing facility	Shoe store	Tennis club
Pilates instruction	Sign sales store	Theater
Planetarium	Skating rink	Tire sales
Planner	Sleep disorder facility	Title company
Podiatrist	Social service agency	Tobacco store
Pottery sales	Sorority house	Townhouse complex ⁽³⁾
Public transportation facility	Sporting goods sales	Travel agency
Radio station	Stained glass studio	Treatment center
Real estate	Stationery store	Tutoring service
Reception hall	Stock and bond broker	Universally permitted use
Recording studio	Surgery center	Variety store
Recreation facility ⁽²²¹⁾	Swim club	Veterinary clinic
Rental store	Swimming pool sales	Warehouse/storage facility
Residential dwelling unit ⁽¹³⁵⁾	Tailor	Watch sales
Residential facility for homeless individuals (up to 8) ⁽²¹²⁾	Tanning salon	Website service
Restaurant, including drive-through	Tattoo establishment	Wedding consultant
Retirement facility	Tavern	Weight loss service
Sandwich shop	Tax consulting	Wind energy conversion system (micro) ⁽²¹²⁾
Savings and loan	Taxi service	Window sales
Sculpture studio	Tea room	Yoga instruction
Seasonal sales	Telephone sales	Zoo
Security service	Telephone service	
Shoe repair shop	Television station	

Notes:

- (1) No **gas station** canopy shall be located between the primary building and a **residential district**
- (2) If not **adjacent** to a **residential district**
- (3) See multiple family building and complex perimeter setback and building separation requirements in R3 district (157.208(E)(1))
- (4) See **universally permitted use** definition for additional standards
- (5) Above, to the rear of, or attached to a permitted nonresidential use.

(D) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:

- (1) **Automobile maintenance (quick service);**
- (2) **Commercial communication tower** (see §157.503(D)(3)(a) for additional standards);
- (3) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted);
- (4) **Greenhouse;**
- (5) **Group residential facility (large)** (if **adjacent** to a **residential district**);
- (6) **Home business** (for single **family detached buildings** only; see §157.503(D)(3)(b) for additional standards);
- (7) **Homeless/emergency shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**);
- (8) **Manufactured home, Type II** (see §157.503(D)(3)(e) for additional standards);

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (9) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
- (10) **Parking area** (as a **primary use**, if **adjacent** to a **residential district**); a **special use** shall not be required for a universally permitted **off-site parking area**;
- (11) **Plant nursery** (retail);
- (12) **Recreation area**, including accessory **recreation areas**;
- (13) **Recreation facility** (if **adjacent** to a **residential district**);
- (14) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
- (15) **Residential facility for a court-ordered re-entry program**;
- (16) **Residential facility for homeless individuals** (if **adjacent** to a **residential district**);
- (17) **Shooting range** (indoor);
- (18) **Sign** (temporary **subdivision** direction);
- (19) **Solar panel** (ground mounted);
- (20) **Utility facility, private** (not otherwise permitted or exempt);
- (21) **Wind energy conversion (WEC) system** (standard, or more than 1 micro system); and
- (22) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**).

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(E) Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note: (1) If integrated into an existing single family detached residence; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I Child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution related items)
Note: (1) Also permitted for nonresidential uses	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(F) Development Standards

- (1) The standards in the following table shall apply in the SC **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

SC SHOPPING CENTER DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure		40'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		50'	
Through lot		50' at each end of the lot	
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	40'		25'
Over 30'	50'		40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard			25'
Accessory building – corner lot street side yard			25'
Rear yard			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	40'		10'
Over 30'	50'		40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See §157.405(C) (Development Standards Waivers and Exceptions) for exceptions; §157.409 (Signs) for maximum sign heights ; and §157.404(O) (Residential Impact Mitigation) for additional restrictions			
(2) Whichever is less			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, or porch , open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Stoop	Permitted ⁽¹⁾	May project up to 4' ⁽²⁾	Permitted ⁽¹⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes: (1) May be located within required yard with no setback (2) However, a 5' side or rear yard shall be maintained (3) If not adjacent to a residential district ; shall not project if adjacent to a residential district (4) Shall meet minimum primary structure setback (5) However, fences and walls shall meet corner lot primary structure setback standard (6) Up to 3' in height			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.217 C3 GENERAL COMMERCIAL

(A) Purpose

The General Commercial **district** is intended to provide areas for a variety of commercial **uses** including certain high intensity **uses** not permitted in C1 and C2 **districts**. **Uses** typically found within this **district** include moderate intensity general business, community, office, **personal service**, and retail **uses**, along with certain residential facilities. Commercial **uses** in this **district** often serve the general public and therefore are usually located along **arterial** or collector roadways.

(B) Permitted Uses

The following **uses** are permitted as a matter of right in a C3 **district**; unless otherwise noted, **primary uses** shall be permitted to have outdoor components. In C3 **districts**, except for **automobile**, boat, and similar vehicle sales **uses**, **outdoor display** shall meet the **building setback** standards; display area shall be limited to a maximum of 10% of the **primary structure** or tenant space; **outdoor storage** shall: be located behind the **primary structure**, or on the internal side of a **corner lot**; meet **primary building setback** standards; and be located on a paved or permitted gravel surface.

C3 GENERAL COMMERCIAL USE CATEGORIES

Animal service, indoor	Food and beverage service	Residential facility, general
Animal service, outdoor	Instruction/training/education	Residential facility, limited
Automobile service, general	Medical facility or office	Retail/service, general
Automobile service, limited	Personal service	Retail, limited
Clothing	Professional office/business service	Studio
Community facility	Recreation, general	Universally permitted use
Electronics	Recreation/tourism, limited	Miscellaneous use

C3 GENERAL COMMERCIAL SPECIFIC PERMITTED USES

Accessory building/structure/use	Architect	Automobile restoration
Accountant	Arena	Automobile rustproofing
Adoption service	Art gallery	Automobile sales
Adult care center	Art instruction	Automobile washing facility
Advertising	Art supply store	Bait sales
Agricultural equipment sales	Art studio	Bakery goods
Agricultural supply sales	Assisted living facility	Bank
Air conditioning sales	Athletic field	Bankruptcy service
Air conditioning service	Attorney	Banquet hall
Alteration service	Auction hall	Bar
Amusement Park ⁽²¹¹⁾	Auction service	Barber shop
Animal grooming	Audiologist	Barber/beauty school
Animal hospital	Audio-visual studio	Batting cages
Animal kennel	Automatic teller machine	Beauty shop
Animal obedience school	Automobile accessory store	Bed and breakfast
Answering service	Automobile auction	Betting or other gambling facility
Antique shop	Automobile body shop	Bicycle sales and repair shop
Apparel and accessory store	Automobile detailing or trim shop	Billiard or pool hall
Appliance store	Automobile maintenance (quick service)	Bingo establishment
Appraiser	Automobile rental	Blood bank
Arcade	Automobile repair	Blood or plasma donor facility

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Boarding house	Day care	Greenhouse (retail)
Boat sales	Day spa	Grocery store or supermarket
Book store	Delicatessen	Group residential facility (large) ⁽²¹⁾
Bookkeeping service	Dentist	Group residential facility (small)
Bowling alley	Department store	Gun sales
Brewery (micro)	Diagnostic center	Gymnastics instruction
Broadcast studio	Dialysis center	Hardware store
Broker	Diaper service facility	Haunted house
Business training	Dinner theater	Health club
Campus housing (off-site)	Distillery (micro)	Heating sales
Candy store	Doctor	Heating service
Catalog showroom	Dormitory	Hobby shop
Caterer	Driving instruction	Home improvement business
Check cashing	Drug store	Home improvement store
Child care center	Dry cleaning store	Home repair
Child care home (class I or II)	Educational institution	Homeless shelter ⁽²¹⁾
Chiropractor	Embroidery	Hospice care center
Clinic	Employment agency	Funeral home
Clock sales	Engine repair	Furniture refinishing/repair
Clothing alterations	Engineer	Furniture store
Clothing rental	Entertainment facility	Furrier
Clothing store	Equipment rental (limited)	Game rental
Club, private	Equipment service	Game sales
Coffee shop	Exhibit hall	Garden equipment supply
Coin shop	Exterminator	Gas station ⁽²⁾
Collection agency	Fabric shop	Gift shop
Community garden (including, outdoor)	Farmers market	Glass cutting/glazing shop
Computer sales and service	Feed store	Go-kart facility ⁽²¹⁾
Computer software store	Finance agency	Golf course, miniature
Computer training	Financial planning service	Golf driving range
Consignment shop	Fireworks sales	Graphic design service
Consulting service	Fitness center	Greenhouse (retail)
Consumer electronics sales	Flea market	Grocery store or supermarket
Consumer electronics service	Floor covering store	Group residential facility (large) ⁽²¹⁾
Convenience store	Florist	Group residential facility (small)
Copy service	Foundation office	Gun sales
Correctional services facility	Fraternity house	Gymnastics instruction
Cosmetic store	Fruit/vegetable store	Hardware store
Costume rental	Funeral home	Haunted house
Counseling service	Furniture refinishing/repair	Health club
Country club	Furniture store	Heating sales
Craft instruction	Furrier	Heating service
Craft studio	Game rental	Hobby shop
Craft supply store	Game sales	Home improvement business
Credit service	Garden equipment supply	Home improvement store
Craft supply store	Gas station ⁽²⁾	Home repair
Credit service	Gift shop	Homeless shelter ⁽²¹⁾
Credit union	Glass cutting/glazing shop	Hospice care center
Customer service facility	Go-kart facility ⁽²¹⁾	Hospital
Dance instruction	Golf course, miniature	Hot tub sales
Data processing facility	Golf driving range	Hotel
Data storage facility	Graphic design service	Household appliance store

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Ice cream store	Parking area ⁽²¹⁾	Stadium/racetrack ⁽¹²⁾
Insurance agency	Parking area (off-site) ⁽³²⁴⁾	Stained glass studio
Interior decorating store	Parking structure	Stationery store
Interior design service	Pawn shop	Stock and bond broker
Internet service	Pest control	Storage shed sales
Investment service	Pet store	Surgery center
Jewelry sales	Pharmacy	Swim club
Laboratory	Photographic supply store	Swimming pool sales
Land surveyor	Photography studio	Tailor
Landscape contracting service	Photography training	Tanning salon
Laundromat	Physical therapy facility	Tattoo establishment
Leather goods store	Picture framing facility	Tavern
Legal service	Pilates instruction	Tax consulting
Live-work unit	Planetarium	Taxi service
Loan office	Planner	Taxidermist
Luggage store	Plant nursery	Tea room
Manufactured home sales	Plumbing sales	Telephone sales and service
Marketing agency	Plumbing service	Television station
Martial arts training	Podiatrist	Tennis club
Massage therapy	Pottery sales	Theater
Meat /fish market	Propane sales	Tire sales
Medical supply sales	Public transportation facility	Title company
Medical training	Radio station	Tobacco store
Model unit	Real estate	Towing service (with no storage yard)
Mortgage service	Reception/banquet hall	Townhouse complex ⁽³⁾
Motel	Recording studio	Toy store
Motor vehicle auction	Recreation area ⁽²¹⁾	Trade show facility
Motor vehicle rental	Recreation facility	Travel agency
Motor vehicle repair	Recreation uses	Treatment center
Motor vehicle sales	Rental store	Truck fueling station
Movie rental	Residential dwelling unit ⁽¹³⁵⁾	Truck stop
Movie sales	Residential facility for homeless individuals (up to 8) ⁽²¹⁾	Tutoring service
Multiple family complex ⁽³⁾	Restaurant, including drive-through	Universally permitted use ⁽²⁴⁾
Multiple family dwelling ⁽³⁾	Retirement facility	Variety store
Museum	Riding stable	Veterinary clinic
Music instruction	Sandwich shop	Warehouse/storage facility
Music store	Savings and loan	Watch sales
Music studio	Sculpture studio	Watercraft sales
Musical instrument store	Seasonal sales	Website service
Nail salon	Security service	Wedding consultant
Neighborhood facility	Shoe repair shop	Weight loss service
Nursing home	Shoe store	Wholesale facility
Nutrition service	Shooting range (indoor)	Wind energy conversion system (micro) ⁽²¹⁾
Ophthalmologist	Sign sales store	Window repair
Optician	Skating rink	Window sales
Optometrist	Sleep disorder facility	Yoga instruction
Package liquor store	Social service agency	Zipline
Paint store	Sorority house	Zoo
Painting studio	Sporting goods sales	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Notes:

- (1) If not **adjacent** to a **residential district**
- (2) No **gas station** canopy shall be located between the primary building and a **residential district**
- (3) See multiple family building and complex perimeter setback and building separation requirements in R3 district (157.208(E)(1))
- (4) See **universally permitted use** definition for additional standards
- (5) Above, to the rear of, or attached to a permitted **nonresidential use**

(C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:

- (1) **Commercial communication tower** (see §157.503(D)(3)(a) for additional standards);
- (2) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted);
- (3) **Group residential facility (large)** (if **adjacent** to a **residential district**);
- (4) **Home business** (for single **family detached buildings** only; see §157.503(D)(3)(b) for additional standards);
- (5) **Homeless/emergency shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**);
- (6) **Manufactured home, Type II** (see §157.503(D)(3)(e) for additional standards);
- (7) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
- (8) **Parking area**, as a **primary use** (if **adjacent** to a **residential district**);
- (9) **Recreation use, outdoor** (amusement park, go-cart facility, **stadium/racetrack**, and water park, only; if **adjacent** to a **residential district**);
- (10) **Residential facility for a court-ordered re-entry program**;
- (11) **Residential facility for homeless individuals** (if **adjacent** to a **residential district**);
- (12) **Sign** (temporary subdivision direction);
- (13) **Solar panel (ground mounted)**;
- (14) Tree service;
- (15) **Utility facility, private** (not otherwise permitted or exempt);
- (16) **Wind energy conversion (WEC) system (standard**, or more than 1 micro system); and
- (17) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**).

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(D) Accessory Buildings, Structures and Uses

The noted accessory buildings, structures, and uses shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note: (1) If integrated into an existing single family detached residence; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building, including hall and gymnasium
Class I Child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent, parsonage, rectory, or similar residence
Greenhouse	Donation site/recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution related items)
Note: (1) Also permitted for nonresidential uses	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the C3 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

C3 GENERAL COMMERCIAL DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure		40'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		35'	
Through lot		35' at each end of the lot	
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		40'	25'
Over 30'		50'	40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building – corner lot street side yard		25'	
Rear yard			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		40'	10'
Over 30'		50'	40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See §157.405(C) (Development Standards Waivers and Exceptions) for exceptions; §157.409 (Signs) for maximum sign heights ; and §157.404(O) (Residential Impact Mitigation) for additional restrictions			
(2) Whichever is less			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, or porch , open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Stoop	Permitted ⁽¹⁾	May project up to 4' ⁽²⁾	Permitted ⁽¹⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes: (1) May be located within required yard with no setback (2) However, a 5' side or rear yard shall be maintained (3) If not adjacent to a residential district ; shall not project if adjacent to a residential district (4) Shall meet minimum primary structure setback (5) However, fences and walls shall meet corner lot primary structure setback standard (6) Up to 3' in height			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.218 C4 INTENSIVE COMMERCIAL

(A) Purpose

The Intensive Commercial **district** is intended to provide areas for general commercial **uses**, along with higher intensity **uses** not permitted in the C1, C2 or C3 **districts**. Commercial **uses** in this **district** often serve the general public and therefore are usually located along major arterial and/or collector roadways. It is intended that new C4 **zoning districts** not be created **adjacent** to existing **residential zoning districts**.

(B) Permitted Uses

In C4 **districts**, except for **automobile**, boat, and similar vehicle sales **uses**, **outdoor display** shall meet the **building setback** standards; display area shall be limited to a maximum of 10% of the **primary structure** or tenant space; **outdoor storage** shall: be located behind the **primary structure**, or on the **internal side** of a **corner lot**; meet **primary building setback** standards; and be located on a paved or permitted gravel surface. The following **uses** are permitted as a matter of right in a C4 **district**; all **uses** shall be permitted to have outdoor components.

C4 INTENSIVE COMMERCIAL USE CATEGORIES

Animal service, indoor	Food and beverage service	Residential facility, general
Animal service, outdoor	Instruction/training/education	Residential facility, limited
Automobile service, general	Medical facility or office	Retail/service, general
Automobile service, limited	Personal service	Retail, limited
Clothing	Professional office/business service	Studio
Community facility	Recreation, general	Universally permitted use
Electronics	Recreation/tourism, limited	Miscellaneous use

C4 INTENSIVE COMMERCIAL SPECIFIC PERMITTED USES

Accessory building/structure/use	Architect	Automobile rustproofing
Accountant	Arena	Automobile sales
Adoption service	Art gallery	Automobile washing facility
Adult care center	Art instruction	Bait sales
Advertising	Artist material and supply store	Bakery goods
Agricultural equipment sales	Artist studio	Bank
Agricultural equipment service	Assisted living facility	Bankruptcy service
Agricultural supply sales	Athletic field	Banquet hall
Air conditioning sales	Attorney	Bar or tavern
Air conditioning service	Auction hall	Barber shop
Alteration service	Auction service	Barber/beauty school
Amusement Park (21)	Audiologist	Batting cages
Animal grooming	Audio-visual studio	Beauty shop
Animal hospital	Automatic teller machine	Bed and breakfast
Animal kennel	Automobile accessory store	Betting or other gambling facility
Animal obedience school	Automobile auction	Bicycle sales and repair shop
Answering service	Automobile body shop	Billiard or pool hall
Antique shop	Automobile detailing or trim shop	Bingo establishment
Apparel and accessory store	Automobile maintenance (quick service)	Blood bank
Appliance store	Automobile rental	Blood or plasma donor facility
Appraiser	Automobile repair	Boarding/lodging house
Arcade	Automobile restoration	Boat/watercraft sales

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

C4 INTENSIVE COMMERCIAL SPECIFIC PERMITTED USES		
Book store	Data storage facility	Go-kart facility (21)
Bookkeeping service	Dating service	Golf course, miniature
Bowling alley	Day care	Golf driving range
Brewery (micro)	Day spa	Graphic design service
Broadcast studio	Delicatessen	Greenhouse (retail)
Broker	Dentist	Grocery store or supermarket
Business training	Department store	Group residential facility (large) (21)
Campus housing (off-site)	Diagnostic center	Group residential facility (small)
Catalog showroom	Dialysis center	Gun sales
Caterer	Diaper service facility	Gymnastics instruction
Check cashing	Dinner theater	Hardware store
Child care center	Distillery (micro)	Haunted house
Child care home (class I or II)	Doctor	Health center
Chiropractor	Dormitory	Health club
Cigar/Tobacco store	Drug store	Heating sales
Clinic	Dry cleaning store	Heating service
Clock/watch/jewelry sales/repair clock sales	Educational institution	Hobby shop
Clothing alterations	Embroidery	Home improvement business
Clothing rental	Employment agency	Home improvement store
Clothing store	Engine repair	Home repair
Club, private	Engineer	Homeless/emergency shelter (21)
Coffee shop	Entertainment facility	Hospice care center
Coin shop	Equipment rental (limited)	Hospital
Collection agency	Equipment service	Hot tub sales
Community center	Exhibit hall	Hotel
Community garden (including outdoor)	Exterminator	Household appliance store
Computer sales and service	Fabric shop	Ice cream store
Computer software store	Farmers market	Insurance agency
Computer training	Feed store	Interior decorating store
Confectionery/ice cream/candy	Finance agency	Interior design service
Consignment shop	Financial planning service	Internet/web site service
Consulting service	Fireworks sales	Investment service
Consumer electronics sales/service	Fitness center	Jewelry sales
Consumer electronics service	Flea market	Laboratory
Convenience store	Floor covering store	Land surveyor
Copy or duplicating service	Florist	Landscape contracting service
Correctional services facility	Foundation office	Laundromat
Cosmetic store	Fraternity house	Leather goods or luggage store
Cosmetic store	Fruit/vegetable store	Legal service
Costume and clothing rental	Funeral home	Library
Counseling service	Furniture refinishing/repair	Live-work unit
Country club	Furniture store	Loan office
Craft instruction	Furrier	Luggage store
Craft studio	Game rental	Manufactured home sales
Craft supply store	Game sales	Marketing agency
Credit service	Garage sales	Martial arts training
Credit union	Garden equipment supply	Massage therapy
Customer service facility	Gas station (2)	Meat/ or fish market
Dance instruction	Gift shop	Medical supply sales
Data processing facility	Glass cutting/glazing shop	Medical training

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Model unit	Plumbing sales	Swim club
Mortgage service	Plumbing service	Swimming pool sales
Motel	Podiatrist	Tailor/alteration service
Motor vehicle auction	Pottery sales	Tanning salon
Motor vehicle rental	Propane/bottled gas sales and service	Tattoo establishment
Motor vehicle repair	Public transportation facility	Tavern
Motor vehicle sales	Radio station	Tax consulting
Movie and game sales and rental	Real estate	Taxidermist
Movie sales	Reception/banquet hall	Tea room
Multiple family complex (3)	Recording studio	Telephone sales and service
Multiple family dwelling (3)	Recreation area (21)	Telephone service
Museum	Recreation facility	Television station
Music instruction	Recreation uses	Tennis club
Music store	Rehabilitation facility	Theater
Music/recording studio	Religious institution/school field	Tire sales
Musical instrument store	Rental and/or leasing store	Title company
Nail salon	Residential dwelling unit (135)	Towing service (with no storage yard)
Neighborhood facility	Residential facility for homeless individuals (up to 8) (21)	Townhouse complex (3)
Nursing home	Restaurant, including drive-through	Toy store
Nutrition service	Retirement facility	Trade show facility
Ophthalmologist	Riding stable	Travel agency
Optician	Sandwich shop	Treatment center
Optometrist	Savings and loan	Truck fueling station
Package liquor store	School	Truck stop
Paint store	Sculpture studio	Tutoring service
Painting studio	Seasonal sales	Universally permitted use (24)
Park or recreation area	Security service	Variety store
Parking area (21)	Sexually oriented business (364)	Veterinary clinic
Parking area (off-site) (342)	Shoe repair shop	Warehouse/storage facility
Parking structure	Shoe store/shoe repair shop	Watch sales
Pawn shop	Shooting range (indoor)	Water park (21)
Pest control	Sign sales store	Watercraft sales
Pet store	Skating rink	Website service
Pharmacy	Sleep disorder facility	Wedding consultant
Photographic supply store	Social service agency	Weight loss service
Photography studio	Sorority house	Wholesale facility
Photography training	Sporting goods sales and rentals	Wind energy conversion system (micro) (21)
Physical therapy facility	Stadium/racetrack (21)	Window repair
Picture framing facility	Stained glass studio	Window sales
Pilates instruction	Stationery store	Yoga/Pilates instruction
Planetarium	Stock and bond broker	Zipline
Planner	Storage shed sales	Zoo
Plant nursery	Surgery center	

Notes:

- (1) If not **adjacent** to a **residential district**
- (2) No **gas station** canopy shall be located between the primary building and a **residential district**
- (3) See multiple family building and complex perimeter setback and building separation requirements in R3 district (157.208(E)(1))
- (4) See **universally permitted use** definition for additional standards
- (5) Above, to the rear of, or attached to a permitted **nonresidential use**
- (6) Subject to the standards in §157.414

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:

- (1) **Commercial communication tower** (see §157.503(D)(3)(a) for additional standards);
- (2) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted);
- (3) **Group residential facility (large)** (if **adjacent** to a **residential district**);
- (4) **Home business** (for **single family detached dwellings** only; see §157.503(D)(3)(b) for additional standards);
- (5) **Homeless/emergency shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**);
- (6) **Manufactured home, Type II** (see §157.503(D)(3)(e) for additional standards);
- (7) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing use);
- (8) **Parking area** (as a **primary use**, if **adjacent** to a **residential district**);
- (9) **Recreation use, outdoor** (amusement park, go-cart facility, **stadium/racetrack**, and water park, only; if **adjacent** to a **residential district**);
- (10) **Residential facility for a court-ordered re-entry program**;
- (11) **Residential facility for homeless individuals** (if **adjacent** to a **residential district**);
- (12) **Shooting range** (outdoor);
- (13) **Sign** (temporary **subdivision** direction);
- (14) **Solar panel (ground mounted)**;
- (15) **Tree service**;
- (16) **Utility facility, private** (not otherwise permitted or exempt);
- (17) **Wind energy conversion (WEC) system (standard**, or more than 1 micro system); and
- (18) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**).

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(D) Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note: (1) If integrated into an existing single family detached residence; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I Child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution related items)
Note: (1) Also permitted for nonresidential uses	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the C4 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

C4 INTENSIVE COMMERCIAL DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure		40'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		35'	
Through lot		35' at each end of the lot	
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		40'	25'
Over 30'		50'	40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building or structure – corner lot street side yard		25'	
Rear yard			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		40'	10'
Over 30'		50'	40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See §157.405(C) (Development Standards Waivers and Exceptions) for exceptions; §157.409 (Signs) for maximum sign heights; and §157.404(O) (Residential Impact Mitigation) for additional restrictions			
(2) Whichever is less			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, or porch , open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Stoop	Permitted ⁽¹⁾	May project up to 4' ⁽²⁾	Permitted ⁽¹⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes: (1) May be located within required yard with no setback (2) However, a 5' side or rear yard shall be maintained (3) If not adjacent to a residential district ; shall not project if adjacent to a residential district (4) Shall meet minimum primary structure setback (5) However, fences and walls shall meet corner lot primary structure setback standard (6) Up to 3' in height			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.219 CC CITY CENTER

(A) Purpose

The City Center **district** is intended to recognize downtown New Haven as the heart of the **City**. This **district** is intended to be the **City's** highest density **district** consisting of multiple **story buildings** with low- to mid-rise **buildings** being common. The **district** is intended to provide for a **pedestrian oriented** mixture of cultural, entertainment, governmental, institutional, office, **personal service**, recreational, residential, retail, **restaurant**, and similar **uses** along with the provision of **public parks** and other gathering spaces. The **development** pattern in the **district** should serve to promote an active, attractive and **pedestrian friendly** environment while maintaining the unique and historic character of the downtown. In order to promote and maintain a dense urban **development** pattern, certain characteristics typically associated with less dense **development** such as minimum **building setbacks** and single-story **buildings** should be discouraged. Parking is not intended to be provided for each **use** on-site, but rather is to be provided through on-street parking and downtown parking **lots**.

(B) Permitted Uses

The **uses** listed below are permitted as a matter of right in the CC **district**. All uses permitted in the R-1 **district** shall be permitted in the CC **district**.

CC CITY CENTER USE CATEGORIES

Animal service, indoor	Instruction/training/education	Residential facility, general
Automobile service, limited	Medical facility or office	Residential facility, limited
Clothing	Personal service	Retail, limited
Community facility	Professional office/business service	Studio
Electronics	Recreation, general	Universally permitted use
Food and beverage service	Recreation/tourism, limited	Miscellaneous use

CC CITY CENTER SPECIFIC PERMITTED USES

Accessory building/structure/use	Assisted living facility	Blood bank
Accountant	Attorney	Blood or plasma donor facility
Adoption service	Audiologist	Boarding house
Adult care center	Audio-visual studio	Book store
Adult care home	Automobile accessory store	Bookkeeping service
Advertising	Automobile rental	Botanical conservatory
Air conditioning sales	Automobile repair	Bowling alley
Animal grooming (indoor)	Automobile restoration	Brewery (micro)
Animal hospital (indoor)	Automobile sales	Broker
Animal kennel (indoor)	Bait sales	Business training
Animal obedience school (indoor)	Bakery goods	Card and stationery store
Answering service	Bank	Catalog showroom
Antique shop	Bankruptcy service	Caterer
Apparel and accessory store	Bar or tavern	Child care center
Appraiser	Barber shop	Child care home (class I or II)
Arcade	Barber/beauty school	Chiropractor
Architect	Beauty shop	Cigarette/tobacco/cigar store
Arena	Bed and breakfast	Clinic
Art gallery	Betting or other gambling facility	Clock/watch/jewelry sales/repair
Art instruction	Bicycle sales and repair shop	Clothing store
Artist material and supply store	Billiard or pool hall	Club, private
Artist studio	Bingo establishment	Coffee shop

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Coin shop	Foundation office	Park or recreation area
Collection agency	Fraternity house	Parking area (off-site)⁽³⁾
Community center	Fruit and/or vegetable store	Parking structure⁽¹⁾
Community garden	Funeral home	Pet store
Computer sales and service	Furniture store	Photographic supply store
Computer software store	Furrier	Photography training
Computer training	Gift shop	Physical therapy facility
Confectionery/ice cream/candy store	Glass cutting/glazing shop	Picture framing facility
Consignment shop	Graphic design service	Planetarium
Consulting service	Grocery store or supermarket	Planner
Consumer electronics sales/service	Gymnastics instruction	Podiatrist
Convenience store	Hardware store	Public transportation facility
Copy or duplicating service	Health center	Radio station
Correctional services facility	Health club	Real estate
Cosmetic store	Heating sales	Reception/banquet hall
Costume and clothing rental	Hobby shop	Rehabilitation facility
Counseling service	Hospice care center	Religious institution/school field
Craft instruction	Hospital	Rental and/or leasing store
Craft studio	Hotel	Residential dwelling unit⁽²⁾
Craft supply store	Insurance agency	Restaurant, including drive-through
Credit service	Interior decorating store	Retirement facility
Credit union	Interior design service	Riding stable
Customer service facility	Internet/web site service	Savings and loan
Dance instruction	Investment service	School
Data processing facility	Laboratory	Security service
Data storage facility	Land surveyor	Self-service storage facility⁽¹⁾
Dating service	Laundromat	Shoe store/shoe repair shop
Day care	Leather goods or luggage store	Sign sales store
Day spa	Legal service	Skating rink
Delicatessen	Library	Sleep disorder facility
Dentist	Live-work unit	Social service agency
Department store	Loan office	Sorority house
Diagnostic center	Marketing agency	Sporting goods sales and rentals
Dialysis center	Martial arts training	Stadium
Diaper service facility	Massage therapy	Stained glass studio
Dinner theater	Meat or fish market	Stock and bond broker
Doctor	Medical training	Surgery center
Dormitory	Model unit	Swim club (indoor)
Driving instruction	Mortgage service	Tailor/alteration service
Drug store	Movie and game sales and rental	Tanning salon
Dry cleaning store	Multiple family complex	Tattoo establishment
Educational institution	Multiple family dwelling	Tax consulting
Embroidery	Museum	Taxi service
Employment agency	Music instruction	Telephone sales and service
Engineer	Music store	Television station
Entertainment facility (indoor)	Music/recording studio	Tennis club (indoor)
Exhibit hall	Musical instrument store	Theater (indoor)
Fabric shop	Nail salon	Title company
Farmers market (w/outdoor uses)	Neighborhood facility	Townhouse complex
Finance agency	Nursing home	Toy store
Financial planning service	Nutrition service	Travel agency
Fireworks sales (indoor)	Ophthalmologist	Treatment center
Fitness center	Optician	Tutoring service
Flea market (indoor)	Optometrist	Variety store
Floor covering store	Package liquor store	Veterinary clinic
Florist	Paint store	Water park

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Wedding consultant	Window sales	Zoo
Weight loss service	Yoga/Pilates instruction	
Notes: (1) If integrated within the footprint of a new building for a permitted primary use (2) Above, to the rear of, or attached to a permitted nonresidential use (3) See universally permitted use definition for additional standards		

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:

- (1) **Animal keeping** (outdoor, small animal);
- (2) **Community garden** that includes a **structure**;
- (3) **Group residential facility (large)**;
- (4) **Group residential facility (small)**;
- (5) **Home business** (see §157.503(D)(3)(b) for additional standards);
- (6) **Homeless/emergency shelter**;
- (7) **Model unit** (for extension of time/expansion of scope);
- (8) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);
- (9) **Parking structures** (public or private);

Parking structures integrated within the footprint of a new **building** for a permitted **primary use** shall not require a **special use** approval under this provision. In addition to meeting the requirements set forth in §157.503(D)(2), the **Board** shall evaluate the request based on the following standards and guidelines:

- (a) **Parking structures** should contain commercial or residential **uses** along the **street frontages** where practical to encourage **pedestrian oriented uses** and activity at the **street** level. If commercial or residential **uses** are not provided, **parking structures** shall maintain a minimum 10' **setback** along **yards** with a **street frontage**. The **Board** may require a greater **setback** on a case-by-case basis.
 - (b) The first two floors shall be adequately screened by landscaping and/or architectural features. If a new **parking structure** is connected to an existing or proposed **building** than the **parking structure** shall be compatible with that **building**.
 - (c) If a new **parking structure** is not connected to an existing or proposed **building** then the **parking structure** shall be compatible with the proposed **building** or one or more **structures** adjoining to the **parking structure**.
- (10) **Pawn shop**;
 - (11) **Religious institution** or **school** illuminated **athletic field(s)**;
 - (12) **Residential facility for a court-ordered re-entry program**;
 - (13) **Residential facility for homeless individuals**;
 - (14) **Self-service storage (mini-warehouse facility)**, as a **primary use**;
 - (15) **Solar panel (ground mounted)**; and
 - (16) **Utility facility, private** (not otherwise permitted or exempt).

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(D) Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note: (1) If integrated into an existing single family detached residence; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I Child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution related items)
Note: (1) Also permitted for nonresidential uses	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the CC **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

CC CITY CENTER DEVELOPMENT STANDARDS	
Height (maximum) ⁽¹⁾	
Primary building ⁽²⁾	65'
Accessory building or structure ⁽³⁾	Up to the height of the primary building
Front yard	
Non-through lot	0' minimum 10' maximum
Through lot	0' minimum 10' maximum
Side yard	
Primary building	0' minimum 10' maximum
Accessory building or structure ⁽⁴⁾	0' minimum 10' maximum
Rear yard	
Primary or accessory building or structure	No minimum rear yard
Notes:	
(1) See §157.405(C) (Development Standards Waivers and Exceptions) for exceptions; §157.409 (Signs) for maximum sign heights ; and §157.404(O) (Residential Impact Mitigation) for additional restrictions (2) New primary structures shall be a minimum of 20' in height and have two occupiable stories (3) Accessory structures shall not exceed 25% of the ground floor area of the primary building (4) Accessory buildings or structures shall be located to the side or rear of the primary building , and shall be constructed or placed to minimize visibility from public rights-of-way	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS ⁽¹⁾			
Buildings/structures	Required Yard		
	Front	Side	Rear
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted	Permitted ⁽²⁾	Permitted ⁽²⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽³⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Wall (retaining, up to 3' in height)	Permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Notes: (1) Except as noted in this table, buildings and structures shall not project into or be located in a required yard (2) May be located within required yard with no setback , except that non-ornamental fences and walls shall meet corner lot primary structure setback and clear visibility standards; see development standards table for fence corner lot setback standards (3) Shall meet minimum primary structure setback (4) Up to 3' in height			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.220 RESERVED

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.221 MU MIXED USE

(A) Purpose

The Mixed Use **district** is intended to promote compact, walkable, and dense mixed use developments that include residential, commercial, and light industrial uses. The MU **district** should allow for and encourage mixed **uses** with a focus on neighborhood oriented commercial and **personal service uses** at the **street** level. New development shall locate primary building facades as close to the **street** as possible in order to promote pedestrian access. New residential **development** is encouraged to locate on the upper floors of new and existing commercial **structures**. Parking lots shall be located in the rear of buildings when possible. New developments should create and utilize on-street parking areas to supplement parking needs.

(B) Permitted Uses

The **uses** listed below are permitted as a matter of right in the MU **districts**;

MU MIXED USE CATEGORIES		
Automobile service, all types	Light industrial uses	Residential facility, limited
Animal service, indoor	Medical facility or office	Retail/service, general
Clothing	Personal service	Retail, limited
Community facility	Professional office/business service	Studio
Electronics	Recreation, general	Universally permitted use
Food and beverage service	Recreation/Tourism, limited	Miscellaneous use
Instruction/training/education	Residential facility, general	

MU MIXED USE SPECIFIC PERMITTED USES		
Accessory building/structure/use	Art instruction	Bed and breakfast
Accountant	Artist material and supply store	Bicycle sales and repair shop
Adoption service	Artist studio	Billiard or pool hall
Adult care center	Assisted living facility	Bingo establishment
Adult care home	Athletic field	Bioscience dev., research, or testing
Advertising	Attorney	Blood bank
Agricultural equipment sales	Auction hall	Blood or plasma donor facility
Agricultural equipment service	Auction service	Boat dry dock facility
Agricultural supply sales	Audiologist	Boat/watercraft sales
Air freight service	Audio-visual studio	Boarding house
Air conditioning sales	Automatic teller machine	Book store
Animal grooming (indoor)	Automobile accessory store	Bookkeeping service
Animal hospital (indoor)	Automobile auction	Bowling alley
Animal kennel (indoor)	Automobile rental	Brewery
Animal obedience school (indoor)	Automobile sales	Broker
Answering service	Automobile washing facility	Business incubation office or laboratory
Antique shop	Bait sales	Business training
Apparel and accessory store	Bakery	Card and stationery store
Apparel fabrication and processing	Bank	Catalog showroom
Appraiser	Bankruptcy service	Caterer
Aquaculture	Bar or tavern	Check cashing
Aquaponics	Barber shop	Child care center
Arcade	Barber/beauty school	Child care home (class I or II)
Architect	Batting cages	Chiropractor
Art gallery	Beauty shop	Cigarette/tobacco/cigar store

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Clinic	Machines	Radio/communication
Clock, watch, or jewelry sales/repair	Medical Supplies	Restaurant
Clothing store	Oil	Telecommunication
Club, private	Paint	Trade show/exhibit
Coffee shop	Petroleum products	Truck
Coin shop	Pipe	Water softening/purification
Collection agency	Plumbing fixtures	Welding
Community center	Soft drinks	Fabric shop
Community garden	Steel	Farmers market (w/outdoor uses)
Computer sales and service	Tires (new)	Feed store
Computer software store	Truck bodies	Finance agency
Computer training	Vending machines	Financial planning service
Contractor	Windows	Fireworks sales
Confectionery/ice cream/candy store	Doctor	Fitness center
Consignment shop	Dormitory	Flea market (indoor)
Consulting service	Driving instruction	Floor covering store
Consumer electronics sales/service	Drug store	Florist
Convenience store	Dry cleaning store	Foundation office
Copy or duplicating service	Educational institution	Fruit and/or vegetable store
Correctional services facility	Embroidery	Funeral home
Cosmetic store	Employment agency	Furniture store
Cosmetic product compounding	Engine repair	Furrier
Costume and clothing rental	Engineer	Freight service
Counseling service	Entertainment facility (indoor)	Furniture production
Country club	Equipment rental (limited, general)	Furniture refinishing/repair
Craft instruction	Equipment service	Garage sales
Craft studio	Equipment supply facility for:	Gift shop
Craft supply store	Air purification	Glass cutting/glazing shop
Credit service	Electrical	Go-kart facility
Credit union	Electric wire and cable	Golf course miniature
Crematory	Doctor	Golf course driving range
Customer service facility	Dormitory	Graphic design service
Dance instruction	Driving instruction	Greenhouse
Data processing facility	Drug store	Grocery store or supermarket
Data storage facility	Dry cleaning store	Gun sales
Dating service	Educational institution	Gymnastics instruction
Day care	Embroidery	Hardware store
Day spa	Employment agency	Haunted house
Delicatessen	Engine repair	Heating sales
Dentist	Engineer	Hobby shop
Department store	Entertainment facility (indoor)	Hospice care center
Diary/creamery	Equipment rental (limited, general)	Hospital
Diagnostic center	Equipment service	Hotel
Dialysis center	Equipment supply facility for:	Hydroponics
Diaper service facility	Air purification	Information technology
Dinner theater	Electrical	Internet applications/products
Distillery	Electric wire and cable	Insurance agency
Distribution facility for:	Fire protection	Interior decorating store
Batteries	Food service	Interior design service
Beer	HVAC	Internet/web site service
Building materials	Industrial	Investment service
Electrical parts	Maintenance	Laboratory
Food	Mechanical	Lathe/screw machine products
Janitorial supplies	Medical	Land surveyor
Lubrication	Power transmission	Landscape contracting service

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Laundromat	Park or recreation area	Single family dwelling (detached)
Leather goods or luggage store	Parking area	Skating rink
Legal service	Parking area (off site) ⁽³⁾	Sleep disorder facility
Library	Parking structure ⁽¹⁾	Social service agency
Limited assembly/fabrication of:	Pet store	Sporting goods sales and rentals
Bio-medical/orthopedic products	Pharmaceutical product compounding	Stained glass studio
Communication equipment	Photographic supply store	Stock and bond broker
Computers and electronics	Photography studio	Storage shed sales
Industrial controls	Photography training	Surgery center
Medical devices	Physical therapy facility	Swim club (indoor)
Orthopedic devices	Picture framing facility	Tailor/alteration service
Scientific and precision instrument	Planetarium	Tanning salon
Service industry machines	Planner	Tattoo establishment ⁽²⁾
Specialty equipment	Plant nursery	Tax consulting
Live-work unit	Plumbing service	Taxi service
Loan office	Podiatrist	Technology use or service
Machine design facility	Pottery sales	Television station
Machine tool shop	Printing facility	Tennis club (indoor)
Marketing agency	Printing press	Theater (indoor)
Martial arts training	Product research and development	Title company
Massage therapy	Propane/bottled gas sales and service	Tire sales
Meat or fish market	Public transportation facility	Tool and die facility
Medical device technology	Radio station	Townhouse complex
Medical training	Real estate	Townhouse dwelling
Model unit	Reception/banquet hall	Toy store
Mortgage service	Recreation area	Trade show facility
Movie and game sales and rental	Recreation facility	Travel agency
Motor vehicle rental	Refurbishing facility	Treatment center
Motor vehicle sales	Rehabilitation facility	Tutoring service
Multiple family complex	Religious institution/school field	Two family dwelling
Multiple family dwelling	Rental and/or leasing store	Utility facility (private)
Museum	Rental and/or leasing store	Variety store
Music instruction	Research & development facility	Vehicle technology (advanced)
Music store	Residential dwelling unit	Veterinary clinic
Music/recording studio	Restaurant	Welding service
Musical instrument store	Retirement facility	Warehouse/storage facility
Nail salon	Riding stable	Wedding consultant
Neighborhood facility	Savings and loan	Weight loss service
Nursing home	School	Wholesale facility
Nutrition service	Seasonal sales	Window sales
Ophthalmologist	Security service	Woodworking/carpentry
Optician	Shoe store/shoe repair shop	Yoga/Pilates instruction
Optometrist	Shooting range (indoor)	Zoo
Package liquor store	Sign sales store	
Paint store	Single family dwelling (attached)	

Notes:

- (1) If integrated within the footprint of a new **building** for a permitted **primary use**
- (2) New tattoo facilities shall be located a minimum of 500' from any existing facility, as measured from the closest property lines.
- (3) See **universally permitted use** definition for additional standards

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(C) Special Uses

- (1) **Animal keeping** (outdoor, small animal);
- (2) **Child care home (class II)**;
- (3) **Community garden** that includes a **structure** or water;
- (4) **Educational institution-associated uses** (on non-contiguous properties);
- (5) **Group residential facility (large)**;
- (6) **Group residential facility (small)**;
- (7) **Home business** (for single **family detached buildings** only);
- (8) **Homeless/emergency shelter** (accessory to a **religious institution**);
- (9) **Manufactured home, Type II** (see §157.503(D)(3)(e) for additional standards);
- (10) **Nature preserve** (with **parking areas** or **structures**);
- (11) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);
- (12) **Parking structures** (public or private)

Parking structures integrated within the footprint of a new **building** for a permitted **primary use** shall not require a **special use** approval under this provision. In addition to meeting the requirements set forth in §157.503(D)(2), the **Board** shall evaluate the request based on the following standards and guidelines:

- (a) **Parking structures** should contain commercial or residential **uses** along the **street frontages** where practical to encourage **pedestrian oriented uses** and activity at the **street** level. If commercial or residential **uses** are not provided, **parking structures** shall maintain a minimum 10' **setback** along **yards** with a **street frontage**. The **Board** may require a greater **setback** on a case-by-case basis.
 - (b) The first two floors shall be adequately screened by landscaping and/or architectural features. If a new **parking structure** is connected to an existing or proposed **building**, then the **parking structure** shall be compatible with that **building**.
 - (c) If a new **parking structure** is not connected to an existing or proposed **building**, then the **parking structure** shall be compatible with the proposed **building** or one or more **structures** adjoining the **parking structure**;
- (13) **Residential facility for a court-ordered re-entry program**;
 - (14) **Residential facility for homeless individuals**;
 - (15) **Sorority house**;
 - (16) **Solar panel (ground mounted)**;
 - (17) **Subdivision amenity**; and

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(D) Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES

Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note:		
(1) If integrated into an existing single family detached residence; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES

RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES

Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I Child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution related items)
Note:	
(1) Also permitted for nonresidential uses	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the MU **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

MU MIXED USE DEVELOPMENT STANDARDS		
Height (maximum) ⁽¹⁾		
Primary building ⁽²⁾		60'
Accessory building or structure ⁽³⁾		60'
Front yard		
Primary buildings and structures ⁽⁴⁾		0' minimum
Side yard ⁽⁴⁾		
Accessory and primary buildings and structures – interior side yard		0'
Accessory and primary buildings and structures – corner lot side street		0'
Rear yard		
	If adjacent to a residential district	Adjacent to all other districts
Primary building	25'	0'
Accessory building or structure	25'	0' ⁽⁴⁾
Notes: (1) See §157.405(C) (Development Standards Waivers and Exceptions) for exceptions; §157.409 (Signs) for maximum sign heights ; and §157.404(O) (Residential Impact Mitigation) for additional restrictions (2) New primary structures shall be a minimum of 20'. in height have two occupiable stories (3) Accessory structures shall not exceed 25% of the ground floor area of the primary building (4) Accessory buildings or structures shall be located on the side of or to the rear of the primary building (if located on the side of the building , the accessory building or structure shall be located no closer to the front lot line than the primary building)		

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2'	May project up to 2'
Awning or canopy ⁽⁴⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽³⁾
Balcony or open stairway ⁽⁴⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽³⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁵⁾	Not permitted ⁽⁵⁾	Not permitted ⁽⁵⁾
Deck , landing, or porch , open (shall not extend above the height of the first floor) ⁽⁴⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽³⁾
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁵⁾	Not permitted ⁽⁵⁾	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽³⁾
Stoop	Permitted ⁽¹⁾	May project up to 4' ⁽²⁾	Permitted ⁽¹⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁵⁾	Permitted ⁽⁶⁾	Permitted ⁽⁶⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes: (1) May be located within required yard with no setback (2) However, a 3' side yard shall be maintained (3) However, a 5' rear yard shall be maintained (4) If not adjacent to a residential district ; shall not project if adjacent to a residential district (5) Shall meet minimum primary structure setback (6) However, fences and walls shall meet corner lot primary structure setback standard			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.222 BTI BUSINESS, TECHNOLOGY, AND INDUSTRIAL PARK

(A) Purpose

The **Business, Technology, and Industrial Park districts** are intended to create areas for the **development** of limited intensity assembly, fabrication, office, medical, technology, and research facilities, including **corporate campus** and similar **development**, with quality, integrated architectural and site design which is compatible with **adjacent development** and creates minimal impacts outside of the **buildings**.

(B) Permitted Uses

The following **uses** shall be permitted as a matter of right in a **BTI district**. **Outdoor display** or **storage** shall not be permitted.

BTI BUSINESS, TECHNOLOGY AND INDUSTRIAL PARK SPECIFIC PERMITTED USES	
Accessory building/structure/use	Limited assembly and fabrication of: (continued)
Apparel fabrication and processing	Optical instruments
Assembly of finished products	Scientific and precision instruments
Bioscience development/research testing	Service industry machines
Business incubation office or laboratory	Specialty equipment
Computer/other software	Machine design facility
Corporate campus	Machine tool shop
Cosmetic product compounding	Medical device technology
Information technology	Pharmaceutical product compounding
Internet applications or products	Product research and development
Laboratory (testing)	Professional office and research facility
Limited assembly and fabrication of:	Technology use or service
Bio-medical/orthopedic products	Universally permitted use
Communication and computation equipment	Vehicle technology (advanced)
Computers and electronics	Warehouse/storage facility
Computer hardware products	Wholesale facility
Industrial controls	Wind energy conversion system (micro) ⁽¹⁾
Medical devices	Wind energy conversion system (standard) ⁽²⁾
Orthopedic devices	Woodworking/carpentry
Notes:	
(1) If not adjacent to a residential district	
(2) If on land of over two (2) acres not adjacent to a residential district	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:

- (1) **Commercial communication tower** (see §157.503(D)(3)(a) for additional standards);
- (2) **Illuminated recreation field** (if **adjacent** to **residential district**);
- (3) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
- (4) **Sign** (temporary **subdivision** direction);
- (5) **Solar panel (ground-mounted)**;
- (6) **Wind energy conversion (WEC) system, micro** (on land **adjacent** to a **residential district**, or to erect an additional micro system or systems); and
- (7) **Wind energy conversion (WEC) system, standard** (on land of under two (2) acres, or on land **adjacent** to a **residential district**).

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(D) Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note: (1) If integrated into an existing single family detached residence; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I Child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution related items)
Note: (1) Also permitted for nonresidential uses	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the **BTI district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

BTI BUSINESS, TECHNOLOGY, AND INDUSTRIAL PARK DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure		40'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		50'	
Through lot		50' at each end of the lot	
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	25'		10'
Over 30'	50'		25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building or structure – corner lot street side yard		25'	
Rear yard			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	25'		10'
Over 30'	50'		25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See §157.405(C) in (Development Standards Waivers and Exceptions) for exceptions; §157.409 (Signs) for maximum sign heights; and §157.404(O) (Residential Impact Mitigation) for additional restrictions			
(2) Whichever is less			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, or porch , open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Stoop	Permitted ⁽¹⁾	May project up to 4' ⁽²⁾	Permitted ⁽¹⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Notes: (1) May be located within required yard with no setback (2) However, a 5' side or rear yard shall be maintained (3) If not adjacent to a residential district ; shall not project if adjacent to a residential district (4) Shall meet minimum primary structure setback (5) However, fences and walls shall meet corner lot primary structure setback standard (6) Up to 3' in height			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.223 I1 LIMITED INDUSTRIAL

(A) Purpose

The Limited Industrial **district** is intended to provide areas in which goods are produced for direct consumption by consumers. Limited industrial **uses** typically involve final assembly of goods produced from prepared materials, finished products or parts; distribution of finished goods; low intensity industrial or **manufacturing** operations; or wholesale and/or **storage** activities. The I1 **district** may serve as a buffer between heavier industrial **districts** and business or **residential districts**.

(B) Permitted Uses

A limited industrial **use** creates minimal impacts on surrounding areas outside of the **buildings** and includes limited **outdoor storage**. The following **uses** are permitted as a matter of right in an I1 **district**. **Outdoor display** area shall be limited to a maximum of 10% of the **primary structure** or tenant space. **Outdoor storage** shall only be permitted between the rear of the **building** and the **rear lot line**, up to the square footage of the **primary structure**, and shall be screened from **adjacent** residential zoning and **public street rights-of-way**. All uses permitted in the R1, C1, and C3 **districts** shall be permitted in the I1 **district**. All uses permitted in the C4 district, except **sexually oriented businesses**, shall be permitted in the I1 district.

I1 LIMITED INDUSTRIAL SPECIFIC PERMITTED USES

Accessory building /structure /use	Automobile accessory store (indoor)	Caterer
Accountant	Automobile rental (indoor)	Child care center
Adoption service	Automobile sales (indoor)	Child care home (class I or II)
Adult care center	Bait sales	Chiropractor
Advertising	Bakery	Clinic
Air conditioning sales	Bakery goods	Clock sales
Air freight service	Bank	Clothing alterations
Alteration service	Bankruptcy service	Clothing rental
Animal grooming (indoor)	Banquet hall	Clothing store
Animal hospital (indoor)	Bar	Club, private
Animal kennel (indoor)	Barber shop	Coffee shop
Animal obedience school (indoor)	Barber/beauty school	Coin shop
Answering service	Beauty shop	Collection agency
Antique shop	Bicycle sales and repair shop	Community garden (including outdoor)
Apparel and accessory store	Billiard or pool hall	Computer sales and service
Apparel fabrication and processing	Bingo establishment	Computer software store
Appliance store	Bioscience development, /research-testing	Computer training
Appraiser	Blood bank	Computer/other software
Aquaculture	Blood or plasma donor facility	Consignment shop
Aquaponics	Boarding house	Consulting service
Arcade	Boat dry dock facility	Consumer electronics sales
Architect	Book store	Consumer electronics service
Art gallery	Bookkeeping service	Convenience store
Art instruction	Bowling alley	Copy service
Art studio	Brewery (micro)	Correctional services facility
Art supply store	Broadcast studio	Cosmetic product compounding
Assisted living facility	Broker	Cosmetic store
Attorney	Business incubation office or laboratory	Costume rental
Auction service	Business training	Counseling service
Audiologist	Campus housing (off-site)	Craft instruction
Audio-visual studio	Candy store	Craft studio
Automatic teller machine	Catalog showroom	Craft supply store

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Credit service	Employment agency	Group residential facility (small)
Credit union	Engineer	Gymnastics instruction
Crematory	Entertainment facility	Hardware store
Customer service facility	Equipment rental (limited and general)	Haunted house
Dairy/creamery	Equipment supply facility for:	Health club
Dance instruction	Air purification	Heating sales
Data processing facility	Electric wire and cable	Hobby shop
Data storage facility	Electrical	Home improvement business
Day care	Fire protection	Home repair
Day spa	Food service	Homeless shelter
Delicatessen	Heating, ventilation, or air conditioning	Hospice care center
Dentist	Industrial	Hospital
Department store	Maintenance	Hot tub sales
Diagnostic center	Mechanical	Hotel
Dialysis center	Medical	Household appliance store
Diaper service facility	Power transmission	Hydroponics
Dinner theater	Radio/communication	Ice cream store
Distillery (micro)	Restaurant	Information technology
Distribution facility for:	Telecommunication	Insurance agency
Batteries	Trade show/exhibit	Interior decorating store
Beer	Truck	Interior design service
Building materials	Water softening/purification	Internet applications/products
Electrical parts	Welding	Internet service
Food	Fabric shop	Investment service
Janitorial supplies	Farmers market (including outdoor sales)	Jewelry sales
Lubrication	Finance agency	Laboratory
Machines	Financial planning service	Laboratory (testing)
Medical supplies	Fireworks sales (indoor)	Land surveyor
Oil	Fitness center	Lathe/screw machine products
Paint	Flea market (indoor)	Laundromat
Petroleum products	Floor covering store	Laundry facility (central)
Pipe	Florist	Leather goods store
Plumbing fixtures	Foundation office	Legal service
Soft drinks	Fraternity house	Limited assembly and fabrication of:
Steel	Freight service	Bio-medical/orthopedic products
Tires (new)	Fruit/vegetable store (indoor	Communication and computation equipment
Truck bodies	Funeral home	Computer hardware products
Vending machines	Furniture production	Computers and electronics
Windows	Furniture store	Industrial controls
Doctor	Furrier	Medical devices
Dormitory	Game rental	Optical instruments
Driving instruction	Game sales	Orthopedic devices
Drug store	Gift shop	Scientific and precision instruments
Dry cleaning store	Glass cutting/glazing shop	Service industry machines
Dry cleaning facility (central)	Graphic design service	Specialty equipment
Educational institution	Grocery store or supermarket	Live-work unit
Embroidery	Group residential facility (large) ⁽¹⁾	Loan office

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Luggage store	Physical therapy facility	Swim club
Machine design facility	Picture framing facility	Swimming pool sales
Machine tool shop	Pilates instruction	Tailor
Marketing agency	Planetarium	Tanning salon
Martial arts training	Planner	Tattoo establishment
Massage therapy	Podiatrist	Tavern
Meat/fish market	Pottery sales	Tax consulting
Medical device technology	Printing facility	Tea room
Medical supply sales	Printing press	Telephone sales
Medical training	Product research and development	Telephone service
Model unit	Public transportation facility	Television station
Mortgage service	Radio station	Tennis club
Motel	Real estate	Theater
Movie rental	Reception hall	Title company
Movie sales	Recording studio	Tobacco store
Multiple family complex ⁽²⁾	Recreation area	Tool and die facility
Multiple family dwelling ⁽²⁾	Recreation facility	Townhouse complex ⁽²⁾
Museum	Recreation uses	Toy store
Music instruction	Refurbishing facility (household items)	Travel agency
Music store	Rental store	Treatment center
Music studio	Research and development facility	Tutoring service
Musical instrument store	Residential dwelling unit ⁽³⁴⁾	Universally permitted use ⁽²³⁾
Nail salon	Residential facility for homeless individuals (up to 8) ⁽¹⁾	Utility facility (private)
Neighborhood facility	Restaurant, including drive-through	Variety store
Nursing home	Retirement facility	Vehicle technology (advanced)
Nutrition service	Sandwich shop	Veterinary clinic (indoor)
Ophthalmologist	Savings and loan	Warehouse/storage facility
Optician	Sculpture studio	Watch sales
Optometrist	Security service	Website service
Package liquor store	Shoe repair shop	Wedding consultant
Paint store	Shoe store	Weight loss service
Painting studio	Sign sales store	Welding service
Parking area ⁽¹⁾	Skating rink	Wholesale facility
Parking area (off-site) ⁽²³⁾	Sleep disorder facility	Wind energy conversion system (micro) ⁽¹⁾
Parking structure	Social service agency	Wind energy conversion system (standard) ⁽²⁴⁵⁾
Pet store	Sorority house	Window sales
Pharmaceutical product compounding	Sporting goods sales	Woodworking
Pharmacy	Stained glass studio	Yoga instruction
Photography studio	Stationery store	Zoo
Photography supply store	Stock and bond broker	
Photography training	Surgery center	

Notes:

- (1) If not adjacent to a residential district
- (2) See multiple family building and complex perimeter setback and building separation requirements in R3 district (157.208(E)(1))
- (3) See universally permitted use definition for additional standards
- (4) Above, to the rear of, or attached to a permitted nonresidential use
- (5) If on land of over two (2) acres not adjacent to a residential district

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

II LIMITED INDUSTRIAL COMMERCIAL USE CATEGORIES		
Animal service, indoor	Food and beverage service	Recreation/Tourism, limited
Automobile service, limited	Instruction/training/education	Residential facility, general
Clothing	Medical facility or office	Retail, limited
Community facility	Personal service	Studio
Electronics	Professional office/business service	Universally permitted use

(C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:

- (1) **Commercial communication tower** (see §157.503(D)(3)(a) for additional standards);
- (2) **Group residential facility (large)** (if **adjacent** to a **residential district**);
- (3) Growing/processing/raising of natural products;
- (4) Illuminated **recreation field** (if **adjacent** to a **residential district**);
- (5) Metal and plastic extrusion and molding facility;
- (6) Metal cutting facility;
- (7) Metal fabricating facility;
- (8) Metal processing facility (anodizing, buffing, galvanizing, plating, and polishing);
- (9) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);
- (10) **Parking area** (as a **primary use**, if **adjacent** to a **residential district**); a **special use** shall not be required for a universally permitted **off-site parking area**;
- (11) Processing facility (small scale);
- (12) **Residential facility for a court-ordered re-entry program**;
- (13) **Residential facility for homeless individuals** (if **adjacent** to a **residential district**);
- (14) Sheet metal fabrication and/or processing;
- (15) **Sign** (temporary **subdivision** direction);
- (16) **Solar panel (ground-mounted)**;
- (17) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**, or to erect an additional micro system or systems); and
- (18) **Wind energy conversion (WEC) system, standard** (on land of under two (2) acres, or on land **adjacent** to a **residential district**).

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(D) Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note: (1) If integrated into an existing single family detached residence; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I Child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution related items)
Note: (1) Also permitted for nonresidential uses	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the I1 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

I1 LIMITED INDUSTRIAL DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure		50'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		25'	
Through lot		25' at each end of the lot	
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	25'		10'
Over 30'	50'		25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building or structure – corner lot street side yard		25'	
Rear yard			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	25'		10'
Over 30'	50'		25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See §157.405(C) (Development Standards Waivers and Exceptions) for exceptions; §157.409 (Signs) for maximum sign heights ; and §157.404(O) (Residential Impact Mitigation) for additional restrictions			
(2) Whichever is less			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, or porch , open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Stoop	Permitted ⁽¹⁾	May project up to 4' ⁽²⁾	Permitted ⁽¹⁾
Wall (freestanding, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes: (1) May be located within required yard with no setback (2) However, a 5' side or rear yard shall be maintained (3) If not adjacent to a residential district ; shall not project if adjacent to a residential district (4) Shall meet minimum primary structure setback (5) However, fences and walls shall meet corner lot primary structure setback standard (6) Up to 3' in height			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.224 I2 GENERAL INDUSTRIAL

(A) Purpose

The General Industrial **district** is intended to provide areas for assembly, distribution, fabricating, **manufacturing**, and processing industries where the operation is enclosed within a **building** and conducted in such a manner that no adverse impacts are created or emitted outside of the **building(s)**.

(B) Permitted Uses

The following **uses** are permitted as a matter of right in an I2 **district**. Except for **automobile**, boat, and similar vehicle sales **uses**, **outdoor display** shall meet the **building setback** standards; display area shall be limited to a maximum of 10% of the **primary structure** or tenant space; **outdoor storage** shall be allowed between the front **façade** of the **building** and the **rear lot line** and shall be screened from **adjacent residential zoning districts** and **public street rights-of-way**. All uses permitted in the I1 **district** shall be permitted in the I2 **district**.

I2 GENERAL INDUSTRIAL SPECIFIC PERMITTED USES		
Accessory building, /structure/use	Assembly facility for/manufacturing of:	
Accountant	Adhesive/glue	Auction hall
Adoption service	Agricultural implements	Auction service
Adult care center	Aircraft	Audiologist
Advertising	Animal feed	Audio-visual studio
Agricultural equipment sales	Appliances	Automatic teller machine
Agricultural equipment service	Automobiles	Automobile accessory store
Agricultural supply sales	Bicycles	Automobile auction
Air conditioning sales	Boats	Automobile body shop
Air conditioning service	Carbon steel pipe and tubing	Automobile detailing or trim shop
Air freight service	Computers	Automobile maintenance (quick service)
Alteration service	Concrete and concrete products	Automobile rental
Animal grooming	Electronics	Automobile repair
Animal hospital	Insulation	Automobile restoration
Animal kennel	Manufactured homes	Automobile rustproofing
Animal obedience school	Modular buildings	Automobile sales
Animal slaughterhouse (indoor)	Motorcycles	Automobile washing facility
Answering service	Motors	Bait sales
Antique shop	Paper/paper products	Bakery
Apparel and accessory store	Recreational vehicles	Bakery goods
Apparel fabrication and processing	Spas	Bank
Appliance store	Stainless steel	Bankruptcy service
Appraiser	Steel	Banquet hall
Assembly of finished products	Tile	Bar
Arcade	Tires	Barber shop
Architect	Valves	Barber/beauty school
Arena	Aquaculture	Batting cages
Art gallery	Aquaponics	Beauty shop
Art instruction	Assisted living facility	Betting or other gambling facility
Art supply store	Athletic field	Bicycle sales and repair shop
Art studio	Attorney	Billiard or pool hall
		Bingo establishment

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Bio-medical/orthopedic equipment	Consignment shop	Pipe
Bioscience development/research testing	Consulting service	Plumbing fixtures
Blood bank	Consumer electronics sales	Soft drinks
Blood or plasma donor facility	Consumer electronics service	Steel
Boarding house	Contractor (construction, excavation, landscape)	Tires (new)
Boat dry dock facility	Convenience store	Truck bodies
Boat sales	Copy service	Vending machines
Book store	Correctional services facility	Windows
Bookkeeping service	Cosmetic store	<u>Doctor</u>
Bottling facility	Costume rental	<u>Dormitory</u>
Bowling alley	Counseling service	<u>Driving instruction</u>
Brewery	Country club	<u>Drug store</u>
Brewery (micro)	Craft instruction	<u>Dry cleaning store</u>
Broadcast studio	Craft studio	Dry cleaning/facility (central)
Broker	Craft supply store	<u>Educational institution</u>
Business incubation office or laboratory	Credit service	<u>Embroidery</u>
Business training	Credit union	<u>Employment agency</u>
Campus housing (off-site)	Crematory	<u>Engine repair</u>
Canvas product fabrication	Customer service facility	<u>Engineer</u>
Catalog showroom	Dairy/creamery	<u>Entertainment facility</u>
Caterer	Dance instruction	Equipment rental (limited and general)
Ceramic product fabrication	Data processing facility	<u>Equipment service</u>
Check cashing	Data storage facility	Equipment supply facility for:
Child care center	Day care	Air purification
Child care home (class I or II)	Day spa	Electrical
Chiropractor	Delicatessen	Electric wire and cable
Clinic	Dentist	Fire protection
Clock sales	Department store	Food service
Clothing alterations	Diagnostic center	Heating, ventilation, or air conditioning
Clothing rental	Dialysis center	Industrial
Clothing store	Diaper service facility	Maintenance
Club, private	Dinner theater	Mechanical
Coffee shop	Distillery	Medical
Coin shop	Distillery (micro)	Power transmission
Collection agency	Distribution facility for:	Radio/communication
Community garden (including outdoor)	Batteries	Restaurant
Tobacco store	Beer	Telecommunication
Compounding of:	Building materials	Trade show/exhibit
Chemicals	Electrical parts	Truck
Cleaning supplies	Food	Water softening/purification
Cosmetics	Janitorial supplies	Welding
Pharmaceuticals	Lubrication	<u>EV Charging Station</u>
Computer software	Machines	<u>Exhibit hall</u>
Computer sales and service	Medical supplies	<u>Exterminator</u>
Computer software store	Oil	<u>Fabric shop</u>
Computer training	Paint	<u>Farmers market</u>
Candy store	Petroleum products	Feed store

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

<u>Finance agency</u>	Hotel	<u>Medical supply sales</u>
<u>Financial planning service</u>	<u>Household appliance store</u>	<u>Medical training</u>
<u>Fireworks sales</u>	<u>Hydroponics</u>	<u>Metal extrusion</u>
<u>Fitness center</u>	<u>Ice cream store</u>	<u>Metal cutting</u>
<u>Flea market</u>	<u>Information technology</u>	<u>Metal fabricating</u>
<u>Floor covering store</u>	<u>Insurance agency</u>	<u>Metal molding</u>
<u>Florist</u>	<u>Interior decorating store</u>	<u>Model unit</u>
<u>Foundation office</u>	<u>Interior design service</u>	<u>Mortgage service</u>
<u>Foundry</u>	<u>Internet applications/products</u>	<u>Motel</u>
<u>Fraternity house</u>	<u>Internet service</u>	<u>Motor vehicle auction</u>
<u>Freight service</u>	<u>Investment service</u>	<u>Motor vehicle rental</u>
<u>Fruit/vegetable store</u>	<u>Jewelry sales</u>	<u>Motor vehicle repair</u>
<u>Funeral home</u>	<u>Junk yard (indoor)</u>	<u>Motor vehicle sales</u>
<u>Furniture production</u>	<u>Laboratory</u>	<u>Movie rental</u>
<u>Furniture refinishing/repair</u>	<u>Laboratory</u> (testing)	<u>Movie sales</u>
<u>Furniture store</u>	<u>Land surveyor</u>	<u>Multiple family complex</u> ⁽²⁾
<u>Furrier</u>	<u>Landscape contracting service</u>	<u>Multiple family dwelling</u> ⁽²⁾
<u>Game rental</u>	<u>Lathe/screw machine products</u>	<u>Museum</u>
<u>Game sales</u>	<u>Laundromat</u>	<u>Music instruction</u>
<u>Garden equipment supply</u>	<u>Laundry facility (central)</u>	<u>Music store</u>
<u>Gift shop</u>	<u>Leather goods store</u>	<u>Music studio</u>
<u>Glass cutting/glazing shop</u>	<u>Legal service</u>	<u>Musical instrument store</u>
<u>Go-kart facility</u> ⁽¹⁾	Limited assembly and fabrication of:	<u>Nail salon</u>
<u>Golf course, miniature</u>	<u>Bio-medical/orthopedic products</u>	<u>Neighborhood facility</u>
<u>Golf driving range</u>	<u>Communication and computation equipment</u>	<u>Nursing home</u>
<u>Graphic design service</u>	<u>Computers and electronics</u>	<u>Nutrition service</u>
<u>Greenhouse (retail)</u>	<u>Computer hardware products</u>	<u>Ophthalmologist</u>
<u>Greenhouse (wholesale)</u>	<u>Industrial controls</u>	<u>Optician</u>
<u>Grocery store or supermarket</u>	<u>Medical devices</u>	<u>Optometrist</u>
<u>Group residential facility (large)</u> ⁽¹⁾	<u>Optical instruments</u>	<u>Package liquor store</u>
<u>Group residential facility (small)</u>	<u>Orthopedic devices</u>	<u>Packaging facility</u>
<u>Growing/processing/raising of natural products</u>	<u>Scientific and precision instruments</u>	<u>Paint store</u>
<u>Gun sales</u>	<u>Service industry machines</u>	<u>Painting studio</u>
<u>Gymnastics instruction</u>	<u>Specialty equipment</u>	<u>Parking area</u> ⁽¹⁾
<u>Hardware store</u>	<u>Live-work unit</u>	<u>Parking area (off-site)</u> ⁽³²⁾
<u>Haunted house</u>	<u>Loan office</u>	<u>Parking structure</u>
<u>Health club</u>	<u>Luggage store</u>	<u>Pawn shop</u>
<u>Heating sales</u>	<u>Machine design facility</u>	<u>Pest control</u>
<u>Heating service</u>	<u>Machine tool shop</u>	<u>Pet store</u>
<u>Hobby shop</u>	<u>Magnet wire facility</u>	<u>Pharmaceutical product compounding</u>
<u>Home improvement business</u>	<u>Maintenance/ or repair facility</u>	<u>Pharmacy</u>
<u>Home improvement store</u>	<u>Manufactured home sales</u>	<u>Photography studio</u>
<u>Home repair</u>	<u>Marketing agency</u>	<u>Photography supply store</u>
<u>Homeless/emergency shelter</u>	<u>Martial arts training</u>	<u>Photography training</u>
<u>Hospice care center</u>	<u>Massage therapy</u>	<u>Physical therapy facility</u>
<u>Hospital</u>	<u>Meat/fish market</u>	<u>Picture framing facility</u>
<u>Hot tub sales</u>	<u>Medical device technology</u>	<u>Pilates instruction</u>

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

<u>Planetarium</u>	Sales yard for:	Television station
<u>Planner</u>	Building materials	Tennis club
Plant nursery	Lumber	Theater
<u>Plastic extrusion</u>	Sand, gravel, stone	Tire sales
<u>Plastic molding</u>	Salvage yard (indoor)	<u>Title company</u>
<u>Plumbing sales</u>	<u>Sandwich shop</u>	Tool and die facility
<u>Plumbing service</u>	Savings and loan	<u>Towing service</u>
<u>Podiatrist</u>	<u>Seasonal sales</u>	Townhouse complex (2)
<u>Pottery sales</u>	<u>Security service</u>	<u>Toy store</u>
Printing facility	Sheet metal fabrication	<u>Trade show facility</u>
Printing press	Sheet metal processing	Travel agency
Processing facility for:	Shoe repair shop	Treatment center
Animals (<u>indoor: includes skins, hides, or reduction of animal matter</u>)	<u>Shoe store</u>	Tree service
<u>Animal products (indoor)</u>	Shooting range (indoor)	Truck depot/terminal
Lumber	Sign fabricating	Truck fueling station
Metal (anodizing, buffing, galvanizing, plating, polishing)	Sign sales store	Truck stop
Raw Materials	<u>Skating rink</u>	<u>Tutoring service</u>
Timber	<u>Sleep disorder facility</u>	Universally permitted use (32)
Product research and development	<u>Social service agency</u>	Utility facility (private)
<u>Propane sales</u>	Sorority house	<u>Variety store</u>
Propane facility	<u>Sporting goods sales</u>	Vehicle technology (advanced)
<u>Public transportation facility</u>	Stadium/racetrack (1)	Veterinary clinic
Radio station	<u>Stained glass studio</u>	Warehouse/storage facility
<u>Real estate</u>	<u>Stationery store</u>	<u>Watch sales</u>
<u>Reception hall</u>	<u>Stock and bond broker</u>	<u>Watercraft sales</u>
<u>Recording studio</u>	Storage shed sales	<u>Website service</u>
<u>Recreation area</u>	<u>Surgery center</u>	<u>Wedding consultant</u>
<u>Recreation facility</u>	Swim club	<u>Weight loss service</u>
<u>Recreation uses</u>	<u>Swimming pool sales</u>	<u>Welding service</u>
Recycling processing facility	<u>Tailor</u>	Wholesale facility
Refractory	<u>Tanning salon</u>	Wind energy conversion system (micro) (1)
Refurbishing facility	<u>Tattoo establishment</u>	Wind energy conversion system (standard) (245)
Rental store	<u>Tavern</u>	<u>Window repair</u>
Research and development facility	<u>Tax consulting</u>	<u>Window sales</u>
Residential dwelling unit (34)	<u>Taxi service</u>	<u>Winery</u>
Residential facility for homeless individuals (up to 8) (1)	<u>Taxidermist</u>	<u>Woodworking/carpentry</u>
Restaurant, including drive-through	<u>Tea room</u>	Yoga instruction
Retirement facility	<u>Telephone sales</u>	Zoo
Riding stable	<u>Telephone service</u>	

Notes:

- (1) If not **adjacent** to a **residential district**
- (2) See **universally permitted use** definition for additional standards
- (3) Above, to the rear of, or attached to a permitted nonresidential use
- (4) If on land of over two (2) acres not **adjacent** to a **residential district**
- (5) See multiple family building and complex perimeter setback and building separation requirements in R3 district (157.208(E)(1))

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

I2 GENERAL INDUSTRIAL COMMERCIAL USE CATEGORIES		
Animal service (indoor)	Food and beverage service	Residential facility, general
Animal service (outdoor)	Instruction/training/education	Retail, limited
Automobile service, general ⁽¹⁾	Medical facility or office	Retail/service, general
Automobile service, limited	Personal service	Studio
Clothing	Professional office/business service	Universally permitted use
Community facility	Recreation, general	
Electronics	Recreation/tourism, limited	
Notes: (1) Excluding gas stations		

(C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:

- (1) **Commercial communication tower** (see §157.503(D)(3)(a) for additional standards);
- (2) **Fuel storage** facility;
- (3) **Group residential facility (large)** (if **adjacent** to a **residential district**);
- (4) **Illuminated recreation field** (if **adjacent** to residential zoning);
- (5) **Junk yard** (outdoor);
- (6) **Motor vehicle storage yard**;
- (7) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);
- (8) **Parking area** (as a **primary use**, if **adjacent** to a **residential district**); a **special use** shall not be required for a universally permitted **off-site parking area**;
- (9) **Parking** or **outdoor display** area, gravel (not otherwise permitted);
- (10) **Residential facility for a court-ordered re-entry program**;
- (11) **Residential facility for homeless individuals** (if **adjacent** to a **residential district**);
- (12) **Salvage yard** (outdoor);
- (13) **Sawmill**;
- (14) **Sign** (temporary **subdivision** direction);
- (15) **Solar panel** (**ground-mounted**);
- (16) **Solid waste transfer station**;
- (17) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**, or to erect an additional micro system or systems); and
- (18) **Wind energy conversion (WEC) system, standard** (on land of under two (2) acres, or on land **adjacent** to a **residential district**).

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(D) Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note: (1) If integrated into an existing single family detached residence; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I Child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution related items)
Note: (1) Also permitted for nonresidential uses	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the I2 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

I2 GENERAL INDUSTRIAL DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure		50'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		25'	
Through lot		25' at each end of the lot	
If there is an existing commercial or industrial building(s) with a lesser front setback adjacent to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	25'		10'
Over 30'	50'		25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building or structure – corner lot street side yard		25'	
Rear yard			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	25'		10'
Over 30'	50'		25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See §157.405(C) (Development Standards Waivers and Exceptions) for exceptions; §157.409 (Signs) for maximum sign heights ; and §157.404(O) (Residential Impact Mitigation) for additional restrictions			
(2) Whichever is less			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, porch , or stoop, open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Stoop	Permitted ⁽¹⁾	May project up to 4' ⁽²⁾	Permitted ⁽¹⁾
Wall (freestanding, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes: (1) May be located within required yard with no setback (2) However, a 5' side or rear yard shall be maintained (3) If not adjacent to a residential district ; shall not project if adjacent to a residential district (4) Shall meet minimum primary structure setback (5) However, fences and walls shall meet corner lot primary structure setback standard (6) Up to 3' in height			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.225 I3 INTENSIVE INDUSTRIAL

(A) Purpose

The Intensive Industrial **district** is intended to provide areas for intense industrial **uses** such as fabricating, **manufacturing**, processing, extraction, heavy repair and dismantling industries where outside operations and **storage** areas may be required. Due to the nature of these industries, **districts** are typically located away from residential areas and **districts**. I3 **districts** should be buffered by less intensive industrial or commercial **districts** to minimize adverse impacts on surrounding land **uses**.

(B) Permitted Uses

The following **uses** are permitted as a matter of right in an I3 **district**. Except for **automobile**, boat, and similar vehicle sales **uses**, **outdoor display** shall meet the **building setback** standards; display area shall be limited to a maximum of 10% of the **primary structure** or tenant space; **outdoor storage** shall be allowed between the required front **setback** line and the **rear lot line** and shall be screened from **adjacent residential zoning districts** and **public street rights-of-way**. All uses permitted in the I2 **district** shall be permitted in the I3 **district**.

I3 INTENSIVE INDUSTRIAL SPECIFIC PERMITTED USES		
Accessory building/structure/use	Bicycles	Athletic field
Accountant	Boats	Attorney
Adoption service	Carbon steel pipe and tubing	Auction hall
Adult care center	Computers	Auction service
Advertising	Concrete and concrete products	Audiologist
Agricultural equipment sales	Electronics	Audio-visual studio
Agricultural equipment service	Insulation	Automatic teller machine
Agricultural supply sales	Manufactured homes	Automobile accessory store
Air conditioning sales	Modular buildings	Automobile auction
Air conditioning service	Motorcycles	Automobile body shop
Air freight service	Motors	Automobile detailing or trim shop
Alteration service	Paper/paper products	Automobile maintenance (quick service)
Amusement park	Recreational vehicles	Automobile rental
Animal grooming	Spas	Automobile repair
Animal hospital	Stainless steel	Automobile restoration
Animal kennel	Steel	Automobile rustproofing
Animal obedience school	Tile	Automobile sales
Animal slaughterhouse	Tires	Automobile washing facility
Answering service	Valves	Bait sales
Antique shop	Appliance store	Bakery
Apparel and accessory store	Appraiser	Bakery goods
Apparel fabrication and processing	Arcade	Bank
Asphalt plant	Architect	Bankruptcy service
Assembly of finished products	Arena	Banquet hall
Assembly facility for/manufacturing of:	Art gallery	Bar
Adhesive/glue	Art instruction	Barber shop
Agricultural implements	Art supply store	Barber/beauty school
Aircraft	Art studio	Batting cages
Animal feed	Aquaculture	Beauty shop
Appliances	Aquaponics	Betting or other gambling facility
Automobiles	Assisted living facility	Bicycle sales and repair shop

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Billiard or pool hall	Consulting service	Truck bodies
Bingo establishment	Consumer electronics sales	Vending machines
Bio-medical/orthopedic equipment	Consumer electronics service	Windows
Bioscience development/research testing	Contractor (construction, excavation, landscape)	Doctor
Blood bank	Convenience store	Dormitory
Blood or plasma donor facility	Copy service	Driving instruction
Boarding house	Correctional services facility	Drug store
Boat dry dock facility	Cosmetic store	Dry cleaning/laundry facility (central)
Boat sales	Costume rental	Dry cleaning store
Book store	Counseling service	Educational institution
Bookkeeping service	Country club	Embroidery
Bottling facility	Craft instruction	Employment agency
Bowling alley	Craft studio	Engine repair
Brewery	Craft supply store	Engineer
Brewery (micro)	Credit service	Entertainment facility
Broadcast studio	Credit union	Equipment rental (limited and general)
Broker	Crematory	Equipment service
Business incubation office or laboratory	Customer service facility	Equipment supply facility for:
Business training	Dairy/creamery	Air purification
Campus housing (off-site)	Dance instruction	Electrical
Canvas product fabrication	Data processing facility	Electric wire and cable
Catalog showroom	Data storage facility	Fire protection
Caterer	Day care	Food service
Ceramic product fabrication	Day spa	Heating, ventilation, or air conditioning
Check cashing	Delicatessen	Industrial
Child care center	Dentist	Maintenance
Child care home (class I or II)	Department store	Mechanical
Chiropractor	Diagnostic center	Medical
Tobacco store	Dialysis center	Power transmission
Clinic	Diaper service facility	Radio/communication
Clock sales	Dinner theater	Restaurant
Clothing alterations	Distillery	Telecommunication
Clothing rental	Distillery (micro)	Trade show/exhibit
Clothing store	Distribution facility for:	Truck
Club, private	Batteries	Water softening/purification
Coffee shop	Beer	Welding
Coin shop	Building materials	Exhibit hall
Collection agency	Electrical parts	Exterminator
Community garden (including. outdoor)	Food	Fabric shop
Compounding of:	Janitorial supplies	Farmers market
Chemicals	Lubrication	Feed store
Cleaning supplies	Machines	Finance agency
Cosmetics	Medical supplies	Financial planning service
Pharmaceuticals	Oil	Fireworks sales
Computer/other software	Paint	Fitness center
Computer sales and service	Petroleum products	Flea market
Computer software store	Pipe	Floor covering store
Computer training	Plumbing fixtures	Florist
Concrete plant	Soft drinks	Foundation office
Candy store	Steel	Foundry
Consignment shop	Tires (new)	Fraternity house

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Freight service	Investment service	Motor vehicle sales
Fruit/vegetable store	Jewelry sales	Motor vehicle sales
Fuel storage facility	Junk yard	Motor vehicle storage yard
Funeral home	Laboratory	Movie rental
Furniture production	Laboratory (testing)	Movie sales
Furniture refinishing/repair	Land surveyor	Multiple family complex ⁽⁶⁾
Furniture store	Landscape contracting service	Multiple family dwelling ⁽⁶⁾
Furrier	Lathe/screw machine products	Museum
Game rental	Laundromat	Music instruction
Game sales	Laundry facility (central)	Music store
Garden equipment supply	Leather goods store	Music studio
Gas station ⁽⁵⁾	Legal service	Musical instrument store
Gift shop	Limited assembly and fabrication of:	Nail salon
Glass cutting/glazing shop	Bio-medical/orthopedic products	Neighborhood facility
Go-kart facility ⁽¹⁾	Communication and computation equipment	Nursing home
Golf course, miniature	Computers and electronics	Nutrition service
Golf driving range	Computer hardware products	Ophthalmologist
Graphic design service	Industrial controls	Optician
Greenhouse (retail)	Medical devices	Optometrist
Greenhouse (wholesale)	Optical instruments	Package liquor store
Grocery store or supermarket	Orthopedic devices	Packaging facility
Group residential facility (large) ⁽¹⁾	Scientific and precision instruments	Paint store
Group residential facility (small)	Service industry machines	Painting studio
Growing/processing/raising of natural products	Specialty equipment	Parking area
Gun sales	Live-work unit	Parking area (off-site) ⁽²⁾
Gymnastics instruction	Loan office	Parking structure
Hardware store	Luggage store	Pawn shop
Haunted house	Machine design facility	Pest control
Health club	Machine tool shop	Pet store
Heating sales	Magnet wire facility	Pharmaceutical product compounding
Heating service	Maintenance/ or repair facility	Pharmacy
Hobby shop	Manufactured home sales	Photography supply store
Home improvement business	Marketing agency	Photography studio
Home improvement store	Martial arts training	Photography training
Home repair	Massage therapy	Physical therapy facility
Homeless/emergency shelter	Meat/fish market	Picture framing facility
Hospice care center	Medical device technology	Pilates instruction
Hospital	Medical supply sales	Planetarium
Hot tub sales	Medical training	Planner
Hotel	Metal extrusion	Plant nursery
Household appliance store	Metal cutting	Plastic extrusion
Hydroponics	Metal fabricating	Plastic molding
Ice cream store	Metal molding	Plumbing sales
Information technology	Model unit	Plumbing service
Insurance agency	Mortgage service	Podiatrist
Interior decorating store	Motel	Pottery sales
Interior design service	Motor vehicle auction	Printing facility
Internet applications/products	Motor vehicle rental	Printing press
Internet service	Motor vehicle repair	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Processing facility for:	Sheet metal processing	Telephone service
Animals (includes skins, hides, or reduction of animal matter)	Shoe repair shop	Television station
Animal products	Shoe store	Tennis club
Lumber	Shooting range (indoor)	Theater
Metal (anodizing, buffing, galvanizing, plating, polishing)	Sign fabricating	Tire sales
Raw materials	Sign sales store	Title company
Timber	Skating rink	Tool and die facility
Propane facility	Sleep disorder facility	Towing service
Product research and development	Social service agency	Townhouse complex ⁽⁶⁾
Propane sales	Solid waste transfer station	Toy store
Public transportation facility	Stationery store	Trade show facility
Radio station	Sorority house	Travel agency
~~Railroad spur~~	Sporting goods sales	Treatment center
Real estate	Stadium/racetrack ⁽¹⁾	Tree service
Reception hall	Stained glass studio	Truck depot/terminal
Recording studio	Stock and bond broker	Truck fueling station
Recreation area	Storage shed sales	Truck stop
Recreation facility	Surgery center	Tutoring service
Recreation uses	Social service agency	Universally permitted use ⁽²⁾
Recycling processing facility	Solid waste transfer station	Utility facility (private)
Refractory	Stationery store	Variety store
Refurbishing facility	Sorority house	Vehicle technology (advanced)
Rental store	Sporting goods sales	<u>Veterinary clinic</u>
Research and development facility	Sporting goods sales	Watch sales
Residential dwelling unit ⁽³⁾	Stadium/racetrack ⁽¹⁾	Watercraft sales
Residential facility for homeless individuals (up to 8) ⁽¹⁾	Stained glass studio	Website service
Restaurant , including drive-through	Stock and bond broker	Wedding consultant
Retirement facility	Storage shed sales	Weight loss service
Riding stable	Surgery center	Welding service
Sales yard for:	Swim club	Warehouse/storage facility
Building materials	Swimming pool sales	Wholesale facility
Lumber	Tailor	Wind energy conversion system (micro) ⁽¹⁾
Sand, gravel, stone	Tanning salon	Wind energy conversion system (standard) ⁽²⁴⁾
Salvage yard	Tavern	Window repair
Sandwich shop	Tattoo establishment	Window sales
Savings and loan	Tax consulting	Winery
Sculpture studio	Taxi service	Woodworking/ ~~carpentry~~
Seasonal sales	Taxidermist	Yoga instruction
Security service	Tea room	Zoo
Sheet metal fabrication	Telephone sales	

Notes:

- (1) If not **adjacent** to a **residential district**
- (2) See **universally permitted use** definition for additional standards
- (3) Above, to the rear of, or attached to a permitted nonresidential use
- (4) If on land of over two acres not **adjacent** to a **residential district**
- (5) No **gas station** canopy shall be located between the primary building and a **residential district**
- (6) See multiple family building and complex perimeter setback and building separation requirements in R3 district (157.208(E)(1))

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

13 INTENSIVE INDUSTRIAL COMMERCIAL USE CATEGORIES

Animal service, indoor	Food and beverage service	Recreation/tourism, limited
Animal service, outdoor	Instruction/training/education	Residential facility, general
Automobile service, general	Medical facility or office	Retail/service, general
Automobile service, limited	Personal service	Retail, limited
Clothing	Professional office/business service	Studio
Community facility	Recreation, general	Universally permitted use
Electronics		

(C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:

- (1) **Commercial communication tower** (see §157.503(D)(3)(a) for additional standards);
- (2) **Group residential facility (large)** (if **adjacent** to a **residential district**);
- (3) **Illuminated recreation field** (if **adjacent** to a **residential district**);
- (4) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
- (5) **Open use of land** (not otherwise permitted);
- (6) **Parking or outdoor display area, gravel** (not otherwise permitted);
- (7) **Residential facility for a court-ordered re-entry program**;
- (8) **Residential facility for homeless individuals** (if **adjacent** to a **residential district**);
- (9) **Sawmill**;
- (10) **Sign** (temporary **subdivision** direction);
- (11) **Solar panel (ground-mounted)**;
- (12) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**, or to erect an additional micro system or systems); and
- (13) **Wind energy conversion (WEC) system, standard** (on land of under two acres, or on land **adjacent** to a **residential district**).

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(D) Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note: (1) If integrated into an existing single family detached residence; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I Child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution related items)
Note: (1) Also permitted for nonresidential uses	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the I3 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

I3 INTENSIVE INDUSTRIAL DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure		75'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		50'	
Through lot		50' at each end of the lot	
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	40'		25'
Over 30'	50'		40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building or structure – corner lot street side yard		25'	
Rear yard			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	40'		10'
Over 30'	50'		40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See §157.405(C) (Development Standards Waivers and Exceptions) for exceptions; §157.409 (Signs) for maximum sign heights ; and §157.404(O) (Residential Impact Mitigation) for additional restrictions			
(2) Whichever is less			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, or porch , or open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Stoop	Permitted ⁽¹⁾	May project up to 4' ⁽²⁾	Permitted ⁽¹⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes: (1) May be located within required yard with no setback (2) However, a 5' side or rear yard shall be maintained (3) If not adjacent to a residential district ; shall not project if adjacent to a residential district (4) Shall meet minimum primary structure setback (5) However, fences and walls shall meet corner lot primary structure setback standard (6) Up to 3' in height			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.226 I4 INDUSTRIAL FLEX

(A) Purpose

The Industrial Flex **district** is intended to provide areas for assembly, distribution, fabricating, **manufacturing**, and processing industries where the operation is enclosed within a **building** and conducted in such a manner that no adverse impacts are created or emitted outside of the **building(s)**. The Industrial Flex zoning district is intended to promote compact development.

(B) Permitted Uses

The following **uses** are permitted as a matter of right in an I4 **district**. Except for **automobile**, boat, and similar vehicle sales **uses**, **outdoor display** shall meet the **building setback** standards; display area shall be limited to a maximum of 10% of the **primary structure** or tenant space; **outdoor storage** shall be allowed between the front **façade** of the **building** and the **rear lot line** and shall be screened from **adjacent residential zoning districts** and **public street rights-of-way**.

I4 INDUSTRIAL FLEX SPECIFIC PERMITTED USES

Accessory building, structure, or use	Bio-medical/orthopedic equipment
Air freight service	Bioscience development/research testing
Apparel fabrication and processing	Boat dry dock facility
Assembly of finished products	Bottling facility
Assembly facility for/manufacturing of:	Brewery
Adhesive/glue	Business incubation office or laboratory
Agricultural implements	Canvas product fabrication
Aircraft	Ceramic product fabrication
Animal feed	Compounding of:
Appliances	Chemicals
Automobiles	Cleaning supplies
Bicycles	Cosmetics
Boats	Pharmaceuticals
Carbon steel pipe and tubing	Computer/other software
Computers	Contractor (construction, excavation, landscape)
Concrete and concrete products	Correctional services facility
Electronics	Crematory
Insulation	Dairy/creamery
Manufactured homes	Distillery
Modular buildings	Distribution facility for:
Motorcycles	Batteries
Motors	Beer
Paper/paper products	Building materials
Recreational vehicles	Electrical parts
Spas	Food
Stainless steel	Janitorial supplies
Steel	Lubrication
Tile	Machines
Tires	Medical supplies
Valves	Oil
Aquaculture	Paint
Aquaponics	Petroleum products
Bakery	Pipe

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

14 INDUSTRIAL FLEX SPECIFIC PERMITTED USES	
Distribution facility for (continued):	Limited assembly and fabrication of (continued):
Plumbing fixtures	Orthopedic devices
Soft drinks	Scientific and precision instruments
Steel	Service industry machines
Tires (new)	Specialty equipment
Truck bodies	Machine design facility
Vending machines	Machine tool shop
Windows	Magnet wire facility
Dry cleaning/laundry facility (central)	Maintenance/repair facility
Equipment rental (limited and general)	Medical device technology
Equipment supply facility for:	Metal and plastic extrusion and molding facility
Air purification	Metal cutting
Electrical	Metal fabricating
Electric wire and cable	Packaging facility
Fire protection	Parking area ⁽¹⁾
Food service	Printing facility
Heating, ventilation, or air conditioning	Printing press
Industrial	Processing facility for:
Maintenance	Animals
Mechanical	Animal products
Medical	Lumber
Power transmission	Metal (anodizing, buffing, galvanizing, plating, polishing)
Radio/communication	Raw Materials
Restaurant	Timber
Telecommunication	Propane/bottled gas facility
Trade show/exhibit	Product research and development
Truck	Railroad spur
Water softening/purification	Recycling processing facility
Welding	Refractory
Foundry	Refurbishing facility
Freight service	Research and development facility
Furniture production	Residential facility for homeless individuals ⁽¹⁾
Group residential facility (small)	Sales yard for:
Group residential facility (large) ⁽¹⁾	Building materials
Growing/processing/raising of natural products	Lumber
Homeless/emergency shelter	Sand, gravel, stone
Hydroponics	Salvage yard (indoor)
Information technology	Sheet metal fabrication
Internet applications/products	Sheet metal processing
Junk yard (indoor)	Sign fabricating
Laboratory (testing)	Technology use or service
Lathe/screw machine products	Tool and die facility
Limited assembly and fabrication of:	Tree service
Bio-medical/orthopedic products	Truck depot/terminal
Communication and computation equipment	Truck stop
Computers and electronics	Utility facility (private)
Computer hardware products	Vehicle technology (advanced)
Industrial controls	Warehouse/storage facility
Medical devices	Welding service
Optical instruments	Wholesale facility

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

I4 INDUSTRIAL FLEX SPECIFIC PERMITTED USES

Wind energy conversion system (micro) ⁽¹⁾	Winery
Wind energy conversion system (standard) ⁽²⁾	Woodworking/carpentry
Notes: (3) If not adjacent to a residential district (4) If on land of over two (2) acres not adjacent to a residential district	

I4 INDUSTRIAL FLEX COMMERCIAL USE CATEGORIES

Animal service (indoor)	Food and beverage service	Residential facility, general
Animal service (outdoor)	Instruction/training/education	Retail, limited
Automobile service, general	Medical facility or office	Retail/service, general
Automobile service, limited	Personal service	Studio
Clothing	Professional office/business service	Universally permitted use
Community facility	Recreation, general	
Electronics	Recreation/tourism, limited	
Notes:		

(C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:

- (1) **Commercial communication tower** (see §157.503(D)(3)(a) for additional standards);
- (2) **Fuel storage facility**;
- (3) **Group residential facility (large)** (if **adjacent** to a **residential district**);
- (4) **Illuminated recreation field** (if **adjacent** to residential zoning);
- (5) **Junk yard** (outdoor);
- (6) **Motor vehicle storage yard**;
- (7) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);
- (8) **Parking area** (as a **primary use**, if **adjacent** to a **residential district**); a **special use** shall not be required for a universally permitted **off-site parking area**;
- (9) **Parking or outdoor display area**, gravel (not otherwise permitted);
- (10) **Residential facility for a court-ordered re-entry program**;
- (11) **Residential facility for homeless individuals** (if **adjacent** to a **residential district**);
- (12) **Salvage yard** (outdoor);
- (13) **Sawmill**;
- (14) **Sign** (temporary **subdivision** direction);
- (15) **Solar panel (ground-mounted)**;
- (16) **Solid waste transfer station**;

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (17) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**, or to erect an additional micro system or systems); and
- (18) **Wind energy conversion (WEC) system, standard** (on land of under two (2) acres, or on land **adjacent** to a **residential district**).

(D) **Accessory Buildings, Structures and Uses**

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note: (2) If integrated into an existing single family detached residence; the integrated accessory dwelling unit shall be at least 300 square feet		

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I Child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution related items)
Note: (2) Also permitted for nonresidential uses	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the I4 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

I4 INDUSTRIAL FLEX DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure		50'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		0'	
Through lot		25' at each end of the lot	
If there is an existing commercial or industrial building(s) with a lesser front setback adjacent to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	25'		5'
Over 30'	50'		10'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	10'
Side yard (corner lot)			
Primary building – corner lot street side yard		0'	
Accessory building or structure – corner lot street side yard		10'	
Rear yard			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	25'		10'
Over 30'	50'		10'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	10'
Notes:			
(3) See §157.405(C) (Development Standards Waivers and Exceptions) for exceptions; §157.409 (Signs) for maximum sign heights ; and §157.404(O) (Residential Impact Mitigation) for additional restrictions			
(4) Whichever is less			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, or porch , open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Stoop	Permitted ⁽¹⁾	May project up to 4' ⁽²⁾	Permitted ⁽¹⁾
Wall (freestanding, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes: (7) May be located within required yard with no setback (8) However, a 5' side or rear yard shall be maintained (9) If not adjacent to a residential district ; shall not project if adjacent to a residential district (10) Shall meet minimum primary structure setback (11) However, fences and walls shall meet corner lot primary structure setback standard (12) Up to 3' in height			

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.227 PLANNED UNIT DEVELOPMENT (PUD)

(A) General Provisions

(1) Intent

The Planned Unit Development (PUD) district is intended to provide an alternate method of development for mixed use projects with more development flexibility and innovative approaches than are possible through the application of standard zoning regulations. The PUD district allows for mixed-uses and mixed densities under one zoning classification. This ordinance allows any zoning district to be rezoned for the creation of a PUD district. All PUD Districts shall be consistent with the requirements of this ordinance. Specifically, the intent of this Section is to foster:

- (a) Greater flexibility in applying the ordinance to mixed zoning classifications;
- (b) Innovative approaches to meet the demands of the housing, commercial, and business markets;
- (c) The recognition of the interdependency of the housing, commercial, and business markets;
- (d) The establishment of creative and unique developments that would not otherwise be able to be developed under the provisions of the City's standard zoning district regulations;
- (e) The planning and development of mixed zoning classes consistent with the best interest of the jurisdictional area of the City and the applicable ordinances.

(2) Development Requirements

All land use classifications that are allowed in this ordinance may be permitted within a PUD, unless otherwise excluded. All various types of development, such as, residential, commercial, or industrial shall meet the requirements of this Unified Development Ordinance, as they apply to those classifications. A PUD District shall comply with the provisions of the UDO, unless alternate design standards are approved according to Section 157.413(B)(2). In addition, a proposed PUD District should include concepts and development and design standards that generally offer the following advantages over a standard zoning district:

- (a) Address the policies included in the Comprehensive Plan specific to the neighborhood or area to encourage consistency with the community's vision as presented in the Comprehensive Plan.
- (b) Use design to provide compatibility between areas of different land uses and development intensities within the PUD District.
- (c) Buffer different types of land uses and development intensities outside of the PUD District from those within the PUD District to increase compatibility or minimize any adverse impact which new development may have on existing or zoned development.
- (d) Enhance the appearance of neighborhoods by conserving areas of natural beauty, and natural green spaces and provide enhanced amenities and open space.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (e) Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area.
 - (f) Promote architecture that complements the surroundings.
 - (g) Counteract urban monotony and congestion on streets.
- (3) Statement of Purpose. A PUD district is one that:
- (a) Designates a parcel of real property as a planned unit development district
 - (b) Specifies uses or a range of uses permitted in the planned unit development district.
 - (c) Specifies development requirements in the planned unit development district.
 - (d) Specifies the plan documentation and supporting information that may be required
 - (e) Specifies any limitation applicable to a planned unit development district
- (4) Application Requirements
- (a) The existing zoning district or districts shall be shown on the PUD application or on an accompanying plan.
 - (b) Each PUD shall consist of a minimum of ten (10) acres.
 - (c) The PUD process shall not be used for projects that feature only one land use.
 - (d) Uses permitted only in the I3 Intensive Industrial District under the UDO shall not be allowed as a part of a PUD.
 - (e) No use permitted only as a Special Use or Contingent Use under the UDO shall be permitted as a part of a PUD unless such use has been approved by the Board of Zoning Appeals.
 - (f) If a PUD features a subdivision plat, the platted portion of the PUD shall meet the standards for plats established in the subdivision control provisions of the UDO at Section 157.303. A separate filing for subdivision approval is not necessary, but nothing in this Section 157.227 shall abrogate the requirements of Section 157.303 or IC 36-7-4-700 et seq.
 - (g) The provisions of this section shall apply only to proposed new developments and shall not apply to any Planned Unit Development which is now fully or partially developed, nor to any such development for which a Secondary authorization has been granted pursuant to a previous ordinance. However, a petitioner may, upon application and approval of the Commission, become subject to all the benefits and requirements of this section, subject to such rights as shall have vested in the owners of the area affected by development under this ordinance.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(B) PUD Uses and Standards

(1) Uses

Once land uses are approved as a part of the PUD District Ordinance, they are permitted by right within the Planned Unit Development. All land uses proposed in a Planned Unit Development must be compatible with the intent of the Comprehensive Plan and the characteristics of surrounding land uses and zoning districts.

(2) Development Requirements

Unless alternate development or design standards are proposed by the petitioner in the PUD District Ordinance and approved by the Plan Commission and the City Council, the development and design standards established and imposed by the UDO for the particular use shall apply, as stated in §157.200: Zoning Districts, and §157.404: Development Design Standards.

(3) Rules and Procedures

All proceedings brought under this chapter are subject to the Rules of Procedure of the Plan Commission.

(4) Limitation of Ordinance Amendments

Any initiative of the Plan Commission to amend the Unified Development Ordinance that would affect an approved Planned Unit Development before its completion, shall not be enforced on the Planned Unit Development. New amendments to the Ordinance shall only apply to Planned Unit Developments that have been declared abandoned, or for which an approval has expired.

(C) Procedure to Establish / Rezone to a PUD

(1) Origination of Proposals

Any applicant may propose a Planned Unit Development district in accordance with the procedures established in this chapter. The applicant shall submit an application and fee for Planned Unit Development in accordance with the procedures below in Subsection §157.227(C)(3). Unlike a rezoning under IC 36-7-4-602(c)(1)(a), the proposal for a PUD may not be initiated by the Plan Commission. However, also pursuant to IC 36-7-4-602(c)(1)(A), The Plan Commission may initiate a rezoning from a PUD District to another district.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(2) Ownership

A parcel or site proposed for a Planned Unit Development may or may not be under single ownership. However, if not under single ownership, the multiple owners assent to the application for a PUD in writing. All such owners shall abide by the PUD District Ordinance once approved.

(3) Procedures

The authorization of a Planned Unit Development shall be subject to the procedures expressed herein. The steps in the process are:

(a) Pre-Submittal Conference

- (i) Prior to filing a formal application for approval of a Planned Unit Development, the applicant shall meet with and present the general concept to City Planning staff to discuss the development concept in relation to adopted City policies;
- (ii) The pre-design conference is intended only for the above purposes; neither the developer nor the jurisdiction is bound by any decision made during a pre-application conference.

(4) Rezone to a PUD District

IC 36-7-4-1509(a) allows a PUD District Ordinance to express the development requirements applicable therein in general terms or in detailed terms, or each different part of the proposed PUD District may either be expressed in general or specific terms .

(a) General Development Standards

For proposed PUD District Ordinances, or parts thereof, expressed in general terms, a primary development plan and a primary plat, as may be applicable, and a secondary development plan and secondary plat, as may be applicable, must be approved by the Plan Commission according to Section 157.301 and 157.303, respectively, before an improvement location permit may be issued for all or any part of the development.

(b) Specific Development Standards

For proposed PUD District Ordinances, or parts thereof, expressed in specific terms, a secondary development plan or secondary plat, as may be applicable, must be approved according to Section 157.301 and 157.303, respectively before an improvement location permit may. A PUD District Ordinance expressed in detailed terms shall also be considered a primary development plan and primary plat as the case may be.

(D) Filing Requirements

The materials filed for PUD approval shall include:

(1) Documentation

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

The PUD District Ordinance submittal shall include any graphic media which will explain the features to be contained within the development. The PUD District Ordinance and Concept Plan may take the form of a booklet, a set of 11x17 inch sheets, or a combination of these formats.

- (a) Show the boundary lines of adjacent subdivided and unsubdivided and the existing zoning of the area proposed to be developed as well as the land adjacent thereto.
- (b) Specify uses or a range of uses permitted in the Planned Unit Development zoning district;
- (c) Specify development requirements and standards based on the related zoning district or alternatives.

(2) Concept Plan

A concept plan shall be provided whether the PUD District Ordinance is expressed in general or specific terms. The concept plan shall include a proposed layout to scale of the general concept for handling vehicular and pedestrian circulation, parking, general infrastructure, drainage, site perimeter treatment and other pertinent development features.

(3) Additional Filing Requirements for a Detailed PUD District Ordinance

The information required to be submitted with the PUD District Ordinance which is to be expressed in specific terms shall meet the filing requirements for primary development plans per Section 157.301 and primary plats per Section 157.303, as the case may be, at the time of submission.

(4) Superseding Original Plat

If the Planned Unit Development is to supersede an original plat being vacated, the original plat shall be shown by dotted lines in relationship to the lines of the new plat, the new plan being clearly shown in solid lines.

(5) Development Requirements

The applicant shall provide a written description of the development standards that apply to the PUD district, which may include the following:

- (a) Lot area.
- (b) Floor area.
- (c) Ratios of floor space to land area.
- (d) Area in which structures may be built ("Buildable area"), including areas for cluster type Residential Development without lot line
- (e) Open space.
- (f) Setback lines and minimum yards.
- (g) Building separations.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (h) Height of structures.
 - (i) Signs.
 - (j) Parking and loading space.
 - (k) Design standards.
 - (l) Phasing of development.
- (6) Written Commitments

The applicant may include, or the Plan Commission and/or Common Council of the City of New Haven may require, a written commitment as part of the development pursuant to IC 36-7-4-1015.

(E) Plan Commission Public Hearing on Proposed PUD

The Plan Commission will conduct a public hearing according to the requirements of IC 36-7-4-600 et seq. regarding proposals to change zone maps (rezoning), and consistent with the Plan Commission Rules of Procedure. The Plan Commission will in accordance with its rules of procedure review the application and required supporting information. Per IC 36-7-4-1512, the Plan Commission may impose conditions or require written commitments from the applicant. The proposed PUD District Ordinance and Concept Plan shall be certified to the Common Council with one of the following recommendations.

(1) Favorable Recommendation

The PUD District Ordinance application shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed in IC 36-7-4-603 and this §157.227.

(2) Unfavorable Recommendation

The application shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed in IC 36-7-4-603 and this §157.227.

(3) No Recommendation

Alternatively, the application may be forwarded with no recommendation, either favorable or unfavorable.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(4) Continuance

Action on the application may be continued by the Commission from time to time according to the Commission's rules of procedure.

(F) Decision by Common (City) Council

Following the recommendation of the Plan Commission on the proposed PUD District Ordinance, the City Council shall proceed in the same manner as required for all proposed zone map changes (rezoning) under IC 36-7-4-608(e) through (g). The City Council shall pay reasonable regard to the criteria established in IC 36-7-4-603, and otherwise proceed according to IC 36-7-4-1512.

(G) Effect of Approval on PUD District Ordinance

(1) Effective Date, Map

When a PUD District Ordinance and Concept Plan has been approved by the Council, the PUD zoning shall become effective, and its location shall be shown on the Zoning Map in accordance with the Plan Commission Rules of Procedure.

(2) Development Standards for PUD District

Upon such amendment to the zoning map, the use and development of the site shall be governed by the Planned Unit Development District and Concept Plan.

(3) Plan Commission Duties After PUD District Ordinance Approval

Upon adoption by the Common Council, the PUD Ordinance District shall be returned to the Plan Commission to conduct all subsequent reviews according to the UDO and its rules of procedure. If the development requirements of the PUD District Ordinance were expressed in general terms, the proposed development shall proceed as a primary development plan according to Section 157.301(C), or primary plat according to Section 157.303(F)(1), (2) and (3), as the case may be. If the development requirements of the PUD District Ordinance were expressed in specific terms the proposed development shall proceed as a secondary development plan according to Section 157.301(D), or a secondary plat according to Section 157.303(F)(1), (2) and (4), as the case may be.

(H) Time Limitation

Approval of a primary development plan or plat, in the case of a PUD District Ordinance where the development requirements are expressed in a general sense, or a secondary development plan or plat, in the case of a PUD District Ordinance where the development requirements are expressed in a specific sense, shall be obtained within two (2) years after adoption of the PUD Ordinance District by the Common Council. The Plan Commission, upon proper application and for good cause, may grant without a public hearing an extension of time for such period as it deems is in the public interest.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(I) Phasing

The commission may allow the petitioner to develop a property that is involved in phases. If such phasing is permitted, the Plan Commission may allow the petitioner to submit a partial Secondary Plan which corresponds to the phases involved.

(J) Modifications

All development within a PUD shall conform to the corresponding approved Secondary Plan. In the exercise of its continuing jurisdiction, the Director shall be cognizant of any substandard deviations from the approved Primary Plan and take appropriate action. The Director may allow modifications in the Secondary Plan in a manner consistent with the approved Primary Plan to allow for changed circumstances and conditions unforeseen at the time of original approval.

(K) Abandonment

After the abandonment of a PUD authorized under this section, the Plan Commission shall initiate an amendment to the Zoning Map so that the land will be zoned into a category or categories which approximates its existing use or such other zoning category or categories which it deems appropriate.

(1) Abandonment shall be deemed to have occurred:

- (a) when no improvements have been made pursuant to the approved Secondary Plan for twenty-four (24) consecutive months;
- (b) upon the expiration of five (5) years from the issuance of the approval of a Secondary Plan for a development which has not been completed;
- (c) upon the expiration of an extension granted by the Commission.

(L) Recording

The development plans or plats that make up the PUD, along with any supporting narrative needed to establish the development requirements shall be recorded in the offices of the Allen County Recorder within six (6) months after approval by the Plan Commission. A copy of the recorded PUD documents shall be given to the Planning Department. If a subdivision plat is included as part of the PUD, it may be included in the recorded documents, or it may be recorded separately, according to the requirements of the UDO and IC 36-7-4-700 et seq.

(M) Permit

No Improvement Location Permit shall be issued for a structure within a PUD District by the Plan Commission unless all recording required by [§157.227\(L\)](#) above has been completed. No Certificate of Occupancy shall be issued for a structure in a PUD District unless the recorded plans or plats are adhered to, all in compliance with the purposes of this ordinance. No construction or installation work shall be done on any public improvements until satisfactory plans and specifications therefore have been submitted to the Plan Commission in accordance with this ordinance and the petitioner has, at least forth eight (48) hours in advance, notified the Director and New Haven Engineering Department of the intention to begin such work, in order that inspections may be made as the work progresses.

(N) Owner's Association for Common Areas and Facilities

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Adequate provision shall be made for a private organization (i.e. Owners Association) with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities including private streets jointly shared by such property owners if such facilities are a part of the Planned Unit Development, and, in such instance, legal assurance shall be provided which shows that the private organization is self-perpetuating and adequately funded to accomplish its purposes.

(O) Maintenance

Common areas and facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance at a reasonable and non-discriminatory rate of charge to the beneficiaries thereof. Common areas and facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit. Adequate access shall be provided for fire, police, health, sanitation, and public utilities vehicles to service common areas.

(P) Modifications to the Approved PUD

(1) Major Modifications

Significant changes to an approved PUD shall require a new submission for PUD approval according to this section 157.227. A significant change shall include, but not necessarily be limited to, the following:

- (a) Significant changes in the proportion or allocation of land uses;
- (b) Changes in the type of approved uses;
- (c) Changes in the location of uses;
- (d) Lessening of aesthetic treatments;
- (e) Changes in functional uses or open space, where such change constitutes an intensification of use of the open space;
- (f) Changes in the Secondary Plan governing agreements, requirements or commitments where such changes conflict with the Primary Plan approval;
- (g) Density increases;
- (h) Changes to the internal street system or off-street parking areas which the Zoning Administrator considers to be significant;
- (i) Significant changes in drainage management structures, as determined by the Zoning Administrator;
- (j) Changes in access to the development site, where such change amounts to an intensification in the traffic patterns of roadways; and/ or
- (k) All other changes not expressly addressed under §157.227(P)(2) below.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(2) Minor Modifications

The following changes are considered minor modifications to the PUD Secondary Plan, and may be approved by the Zoning Administrator. The Zoning Administrator may choose to send a minor modification request directly to the Plan Commission if the opinion is that it would be in the best interest of the community, or if the request appears to be controversial. The Zoning Administrator's decision may be appealed to the Plan Commission by the property owner.

- (a) Changes in lot arrangement, but not size, which are not detrimental to the proposed thoroughfare pattern of the development;
- (b) Substitutions of plants;
- (c) Reduction of parking spaces or setbacks by less than 5%;
- (d) Increase in building square footage or height by less than 10%;
- (e) Changes to the internal street system or off-street parking areas, which are considered minor by the Zoning Administrator;
- (f) Minor changes in drainage management structures, as determined by the Zoning Administrator; and/or
- (g) Changes in access to the development site, where such change amounts to a reduction in intensity in the traffic patterns of roadways, as determined by the Zoning Administrator.

[this space intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this space intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

DEVELOPMENT PROCESSES AND STANDARDS

§ 157.301 DEVELOPMENT PLANS

(A) Purpose

The **Development** Plan process is intended to:

- (1) Promote and encourage quality **development** that has a positive impact on surrounding **structures** and land **uses**;
- (2) Allow for public, **Commission** and staff review of and input on the site layout, access and circulation, and **development** quality of certain **development** proposals, the potential impacts of those proposals on surrounding areas, and the ability of New Haven and other governmental or quasi-governmental entities to provide public services required by those **developments**.
- (3) In the CC & MU **districts**, to promote attractive and functional **building** forms; attractive and functional streetscape and public space design; compatibility of design, **use**, character, and pattern; increased **pedestrian oriented** design; and the **use** of high quality, durable materials.

(B) When Required

- (1) A **Development** Plan application shall be submitted and approved when an applicant is proposing the types of **development** indicated in the following table. If a Secondary **Development** Plan is not required, an administrative Site Plan Review process will generally be required following the Primary **Development** Plan approval.

TYPE OF DEVELOPMENT	PRIMARY DEVELOPMENT PLAN REQUIRED	SECONDARY DEVELOPMENT PLAN REQUIRED
Rezoning (when accompanied by a specific development project proposal, for which the applicant is requesting Plan Commission approval)	✓	
Projects proposing more than one new primary building on a single lot or development site	✓	✓
Projects proposing the phased construction of infrastructure or streets	✓	✓
Projects requesting a waiver from one or more ordinance standards	✓	
Projects requiring Design Review in CC district	✓	

- (2) In addition to the provisions above, an applicant or property **owner** may choose to voluntarily submit a project or **development** through the **Development** Plan process.
- (3) As part of its consideration and approval of a request for a **contingent use**, **special use**, or **use** variance, the **Board of Zoning Appeals** may require the submission and approval of a **Development** Plan.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(C) Primary **Development** Plans

(1) Pre-Application Meeting

Planning Department staff shall hold a pre-application meeting at least five (5) business days prior to the filing deadline for an application for approval of a Primary **Development** Plan. The purpose of this pre-application meeting is to:

- (a) Acquaint the applicant with the standards, procedures and requirements of this ordinance, the **Comprehensive Plan**, and any other applicable standards, or requirements;
- (b) Review the **Development** Plan procedures and submittal requirements;
- (c) Acquaint the applicant with inherent limiting characteristics of the specific site or surrounding areas; and
- (d) Reduce the time period between initial application and **Commission** approval,

(2) Submittal Requirements

The applicant for a Primary **Development** Plan approval shall submit an application and fee, a Primary **Development** Plan Site Plan, and supporting information as established by the **Commission's** rules. Only applications that have been determined by **Planning Department** staff to be complete shall be placed on the **Plan Commission's** agenda for the next available public hearing. A determination made by **Planning Department** staff with regard to the completeness of a Primary **Development** Plan application may be appealed to the **Commission** pursuant to the **Commission's** rules.

(3) Review

- (a) The **Commission** shall adopt filing fees, filing deadlines, meeting dates, and a hearing procedure for this process by rule.
- (b) After receipt of a complete application, the **Planning Department** staff shall provide notice of the public hearing by publication in accordance with IC 5-3-1, and as established by the **Commission's** rules.
- (c) **Planning Department** staff shall review the application and shall make a recommendation on the application.
- (d) The **Commission** shall hold a public hearing on the application for approval of the proposed Primary **Development** Plan, in accordance with the **Commission's** rules.

(4) Action and Additional Provisions

The following standards and requirements shall apply to the **Commission's** actions on a Primary **Development** Plan.

(a) Decision

- (i) After the public hearing on the Primary **Development** Plan, the **Commission** shall approve or deny the application. The **Commission** shall approve the Primary **Development** Plan if it determines that the application meets the **development** requirements of the applicable **zoning district**. The **Plan Commission** may approve the plan subject to **conditions** if the **conditions** are reasonably necessary to satisfy those **development** requirements.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (ii) In the CC and MU **districts**, the **Plan Commission** shall also determine that the application is consistent with the provisions of §157.404 (**Development Design Standards and Requirements**).

- (b) **Deferral**

The **Commission** may also defer action on the proposed Primary **Development Plan** if it needs more information or time to determine if the **Development Plan** is eligible for approval. In deferring action on a Primary **Development Plan**, the **Commission** shall notify the applicant in writing of the reasons for the deferral, in accordance with the rules of the **Commission**. If the reason for the deferral is a **Commission** determination that the application cannot be approved until specific changes are made or additional information is submitted by the applicant, the applicant shall have twenty-one (21) days to submit corrected materials or additional information (or other specific period of time, up to sixty (60) days, as established by the **Commission** at the time of deferral). If the corrected materials or additional information is not submitted within the **Commission's** established period of time, the **Commission** may deny the application.

- (c) **Findings**

The **Commission** shall enter written findings, setting forth the reasons for its action on an application to approve a Primary **Development Plan**. If primary approval is denied, the written findings entered by the **Commission** shall set forth the reasons for such denial.

- (d) **Notice of Decision**

Notice of the **Commission's** decision on a Primary **Development Plan** shall be provided by furnishing a copy of its decision and findings to the applicant and any interested party as established by rule.

- (e) **Appeal of Decision**

Any action by the **Commission** on a Primary **Development Plan** application shall be a final decision and may be reviewed as provided in IC 36-7-4-1016.

- (f) **Period of Valid Approval**

- (i) Approval of the Primary **Development Plan** by the **Commission** is valid for twenty-four (24) months from the date of approval. If approval of a Secondary **Development Plan** or Site Plan for some portion of the land covered by the Primary **Development Plan** approval is not obtained within that twenty-four (24) month period, the Primary **Development Plan** approval shall be null and void, unless an extension is obtained pursuant to subsection (ii) below.
- (ii) The applicant may request approval from the **Commission** for an extension of time to obtain approval of a Secondary **Development Plan** or a Site Plan for the proposed **development**, as applicable. The request shall be made prior to the expiration of the twenty-four (24) month approval period.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (iii) If a Secondary **Development** Plan is required pursuant to §157.301(D) and the applicant obtains approval of a Secondary **Development** Plan but then fails to obtain an **Improvement Location Permit** for at least part of the **development site** included in that Secondary **Development** Plan within the time required by §157.301(D)(3)(f), both the Secondary **Development** Plan and the Primary **Development** Plan related to that **development site** shall lapse and be null and void.
- (iv) If a **Certificate of Compliance** has been obtained for at least a portion of the Primary **Development** Plan area, the applicant thereafter will not be obligated to adhere to any time limitations for requesting Secondary **Development** Plan or Site Plan approval of the remainder of the Primary **Development** Plan area.

(D) Secondary **Development** Plans

If a Secondary **Development** Plan is required pursuant to §157.301(B), the approval of a Secondary **Development** Plan shall be governed by the provisions of this §157.301(D). In cases where a Primary **Development** plan has been previously approved for the same **development site**, a Secondary **Development** Plan may be submitted simultaneously with a revised Primary **Development** Plan. A Secondary **Development** Plan may only be submitted simultaneously with a revised Primary **Development** Plan if the applicant provides all required application materials in the level of detail required to constitute a complete application for both if they were submitted sequentially. The **Commission** may make a decision on both a revised Primary **Development** Plan and a Secondary **Development** Plan as part of a single review process, provided that all submittal requirements and all approval criteria for both a Primary and Secondary **Development** Plan have been met.

(1) Submittal Requirements

The applicant for a Secondary **Development** Plan approval shall submit an application and **fee**, the required number of Secondary **Development** Plan Site Plans, and supporting information as established by the **Commission's** rules. Only applications that have been determined by **Planning Department** staff to be complete shall be placed on the **Plan Commission's** agenda for the next available meeting. A determination made by **Planning Department** staff with regard to the completeness of a Secondary **Development** Plan application may be appealed to the **Commission**.

(2) Review

- (a) The **Planning Department** staff shall distribute the application materials to those public and quasi-public agencies identified by the **Commission** by rule.
- (b) **Planning Department** staff shall review the application and shall make a recommendation on the application.
- (c) The **Commission** shall review the application for approval of the proposed Secondary **Development** Plan at a meeting of the **Commission**, in accordance with the **Commission's** rules.

(3) Action and Additional Provisions

The following standards and requirements shall apply to the **Commission's** actions on a Secondary **Development** Plan.

(a) Decision

After review of the **Development** Plan, the **Commission** shall approve or deny the application. The **Commission** shall approve the Secondary **Development** Plan if it

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

determines that the application meets the following criteria, and may approve the plan subject to **conditions** if it determines that those **conditions** will enable it to make a determination that:

- (i) The application is consistent with the approved Primary **Development Plan** for the **development site**, including any **conditions** attached to the Primary **Development Plan** approval;
 - (ii) The application meets those design and **development** standards for **Development Plans** in §157.301(E);
 - (iii) If the application involves multiple **buildings** on a single **parcel**, or on several contiguous **parcels**, where each **building** is not located on a separate **parcel**, then the location and layout of those **buildings** and their orientation to each other will not create adverse impacts on the occupants or users of the **development site** or on the surrounding area.
 - (iv) If the application involves the phased construction of **infrastructure** or **streets**, the order of phased **development** will not create adverse impacts on the occupants or users of the **development site** or on the surrounding area, and are within the capacity of New Haven or applicable service provider to service and maintain.
 - (v) If the application involves design review in CC and MU **districts**, then the application shall meet the applicable criteria (i) through (iv) above and the **Commission** shall also consider the recommendations of the **Planning Department Staff**.
- (b) Deferral
The provisions of §157.301(C)(4)(b) apply.
 - (c) Findings
The provisions of §157.301(C)(4)(c) apply.
 - (d) Notice of Decision
The provisions of §157.301(C)(4)(d) apply.
 - (e) Appeal of Decision
The provisions of §157.301(C)(4)(e) apply.
 - (f) Period of Valid Approval
 - (i) Approval of the Secondary **Development Plan** by the **Commission** is valid for thirty-six (36) months from the date of approval. If approval of an **Improvement Location Permit** for some portion of the land covered by the Secondary **Development Plan** approval is not obtained within that thirty-six (36) month period, both the Secondary **Development Plan** approval and the related Primary **Development Plan** approval shall be null and void, unless an extension is obtained pursuant to subsection (ii) below.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (ii) The applicant may request approval from the **Commission** for an extension of time to obtain approval of an **Improvement Location Permit** for all or part of the proposed **development**. The request shall be made prior to the expiration of the thirty-six (36) month approval period.
- (iii) If a **Certificate of Compliance** has been obtained for a portion of the Primary **Development** Plan area, the applicant thereafter will not be obligated to adhere to any time limitations for requesting Secondary **Development** Plan approval of the remainder of the Primary **Development** Plan area.

(4) Issuance of Permit

Prior to the issuance of an **Improvement Location Permit** for any **use, building, or structure** in a project where a Primary or Secondary **Development** Plan is required, all of the following requirements shall be satisfied.

- (a) If the **use, building, or structure** is part of a **development** for which only a Primary **Development** Plan is required, the **Commission** shall have approved a Primary **Development** Plan and **Planning Department** staff shall have approved a Site Plan Review pursuant to §157.302 (Site Plan Review).
- (b) If the **use, building, or structure** is part of a **development** for which a Secondary **Development** Plan is required, the **Commission** shall have approved a Primary **Development** Plan and a Secondary **Development** Plan.
- (c) The applicant shall have met or adequately committed to meet all of the **conditions** of approval placed on each approved **Development** Plan.
- (d) The applicant shall have installed or adequately committed to have installed all of the public improvements and **infrastructure** required to serve the **development**. If the applicant has delivered assurances to New Haven pursuant to §157.503(A)(5) (**Commitments**) that it will provide to the **Commission** approvals of required improvements, and the applicant does not then deliver those approvals in a timely fashion, the **Commission** is hereby empowered to refuse to issue either **Improvement Location Permits** or **Certificate of Compliance** Permits for **development site** within that Primary or Secondary **Development** Plan until the required approvals are received by the **Commission**.
- (e) The applicant shall have recorded in the Allen **County Recorder's** Office all of the required documents, **rights-of-way**, utility **easements**, plans, deed restrictions, restrictive covenants, **commitments**, and any other instruments required by the **Commission** or staff, in a form approved by the **Commission**.

(E) Development and Design Standards

Development and **design standards** applicable to **Development** Plans are listed in §157.404. Some **waivers** of and adjustments to **development** and **design standards** for **Development** Plans are permitted pursuant to §157.405(B), (C), and (D).

(F) Commitments

As part of its approval of a Primary or Secondary **Development** Plan, the **Commission** may permit or require the **owner** of the property included in the request to make a **commitment** concerning the **use or development** of that property, in accordance with IC 36-7-4-613, §157.503(A)(5), and the **Commission's** rules.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(G) Amendments to Approved **Development** Plans

After the **Commission** has granted approval of a Primary or Secondary **Development** Plan, any amendments to the **Development** Plan shall be submitted by the applicant to the Planning Director by way of an amended application for the type of approval sought. The application shall also be accompanied by the pertinent submissions required by New Haven for the proposed amendments involved, as determined by the Planning Director. For purposes of all amendments to approved **Development** Plans, the **Zoning Administrator** shall determine whether a change is substantial by considering the scope of the overall project, the possible impact of amended land **uses** or site activities, **structure** locations, sizes, or heights, or transportation access, systems, or volumes upon the community and land **uses**, both existing and planned, which surround the **Development** Plan area and areas within the **Development** Plan that have already been developed.

(1) Purpose

The purpose of this section is to describe how an approved Primary or Secondary **Development** Plan may be amended, and to clarify the difference between minor amendments that may be approved by **Planning Department** staff and amendments that are determined to be a **substantial change** that requires approval by the **Commission**.

(2) Amendment after Approval of a Primary **Development** Plan

Proposed amendments to an approved Primary **Development** Plan shall be reviewed in accordance with the following:

- (a) If the **Zoning Administrator** determines that the amendment does not constitute a **substantial change** to the previously approved plan, and the proposed **development** requires the approval of a Secondary **Development** Plan, the revised plan may be submitted as an application for a Secondary **Development** Plan.
- (b) If the **Zoning Administrator** determines that the amendment constitutes a **substantial change** to the previously approved plan, or the proposed **development** does not require approval of a Secondary **Development** Plan, the submission of a new Primary **Development** Plan shall be required. The previous Primary **Development** Plan shall be void once the new Primary **Development** Plan is approved. The new Primary **Development** Plan shall require a new application and filing **fee** and shall be reviewed under the provisions of this ordinance.

(3) Amendments after Approval of a Secondary **Development** Plan Prior to **ILP** Issuance

Proposed amendments to an approved Secondary **Development** Plan prior to approval of an **Improvement Location Permit** shall be reviewed in accordance with the following:

- (a) If the **Zoning Administrator** determines that the amendment does not constitute a **substantial change** to the previously approved plan, the revised Secondary **Development** Plan may be submitted with the application for a an **Improvement Location Permit**, and shall be considered by **Planning Department** staff at the same time as the **Improvement Location Permit**.
- (b) If the **Zoning Administrator** determines that the amendment constitutes a **substantial change** to the previously approved plan, the submission of a new Secondary **Development** Plan shall be required. The previous Secondary **Development** Plan shall be void once the new Secondary **Development** Plan is approved. The new Secondary **Development** Plan shall require a new application and filing **fee**, and shall be reviewed under the provisions of this ordinance.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(4) Amendments after issuance of the **ILP**

A proposed amendment or **addition** to an approved Secondary **Development** Plan where **Improvement Location Permits** have been issued, but where no construction on any **structures** has taken place, shall be reviewed in accordance with the following:

- (a) If the **Zoning Administrator** determines that the amendment does not constitute a **substantial change** to the previously approved plan, the revised Secondary **Development** Plan may be submitted with an application for a new **Improvement Location Permit**.
- (b) If the **Zoning Administrator** determines that the amendment constitutes a **substantial change** to the previously approved Secondary **Development** Plan the submission of a new Secondary **Development** Plan shall be required. The previously approved Secondary **Development** Plan and previously issued **Improvement Location Permit** shall be revoked and declared void once the new Secondary **Development** Plan is approved. The amended secondary **Development** Plan shall require a new application and filing **fee**, and shall be reviewed under the provisions of this subchapter.
- (c) If the **Zoning Administrator** determines that the amendment is substantial enough that another public hearing should be required, the applicant shall resubmit the revised plan as a new Primary **Development** Plan, and the previously issued **Improvement Location Permit** shall be voided. The new Primary **Development** Plan shall require a new application and filing **fee** and shall be reviewed under the provisions of this ordinance.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.302 SITE PLAN REVIEW

(A) Purpose

The purpose of this section is to:

- (1) Provide a process that allows for administrative review of certain projects for compliance with the provisions of this ordinance;
- (2) In the CC and MU **districts**, establish plan documentation and supporting information that must be submitted to allow for the review of a project, including design review; and
- (3) Allow reviewing staff to provide input on proposed projects.

(B) When Required

Except as excluded in §157.302(C), any proposal for a new **building** or **structure** or **addition** to an existing **building** in the following categories that does not require the submission of a **Development** Plan under the provisions of §157.301, requires submittal, review, and approval through the Site Plan Review process:

- (1) New individual **multiple family buildings** of over two (2) units;
- (2) A nonresidential **structure** or **building** (including a single **building** on an individual **lot** or **development site**, an **accessory structure** or **building**, **additions** to an existing **building**, a **gas station canopy** or pumps, and an outdoor eating/drinking/smoking area);
- (3) If the **Commission, Board**, or Planning Director determines in the course of application review that the proposal is large, complex, or raises potential unanticipated **development** impacts, the **Commission, Board**, or Planning Director may require that the proposed project complete the Site Plan review process.

(C) Exclusion

Projects of less than 1,000 square feet that do not have sanitary sewer or water facilities and fire sprinkler systems (including mobile classrooms but excluding **gas station canopies** or outdoor eating/drinking/smoking areas), shall be exempt from the Site Plan review process. Temporary construction or temporary sales/leasing facilities that do not have water and sanitary sewer connections shall also be exempt from the Site Plan review process.

(D) Pre-Application Meetings

- (1) Prior to the submission of an application for approval of a Site Plan, a pre-application meeting between **Planning Department** staff and the applicant is recommended. The purpose of the pre-application meeting is to:
 - (a) Acquaint the applicant with the standards, procedures, and requirements of this ordinance and any other applicable standards or requirements;
 - (b) Review the Site Plan Review process procedures and submittal requirements;
 - (c) Acquaint the applicant with any potential issues or problems regarding the specific site or surrounding area, including **significant** cost or permit delay issues; and
 - (d) Provide the applicant with a list of application submittal requirements based on the nature and size of the proposed **development**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(E) Submittal Requirements

The applicant for Site Plan Review shall submit an application form and supporting information as established by the **Commission. Planning Department** staff shall only distribute applications for review that have been determined by **Planning Department** staff to be complete. A determination made by **Planning Department** staff with regard to the completeness of a Site Plan Review application may be appealed to the **Commission** in accordance with the **Commission's** rules.

(F) **Development** and Design Standards

Development and **design standards** applicable to Site Plan Review are listed in §157.404. No **waivers** of or exceptions to those standards are permitted through Site Plan Review.

(G) Approval

(1) Filing Deadline

Application submission deadlines shall be according to the schedule and times established by the **Planning Department** staff.

(2) Distribution and Review Schedule

Proposals submitted prior to the application deadline and determined to be complete submittals by **Planning Department** staff shall be distributed to the applicable review agency staff. The proposals shall be reviewed, and comments submitted by the established review deadline. If no response is received from a review agency within ten (10) business days after transmittal of Site Plan Review materials, **Planning Department** staff may consider that the review agency has no objection to approval of the application as submitted.

(3) Action

Following review of a submitted Site Plan Review application, the review staff may take the following actions:

- (a) The application may be approved, with or without **conditions**; review staff may place a hold on the **Certificate of Compliance** as part of the approval, to allow for: inspections of project improvements; issuance of project-related permits from other reviewing agencies; confirmation that previous **commitments** have been met or adequately committed to be met; or to obtain other information as necessary to confirm compliance with standards or requirements.
- (b) Changes to the application may be required if necessary to bring the application into compliance with the applicable standards and requirements; or
- (c) Additional information may be required if necessary to determine whether the application complies with the applicable standards and requirements; or
- (d) The application may be denied if it does not comply with the applicable standards and requirements and cannot be made to comply through the imposition of **conditions**.

(4) **Reserved**

(5) Time Frame for Valid Application or Approval

The following time frames shall apply to the validity of Site Plan review applications and approvals:

(a) Validity of Application

A Site Plan Review application shall remain valid for six (6) months from the application date, except that the applicant can request an extension from **Planning**

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Department staff prior to the expiration of the application. Extensions may be approved if **Planning Department** staff determines that the need for the extension arises due to unforeseen circumstances relative to the project. If the applicant has not requested an extension, **Planning Department** staff may void the approval.

(b) Validity of Approval

A Site Plan review approval shall remain valid for six (6) months from the approval date, except that the applicant can request an extension from **Planning Department** staff prior to the expiration of the approval. Extensions may be approved if **Planning Department** staff determines that the need for the extension arises due to unforeseen circumstances relative to the project. If the applicant has not requested an extension, **Planning Department** staff may void the application.

(6) **Improvement Location Permit**

(a) Revised Plans or Documents

After the review agency comments are received by **Planning Department** staff, it is the responsibility of the designated project representative to provide the **Planning Department** or reviewing staff with any requested information or revised plans or documents.

(b) Issuance of Permit

After all of the reviewing agencies have sent approvals for the proposal to **Planning Department** staff (or failed to respond for ten (10) business days following the transmittal of application materials), and any revised plans or documents have been approved by reviewing staff, an **Improvement Location Permit** shall be issued for the project.

(7) **Certificate of Compliance**

After the issuance of an **Improvement Location Permit** for a **building** or **structure**, no occupancy or **use** of that **building** or **structure** shall take place prior to the issuance of a **Certificate of Compliance** for the **building** or **structure**.

(a) **Certificate of Compliance Release**

It is the designated project representative's responsibility to contact the reviewers and provide any requested information or schedule any required inspections required by the reviewing agencies for their release of the **Certificate of Compliance**. When all of the reviewing agencies have approved the release of the **Certificate of Compliance**, indicating compliance with all applicable standards and requirements or that the applicant has adequately committed to meet the applicable **conditions** of approval, the **Planning Department** staff will issue the Certificate to the **Allen County Building Department**. **Planning Department** staff may require the issuance of multiple **Certificates of Compliance** for **ILPs** for projects with phased occupancy.

(b) Survey

For new **structures** the applicant may be required to submit a certified survey to document that the **structure(s)** meet **setback** requirements, in addition to satisfying any other **conditions** of approval established by the **Planning Department** staff.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.303 SUBDIVISION CONTROL

(A) Title

This section shall be known and cited as the **City** of New Haven **Subdivision** Control Regulations. The provisions in this section are an updated replacement of the previous New Haven **Subdivision** Control Ordinance (**City** Code Chapter 150).

(B) Purpose

(1) Major Subdivisions

The purpose of the **Major Subdivision** regulations in this section is to provide standards and procedures to regulate all divisions of land that do not qualify as **Minor Subdivisions** or **exempt divisions of land**, to ensure that **Major Subdivisions** are consistent with the **Comprehensive Plan**, and to provide minimum rules, regulations, and standards in order to achieve orderly **development** in the **City** through land **subdivision**; to provide for the proper arrangement of **streets** in relation to other existing or proposed **streets**; to promote the **use** of land to assure the best possible environment; to reduce the unplanned **development** and the public service and enforcement costs associated with that **development**; to promote the health, safety, and general welfare of the public, and the provision of sufficient capital improvements to maintain community standards while meeting the standards and specifications of the **City**.

(2) Minor Subdivisions

The purpose of the **Minor Subdivision** regulations in this section is to establish an expedited procedure to review the platting of residential **developments** containing no more than six (6) **lots** for single **family** and **two family dwellings**. An administrative review and platting process is hereby established to provide assurance that a **Minor Subdivision** meets certain minimum requirements and **design standards**.

(C) When Required

(1) Jurisdiction

Each division of land within the **planning jurisdiction** of the **City** is required to obtain approval of either **Minor Subdivision** pursuant to §157.303(E) or a **Major Subdivision** pursuant to §157.303(F) as applicable, unless it qualifies as an **exempt division of land** pursuant to §157.303(C)(2).

- (a) No **subdivision** of land, as defined in this ordinance, may occur until such time as all the provisions of this section are complied with, the **New Haven City Plan Commission** has acknowledged its approval by affixing its signatures and seal, and the sealed **plat** has been recorded in the Office of the Allen **County Recorder**.
- (b) No **lot** in a **subdivision** may be sold, and no permit to erect, alter, or repair any **building** upon land in a **subdivision** be issued, unless and until a Major or **Minor Subdivision** has received final approval and been recorded, and until the improvements required in connection with the **subdivision** have either been constructed or guaranteed as provided in this section.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(2) Exempt Divisions of Land

(a) Exempt Divisions

The following divisions of land do not have to obtain approval of a **Minor Subdivision plat** pursuant to §157.303(C)(3) or a **Major Subdivision plat** pursuant to §157.303(C)(4).

- (i) All **lots** in a recorded **subdivision** at the time of adoption of this ordinance shall not be required to meet the regulations of this section;
- (ii) The **conveyance** of land located within a **Development Plan** that has been approved by the **Commission**, including projects where;
 - [A] The **Commission** has granted secondary approval; and
 - [B] **Improvement Location Permits and Certificates of Compliance** have been issued for the entire development.
- (iii) A division of a **parcel** of land for the transfer of a **parcel** of land to correct errors in an existing legal description, provided that no additional **building** sites are created;
- (iv) A **conveyance** of a **parcel** of land pursuant to a distribution of land to a devisee, legatee or other heir pursuant to a last will and testament or intestate proceeding;
- (v) The **conveyance** of **parcel(s)** of land to one or both parties in a divorce proceeding pursuant to a court order regarding disposition of marital assets;
- (vi) A division of a **parcel** of land for federal, state, or local government to acquire for public purposes;
- (vii) A division of land resulting in the transfer or sale of land between contiguous **parcels** of land, provided that no additional **building** sites are created by the **subdivision**; and
- (viii) A division of a **parcel** of land into **cemetery** plots.

(b) Administrative Approval Required

- (i) A division of land that does not constitute a **subdivision** as defined in this ordinance must be submitted for administrative approval. Only one administrative approval shall be permitted off of an existing **parcel** in a 12 month period; requests to create additional **lots** or **parcels** shall require **Development Plan** approval.
- (ii) The application shall be reviewed for compliance with the requirements of the ordinance and to confirm that each affected **lot** is served by public water and public sewer and must have immediate access to an improved public **right-of-way**. Immediate access shall be **frontage** on an improved **right-of-way**, an alternative access approved by the New Haven Engineering Department, or an alternative access as approved by the **Plan Commission** as part of a **Development Plan** approval.
- (iii) Applications shall be approved providing that all affected **parcels** meet or exceed these minimum standards.
- (iv) The approved application will be returned to the applicant and must be recorded by the applicant within one year of approval or the approval will be null and void.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(3) **Minor Subdivisions**

Minor Subdivisions are those that contain no more than six (6) **lots** (including the **root parcel** or original **tract**), in which all **lots** are created for single **family** or **two family dwellings**, and in which each **lot** has **frontage** on an existing improved non **arterial street**, and no **lot** requires the creation or extension of any water or sewer facility. Land included in an approved **Minor Subdivision** may not later be divided into more **lots** through the exempt land division process pursuant to §157.303(C)(2). **Minor Subdivisions** shall be reviewed and approved as described in §157.303(E).

(4) **Major Subdivisions**

Major Subdivisions are those that are not **exempt divisions of land** as described in §157.303(C)(2) and do not qualify as **Minor Subdivisions** as described in §157.303(C)(3). **Major Subdivisions** shall be reviewed and approved as described in §157.303(F).

(D) Pre-application Meeting

Planning Department staff shall hold a pre-application meeting at least five (5) business days prior to the filing deadline for an application for approval of a **Minor** or **Major Subdivision**. The purpose of this pre-application meeting is to:

- (1) Acquaint the applicant with the standards, procedures and requirements of this ordinance, the **Comprehensive Plan**, and any other applicable standards or requirements;
- (2) Review the **subdivision** procedures and submittal requirements;
- (3) Acquaint the applicant with any inherent limiting characteristics of the specific site or surrounding areas; and
- (4) Reduce the time period between initial application and approval.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(E) Minor Subdivision

(1) Delegation of Authority

The **Commission** may delegate authority to grant primary approval of a **Minor Subdivision** to a Committee of the **Commission** by rule, and may delegate authority to grant **secondary approval** of a **Minor Subdivision** to the **Planning Department** staff, by rule. If the **Commission** has not delegated such authority, the **Commission** shall review applications for primary and/or **secondary approval** of **Minor Subdivision**, as applicable.

(2) Submittal Requirements

The applicant for a primary or **secondary approval** of a **Minor Subdivision** shall submit an application form and **fee**, a **subdivision plat**, and supporting information as established by the **Commission's** rules. Only applications that have been determined by **Planning Department** staff to be complete shall be placed on the **Plan Commission's** agenda for the next available public meeting. A determination made by the **Planning Department** staff with regard to the completeness of a **Minor Subdivision** application may be appealed to the **Commission** pursuant to the **Commission's** rules.

(3) Primary Review

- (a) The **Commission** shall adopt filing **fees**, filing deadlines, meeting dates, and a hearing procedure for this process by rule.
- (b) After receipt of a complete application, the **Planning Department** staff shall provide notice of the public hearing by publication in accordance with IC 5-3-1, this ordinance, and as established by the **Commission** by rule.
- (c) **Planning Department** staff shall review the application and shall make a recommendation on the application. If the applicant has submitted an incomplete application, the **Planning Department** staff shall notify the applicant of the missing information and provide the applicant with thirty (30) business days to submit the missing information.
- (d) The Committee of the **Commission** shall hold a public hearing on the application for primary approval of the proposed **Minor Subdivision** in accordance with the **Commission's** rules.

(4) Action and Additional Provisions

(a) Decision

After the public hearing on the primary approval of a **Minor Subdivision**, the Committee shall approve or deny the application. The Committee shall grant primary approval to the **Minor Subdivision** if it determines that the application meets the **development** requirements of the applicable **zoning district**. The **Plan Commission** may approve the **subdivision** subject to **conditions** if the **conditions** are reasonably necessary to satisfy those **development** requirements.

(b) Deferral

The Committee may also defer action on primary approval of the proposed **Minor Subdivision** if it needs more information or time to determine if the **subdivision** is eligible for approval. In deferring action on a Primary **Minor Subdivision**, the Committee shall notify the applicant in writing of the reasons for the deferral, in accordance with the rules of the **Commission**. If the reason for the deferral is a Committee determination that the application cannot be granted primary approval until

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

specific changes are made or additional information is submitted by the applicant, the applicant shall be notified of that fact and the applicant shall have twenty-one (21) days to submit corrected materials or additional information (or other specific period of time, up to sixty (60) days, as established by the **Commission** at the time of deferral). If the corrected materials or additional information is not submitted within the **Commission's** established period of time, the Committee may deny the application.

(c) Findings

The Committee shall enter written findings, setting forth the reasons for its action on an application for primary approval of a **Minor Subdivision**. If the **subdivision** is denied, the written findings entered by the Committee shall set forth the reasons for such denial.

(d) Notice of Decision

Notice of the Committee's decision on an application for primary approval of a **Minor Subdivision** shall be provided by furnishing a copy of its decision and findings to the applicant and any interested party as established by **Commission** rule.

(e) Period of Valid Approval

- (i) Any primary approval of a **Minor Subdivision** by a Committee of the **Commission** shall be valid for a period of twenty-four (24) months from the date of that approval. If the **Minor Subdivision** has not received **secondary approval** within that twenty-four (24) month period, the preliminary approval of the **Minor Subdivision** shall be null and void, unless an extension is obtained pursuant to subsection (ii) below.
- (ii) The applicant may request approval from the Committee of the **Commission** for an extension of time to obtain **secondary approval** of a **Minor Subdivision**. The request shall be made prior to the expiration of the twenty-four (24) month approval period.

(5) **Secondary Approval**

(a) Review

- (i) Following primary approval of a **Minor Subdivision**, the applicant shall file an application for **secondary approval** of the **Minor Subdivision**.
- (ii) The **Planning Department** staff shall distribute the application materials to those public and quasi-public agencies identified by the **Commission's** rules.
- (iii) The **Planning Department** staff shall review the application materials to insure the requirements for **secondary approval** stated in this ordinance have been satisfied, shall coordinate the comments and requirements of the reviewing agencies, and shall make a recommendation to the **Commission** for the granting or denial of **secondary approval** of the **plat**.
- (iv) The **Commission** shall consider reviewing the application at its next available business meeting.
- (v) No notice or public hearing is required for approval of a Secondary **Minor Subdivision**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (vi) If an appeal of the Committee of the **Commission's** primary approval of a **Minor Subdivision** was filed, the **Planning Department** staff shall take no further action until the **Commission** has made a decision on the appeal, and any action on the application for **secondary approval** of a **Minor Subdivision** shall be consistent with the **Commission's** decision on the appeal.

(b) Decision

- (i) After review of an application for **secondary approval** of a **Minor Subdivision**, the **Planning Department** staff shall approve or deny the application. The **Planning Department** staff shall grant **secondary approval** of the **Minor Subdivision** if it determines that the application meets the following criteria, and may approve subject to **conditions** if it determines that those **conditions** will enable it to make a determination that:
 - [A] The application is consistent with the primary approval of the **Minor Subdivision** for the **development site**, including any **conditions** attached to the **Minor Subdivision** primary approval;
 - [B] The application meets those design and **development** standards for **Minor Subdivisions** in §157.303(E)(5); and
 - [C] All required improvements and **infrastructure** for the **Minor Subdivision** have been completed and have been approved by the **Board of Works**.
- (ii) If **secondary approval** is denied, **Planning Department** Staff shall within three (3) business days after that denial furnish the applicant with a written list of the reasons for such denial.
- (iii) If **secondary approval** is granted by **Planning Department** Staff, all certifications required by the **Commission's** rules shall be obtained by the applicant prior to recording.
- (iv) The **Planning Department** Staff may grant **secondary approval** of the **Minor Subdivision plat** subject to the expiration of the time provided for appeal under IC 36-7-4-708 of the primary approval of the **Minor Subdivision**; provided however, that the **plat** for which **secondary approval** has been granted shall not be signed or certified on behalf of the **Commission**, prior to the expiration of such appeal period.

(c) Recording and Period of Validity

The provisions of §157.303(F)(4)(d) shall apply.

(6) Development and Design Standards

Development and design standards applicable to **Minor Subdivisions** are listed in §157.404. No **waivers** of or exceptions to those standards are permitted for **Minor Subdivisions**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(F) Major Subdivision

(1) Delegation of Authority

The **Commission** may delegate authority to grant primary approval of a **Major Subdivision** to a Committee of the **Commission** by rule. If the **Commission** has not delegated such authority, the **Commission** shall review applications for primary and/or **secondary approval of Major Subdivision**, as applicable.

(2) Submittal Requirements

The applicant for a primary or **secondary approval** of a **Major Subdivision** shall submit an application form and **fee**, a **subdivision plat**, and supporting information as established by the **Commission's** rules. Only applications that have been determined by **Planning Department** staff to be complete shall be placed on the **Plan Commission's** agenda for the next available meeting. A determination made by the **Planning Department** staff with regard to the completeness of a **Major Subdivision** application may be appealed to the **Commission** in accordance with the **Commission's** rules.

(3) Primary Approval

(a) Review

- (i) The **Commission** shall adopt filing **fees**, filing deadlines, meeting dates, and a hearing procedure for this process by rule.
- (ii) After receipt of a complete application, the **Planning Department** staff shall provide notice of the public hearing by publication in accordance with IC 5-3-1, this ordinance, and as established by the **Commission** by rule.
- (iii) **Planning Department** staff shall review the application and shall make a recommendation on the application. If the applicant has submitted an incomplete application, the **Planning Department** staff shall notify the applicant of the missing information and provide the applicant with thirty (30) business days to submit the missing information.
- (iv) The **Commission** shall hold a public hearing on the application for primary approval of the proposed **Major Subdivision** in accordance with the **Commission's** rules.

(b) Action and Additional Provisions

The following standards and requirements shall apply to the **Commission's** actions on a **Major Subdivision**.

(i) Decision

After public hearing the proposed **Major Subdivision**, the **Commission** shall grant primary approval to the **Major Subdivision** if it determines that the application meets the **development** requirements of the applicable **zoning district**. The **Plan Commission** may approve the **plat** subject to **conditions** if the **conditions** are reasonably necessary to satisfy those **development** requirements.

(ii) Deferral

The **Commission** may also defer action on the proposed **Major Subdivision** if it needs more information or time to determine if the **subdivision** is eligible for primary approval. In deferring action on a **Major Subdivision**, the **Commission**

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

shall notify the applicant in writing of the reasons for the deferral, in accordance with the rules of the **Commission**. If the reason for the deferral is a **Commission** determination that the application cannot be granted primary approval until specific changes are made or additional information is submitted by the applicant, the applicant shall be notified of that fact and the applicant shall have twenty-one (21) days to submit corrected materials or additional information (or other specific period of time, up to sixty (60) days, as established by the **Commission** at the time of deferral). If the corrected materials or additional information is not submitted within the **Commission's** established period of time, the **Commission** may deny the application.

(iii) Findings

The **Commission** shall enter written findings, setting forth the reasons for its action on an application for primary approval of a **Major Subdivision**. If approval is denied, the written findings entered by the **Commission** shall set forth the reasons for such denial.

(iv) Notice of Decision

Notice of the **Commission's** decision on an application for primary approval of a **Major Subdivision** shall be provided by furnishing a copy of its decision and findings to the applicant and any interested party as established by rule.

(v) Period of Valid Approval

[A] Any primary approval of a **Major Subdivision** by the **Commission** shall be valid for a period of twenty-four (24) months from the date of that approval. If **secondary approval** of the **Major Subdivision** is not obtained within that twenty-four (24) month period, the primary approval of the **Major Subdivision** approval shall be null and void, unless an extension is obtained pursuant to subsection (ii) below.

[B] The applicant may request approval from the **Commission** for an extension of time to obtain **secondary approval** of a **Major Subdivision**. The request shall be made prior to the expiration of the twenty-four (24) month approval period.

(4) **Secondary Approval**

(a) Delegation of Authority

The **Commission** may delegate authority to grant **secondary approval** of a **Major Subdivision** to a Committee of the **Commission**. If such authority has been delegated, each reference to the **Commission** below shall apply to the Committee granted such authority. If the **Commission** has not delegated authority to grant approval of a Secondary **Major Subdivision**, the **Commission** shall review applications for Secondary **Major Subdivisions**.

(b) Review

(i) Following primary approval of a **Major Subdivision**, the applicant shall file an application for **secondary approval** of all or a specifically described portion of the **Major Subdivision**.

(ii) The **Planning Department** staff shall distribute the application materials to those public and quasi-public agencies identified in the **Commission's** rules.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (iii) The **Planning Department** staff shall review the application materials to insure the requirements for **secondary approval** stated in this ordinance have been satisfied, shall coordinate the comments and requirements of the reviewing agencies, and shall make a recommendation to the **Commission** for the granting or denial of **secondary approval** of the **plat**.
 - (iv) The **Commission** shall consider reviewing the application at its next available business meeting.
 - (v) No notice or public hearing is required for a **secondary approval** of a **Major Subdivision**.
- (c) Decision
- (i) After review of an application for **secondary approval** of a **Major Subdivision**, the **Commission** shall grant **secondary approval** of the **Major Subdivision** if it determines that the application meets the following criteria, and may approve subject to **conditions** if it determines that those **conditions** will enable it to make a determination that:
 - [A] The application is consistent with the primary approval of the **Major Subdivision** for the **development site**, including any **conditions** attached to the **Major Subdivision** primary approval;
 - [B] The application meets those design and **development** standards for **Major Subdivisions** in §157.303(F)(5);
 - [C] The applicant has paid in full to the **Commission** all costs incurred for the furnishing of notice related to the primary approval of the **Major Subdivision** required under this ordinance or by the **Commission's** rules;
 - [D] The applicant has installed all of the improvements required by this ordinance in accordance with the approved plans and specifications on file, and delivered to the **Commission** all necessary approvals and acceptances from all applicable agencies and authorities, and the **Board of Public Works** has accepted those improvements; or in the event all of the required improvements required have not been installed, the applicant has filed with the **Commission**, for any improvements already installed all necessary approvals and acceptances from all applicable agencies and authorities, and provided performance guarantees pursuant to §157.303(F)(6) for any required improvements not installed, or installed but for which all necessary approvals and acceptances from all applicable agencies and authorities have not been obtained.
 - (ii) If **secondary approval** is denied, the **Commission** shall within five (5) business days after that denial furnish the applicant with a written list of the reasons for such denial.
 - (iii) If **secondary approval** is granted by a Committee of the **Commission**, all certifications required under by the **Commission's** rules shall be obtained by the applicant prior to recording.
 - (iv) **Secondary approval** may only be granted after the expiration of the time provided for an appeal of the Primary approval under 36-7-4-708.
 - (v) After **secondary approval** has been granted, the **plat** shall be certified and then released for recordation as established in the **Commission's** rules.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (d) Recording and Period of Validity
- (i) It shall be the responsibility of the applicant to obtain all **Major Subdivision plat** certifications and signatures required by the **Commission's** rules, and to record the **Major Subdivision plat** with **secondary approval** and any associated covenants, **easements**, or similar documents.
 - (ii) Within one (1) year of the granting of **secondary approval** of the **Major Subdivision**, the applicant shall furnish to the Planning Director the original of the **subdivision plat** in its final form and with all required contents and restrictive covenants, as approved by or on behalf of the **Commission**.
 - (iii) Upon receipt of the **plat**, the Planning Director shall determine whether the **plat** submitted for recording complies strictly in its form and contents with the **secondary approval** granted by or on behalf of the **Commission**.
 - (iv) If the Planning Director determines that the submitted **plat** strictly complies with the **secondary approval**, the Planning Director shall have the **plat** signed and certified as established by rule and shall release the **plat** to be recorded.
 - (v) If the Planning Director determines that the **plat** submitted for recording does not strictly comply with the **secondary approval**, the Planning Director shall forthwith notify the applicant of any required changes to bring the **plat** into compliance with the **secondary approval** and shall allow the applicant an additional thirty (30) days to make those changes and to submit a corrected **plat** to the Planning Director for recording. If the applicant makes the required changes and submits a corrected **plat** and required recording fees within that thirty (30) day period, the Planning Director shall proceed to record the **plat** as described in subsection (iv) above. If the applicant does not submit a corrected **plat** with the thirty (30) day period, or the **plat** submitted by the applicant during that period does not include the changes requested by the Planning Director, the primary and **secondary approvals** of the **subdivision** shall lapse and be void, and the **Planning Department** staff shall notify the **Board of Public Works** that the **plat** has been voided.
- (5) **Development and Design Standards**
- Development and design standards** applicable to **Major Subdivisions** are listed in §157.404. Some **waivers** of and adjustments to **development and design standards** for **Major Subdivisions** are permitted pursuant to §157.405(B), (C), and (D).
- (6) **Performance Guarantees**
- If an applicant applies for **secondary approval** of a **Major Subdivision** and has not installed all of the improvements required by this ordinance and the **subdivision** approvals, the **Commission** or its designee may only consider the application if the applicant has executed with the **Commission** an **infrastructure** completion agreement as set forth below:
- (a) **Infrastructure Completion Agreement**
- The applicant has executed an agreement acceptable to the **Commission** confirming that:
- (i) The applicant will install all required **infrastructure** to serve each **lot** in the **Major Subdivision** before applying for an **Improvement Location Permit** for that **lot**, and

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (ii) After **Improvement Location Permits** have been approved for fifty (50) percent of the **lots** in that phase of the **Major Subdivision**, no additional **Improvement Location Permits** for any **lot** in that phase of the **Major Subdivision** shall be issued until all required improvements have been installed, inspected, and approved by New Haven or the applicable governmental or quasi-governmental entity or a **subdivision improvement bond** is posted by the applicant, as described in subsection (ii) below.
 - (iii) For purposes of this standard, each phase of a **Major Subdivision** shall be considered separately.
- (b) **Subdivision Improvement Bond**
- (i) If the **Planning Department** is holding **Improvement Location Permits** under the terms of an **Infrastructure Completion Agreement** and required improvements in the **Major Subdivision** have not been completed, inspected, and approved as required by that agreement, then, as an alternative to completing those improvements, the applicant may execute and post with the **Commission** a **subdivision improvement bond**, in accordance with the **Commission's** rules, to insure installation, acceptance and approval of the remaining improvements as shown on the approved plans and specifications for the **Major Subdivision**.
 - (ii) The **subdivision improvement bond** shall:
 - [A] Be in an amount determined by the **Commission** to be sufficient to complete the improvements and installation in accordance with this ordinance based on an estimate provided by the **developer** and determined to be adequate by the applicable reviewing entity;
 - [B] Provide surety satisfactory to the **Commission**;
 - [C] Run to the **Commission**; and
 - [D] Specify the time for completion of the improvements and installations.
 - (iii) If an applicant posts a **subdivision improvement bond** as required by subsection (a)(ii) above and the required improvements are not installed within the time stated in the performance **bond**, the **Commission** is authorized to **use** funds from the **bond** to cause the improvements covered by the **bond** to be installed as shown in the approved plans and specifications for the **Major Subdivision**. Upon submission by the application of the document required under the regulations adopted by the **Commission**, demonstrating that all improvements have been installed in accordance with this ordinance, the **Commission**, or its duly authorized representative, shall release such performance **bond** and discharge the **developer** and surety, if any, from further liability or responsibility under the **bond**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(G) Secondary **Plat** Amendments and Adjustments

(1) General Amendments

After a **secondary approval** of a **Minor** or **Major Subdivision**, the **Commission** or its designee is authorized to approve amendments to the **subdivision plat** if:

- (a) A request for amendment is filed, accompanied by the signatures of all **owners** of **lots** in the **plat**, and a survey if the **Commission** or its designee determines that a survey is necessary to accurately evaluate the impacts of the proposed amendment;
- (b) There is no increase in the number of **lots**;
- (c) No public land will be accepted as a result of the amendment, except as may be incidental to the adjustment of **lot lines** and/or **right-of-way** lines; and
- (d) The amendment is consistent with the purposes and requirements of this ordinance.

(2) Errors or Omissions

If an error or omission is found at any time after the recording of a **Minor** or **Major Subdivision plat**, the Planning Director shall be notified of the error or omission in writing, and the property **owner** or his or her successor shall cause the error or omission to be corrected. The Planning Director shall determine how the correction of the error or omission shall be made. The Planning Director may withhold **Improvement Location Permits** for any **lot** within the **subdivision** until the error or omission is corrected.

(H) Appeals

(1) Appeals of Decisions of a Committee of the **Commission**

- (a) A decision of a Committee of the **Commission** may be appealed to the **Plan Commission** by the applicant.
- (b) The applicant may appeal the Committee's action on a **Minor** or **Major Subdivision** within five (5) business days after notice of the disposition has been mailed. If an appeal is filed, it shall be placed on the next available scheduled public hearing of the **Commission** that will allow for notice to interested parties.
- (c) The **Commission** may approve, disapprove, or conditionally approve the **Minor** or **Major Subdivision plat** based on a determination of whether the Committee's decision complied with the requirements of this ordinance.
- (d) The approval or disapproval of the appeal is a final decision of the **Commission** that may be reviewed as provided in IC 36-7-4-1016.

(2) Appeals of Decision of the **Plan Commission**

Every final decision of the **Commission** or its designee as set forth in I.C. 36-7-4-715 shall be subject to review as provided in IC 36-7-4-1016.

(I) **Subdivision Plat** Vacation

The **Commission** may approve, approve with **conditions**, or deny a decision to vacate a **Minor** or **Major Subdivision plat**, pursuant to I.C. 36-7-4-711.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

ADDITIONAL GENERAL STANDARDS

§ 157.401 PURPOSE

The purpose of this chapter is to provide updated and aligned additional standards, requirements, and provisions for **accessory structures and uses, temporary structures and uses, development design standards, development standards waivers and exceptions, home occupations, parking, landscape standards, signs, and floodplain management.**

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.402 ACCESSORY STRUCTURES AND USES

(A) Residential Accessory Structures and Uses

(1) Purpose

The purpose of this section is to provide standards for the placement and erection of **fences, walls, hedges** and similar construction or elements for the conservation and protection of property; the assurance of safety, security, and privacy; and the improvement of the visual environment, including the provision of an orderly appearance in keeping with neighborhood character.

(2) Accessory Structures Standards

See the individual **residential zoning district** sections for the **accessory structures** permitted in that **zoning district**.

(a) Purpose

The purpose of this section is to provide standards for the placement and erection of **accessory structures** for the conservation and protection of property; the assurance of safety, security, and privacy; and the improvement of the visual environment, including the provision of an orderly appearance in keeping with neighborhood character.

(b) Exterior Materials and Color

The exterior appearance of accessory structures greater than 200 sq.ft. in area shall be consistent in materials, color, roof pitch and overall appearance with the **primary structure** on the property.

(c) Accessory Dwelling Units

Staircases constructed for access to integrated **accessory dwelling units** (accessory dwelling units that are not detached from the primary structure) shall be fully integrated into the **primary structure**. External staircases are not permitted.

(3) Fence and Wall Standards

(a) Purpose

The purpose of this section is to provide standards for the placement and erection of **fences, walls, hedges** and similar construction or elements for the conservation and protection of property; the assurance of safety, security, and privacy; and the improvement of the visual environment, including the provision of an orderly appearance in keeping with neighborhood character.

(b) Permitted Materials

All **fences** shall be constructed of customarily used materials such as split rail, split rail with welded wire mesh, masonry, wrought iron, wood, polyvinylchloride (PVC), or similar fencing material as approved by the **Zoning Administrator**.

(c) Prohibited Materials

The use of materials such as corrugated or sheet metal, chain link, chicken wire, woven wire, welded wire mesh as a primary material, temporary construction fencing, snow fencing or other similar materials shall not be permitted for permanent fencing. In **residential districts**, a **fence or wall** may not be designed to cause pain or injury to humans or animals. This includes the use of spikes, broken glass, barbed wire, razor wire, nails, electric charge or similar materials.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(d) **Swimming Pool Fencing**

Any pool which meets the definition set forth in §157.506 of this ordinance shall comply with the residential **swimming pool** safety feature requirements set forth in 675 IAC 14-4.3-296(3). In accordance with and to supplement this section access to a pool shall be restricted by one of the following:

- (i) A **wall** or **fence** not less than four (4) feet in height which completely surrounds the pool and **deck** area with the exception of self-closing and latching gates and doors both capable of being locked; or
- (ii) A rigid power safety pool cover which meets the requirements set forth in 675 IAC 14-4.3-296(3) and which provides a continuous connection between the cover and the **deck**, so as to prohibit access to the pool when the cover is completely drawn over the pool; and shall be mechanically operated such that the cover cannot be drawn open or retracted without the use of a key, or a key and switch, or a touch pad with a personal access code. All automatic pool covers shall be kept operable and in good working order; such pool covers shall not be operated in ways that create safety or access hazards, such as being permitted to be left open for extended periods of time, or to accumulate large amounts of water on top of the cover; or
- (iii) For above ground **swimming pools**, other means not less than four (4) feet high completely surrounding the pool and **deck** area when the pool is not in use that is deemed impenetrable by **Planning Department** staff at the time of construction.

(e) **Exceptions to Standards**

(i) **Hedge or Retaining Wall**

A **hedge** or **retaining wall** not exceeding three (3) feet in height above the grade of the adjoining sidewalk or ground, may be located in the required **front yard** with no minimum **setback**, subject to the **corner visibility** provisions in this ordinance.

(ii) **Ornamental Fence**

An **ornamental fence**, as defined herein, not exceeding three (3) feet in height may be located in the required **front yard** with no minimum **setback**, subject to the **corner visibility** provisions in this ordinance.

(4) **Accessory uses**

See the individual **residential zoning district** sections for the **accessory uses** permitted in that **zoning district**. Staff may also determine that additional **accessory uses** may be permitted.

(a) **Outdoor Display**

Outdoor display as defined herein shall be prohibited except for **yard** and **garage sales**. **Yard, garage**, and similar sales on residential properties may be held up to three (3) times in a calendar year, for up to three (3) days per sale.

(b) **Outdoor Storage**

In any **residential district**, the **outdoor storage** of **junk, trash**, and debris as defined herein shall be prohibited. In addition, the **outdoor storage** of the following shall be prohibited:

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (i) Wrecked or dismantled **automobiles**;
 - (ii) Home appliances and fixtures such refrigerators, stoves, and sinks; and
 - (iii) Indoor furniture.
- (c) **Parking and Vehicle Storage**
- (i) **Permitted Automobiles and Motor Vehicles**
 - [A] In any **residential district**, licensed and operable **automobiles**, vans, motorcycles, **recreational vehicles**, campers, boats, small (one-ton, panel or pickup) trucks, and pull trailers up to 100 square feet in size shall only be permitted to be parked in a **driveway** or on an improved surface directly connected to a **driveway**.
 - [B] Tractors or similar **motor vehicles** used in conjunction with a permitted **agricultural use**.
 - [C] In an A1 **district**, on **parcels** that are over 5 acres, two of the following **motor vehicles** may be parked outside:
 - [1] **School, religious institution**, or similar buses;
 - [2] Semi-trailers;
 - [3] Semi-trucks;
 - [4] Large pick up or panel trucks (over one ton); and
 - [5] Pull-behind trailers over 100 square feet in size.
 - (ii) **Prohibited Automobiles and Motor Vehicles**

The vehicles noted below shall be prohibited to be parked or otherwise stored outside of a public **right-of-way** in **residential districts** unless permitted in (A)(4)(c)(i) above:

 - [A] Inoperable or unlicensed **automobiles**, motorcycles, vans, **recreational vehicles**, campers, boats, small (one-ton, panel or pickup) trucks or other similar vehicles;
 - [B] **School, religious institution**, or similar buses;
 - [C] Semi-trailers;
 - [D] Semi-trucks;
 - [E] Large pick up or panel trucks (over one ton);
 - [F] Pull-behind trailers over 100 square feet in size;
 - [G] Tractors or similar **motor vehicles** used in conjunction with a permitted **agricultural use**; and
 - [H] Other large commercial vehicles not otherwise listed.

(B) **Nonresidential Accessory Structures and Uses**

(1) **Purpose**

The purpose of this section is to provide standards for the placement and erection of **fences**, **walls**, **hedges** and similar construction or elements for the conservation and protection of property; the assurance of safety, security, and privacy; and the improvement of the visual

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

environment, including the provision of an orderly appearance in keeping with neighborhood character.

(2) Accessory Structures

See the individual **residential zoning district** sections for the **accessory structures** permitted in that **zoning district**.

(3) Fence and Wall Standards

(a) Purpose

The purpose of this section is to provide standards for the placement and erection of **fences, walls, hedges** and similar construction or elements for the conservation and protection of property; the assurance of safety, security, and privacy; and the improvement of the visual environment, including the provision of an orderly appearance in keeping with neighborhood character.

(b) Permitted Materials

All **fences** shall be constructed of customarily used materials such as chain link, split rail, split rail with welded wire mesh, masonry, wrought iron, wood, polyvinylchloride (PVC), or similar fencing material. The use of chain link fencing shall not be permitted in **residential districts**. In CC and MU **districts**, fencing and **wall** materials shall be further limited as follows:

(i) Permitted CC **fence** materials:

[A] Wrought iron or similar metal;

[B] Wood may also be permitted for a **fence** used to screen service, **storage**, or delivery areas.

(ii) Permitted MU **fence** materials:

[A] Dark vinyl coated chain link, if supplemented with a continuous row of shrub plant material a minimum of three (3) feet in height;

[B] Polyvinylchloride (PVC) vertical slat or picket style;

[C] Wood vertical slat or picket style; and

[D] Wrought iron or similar metal.

(iii) Permitted CC and MU **wall** materials:

[A] Brick;

[B] Stone; or

[C] Similar masonry material, if approved by the **Zoning Administrator**.

(c) Prohibited Materials

The use of materials such as corrugated or sheet metal, chicken wire, woven wire, welded wire mesh as a primary material, temporary construction fencing, snow fencing or other similar materials shall not be permitted for permanent fencing. In **nonresidential districts** abutting a **residential district**, a **fence** or **wall** may not be designed to cause pain or injury to humans or animals. This includes the use of barbed wire, broken glass, nails, razor wire, spikes, electric charge or similar materials. For the purposes of this provision, “abutting” shall include any area separated from a **residential district** by an **alley right-of-way**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (d) **Swimming Pool Fencing**

Commercial, industrial, and other nonresidential **swimming pools** shall be completely surrounded by a **fence, wall, building**, or other enclosure determined acceptable by the **Zoning Administrator**, of not less than six (6) feet in height.
- (e) **Exceptions to Standards**
 - (i) **Hedge or Retaining Wall**

A **hedge** or **retaining wall** not exceeding three (3) feet in height above the grade of the adjoining sidewalk or ground, may be located in the required **front yard** with no minimum **setback**, subject to the **corner visibility** provisions in this ordinance.
 - (ii) **Ornamental Fence**

An **ornamental fence**, as defined herein, not exceeding three (3) feet in height may be located in the required **front yard** with no minimum **setback**, subject to the **corner visibility** provisions in this ordinance.
- (4) **Accessory Uses**
 - (a) **Outdoor Display and Temporary Outdoor Sales**

Nonresidential **outdoor display** and temporary outdoor sales shall only be permitted as follows:

 - (i) In C1 and **BTI districts**, **outdoor display** and temporary outdoor sales shall not be permitted;
 - (ii) In C2 and NC **districts**, **outdoor display** and temporary outdoor sales shall be permitted within ten (10) feet of the **primary structure** on the front or **street** side(s); or beneath a **gas station canopy**;
 - (iii) In SC, C3, C4, I1, I2, and I3 **districts**, except for **automobile**, boat, and similar **motor vehicle sales uses**, **outdoor display** and temporary outdoor sales shall meet the **building setback** standards; display area shall be limited to a maximum of 10% of the **primary structure** or tenant space;
 - (iv) Items offered for sale shall be displayed on a paved or similar improved surface (excluding gravel surfaces); and
 - (v) In the MU **district**, **outdoor display** shall be further limited to 10% of the **building ground floor area** or 120 square feet, whichever is less; the display shall only be permitted in conjunction with permitted indoor display area(s), during normal business operating hours. All **outdoor display** items shall be taken inside each day as part of the closing of the business.
 - (b) **Permanent Outdoor Sales**

Permanent outdoor sales shall only be permitted as follows:

 - (i) In C1 and **BTI districts**, **permanent outdoor sales** shall not be permitted;
 - (ii) In C2 and NC **districts**, **permanent outdoor sales** shall be permitted within ten (10) feet of the **primary structure** on the front or **street** side(s); or beneath a **gas station canopy**;

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (iii) In SC, C3, C4, I1, I2, and I3 **districts**, **permanent outdoor sales** shall be permitted within ten (10) feet of the **primary structure** on the front or **street** side(s); or beneath a **gas station canopy**; and
- (iv) Items offered for sale shall be displayed on a paved or similar improved surface (excluding gravel surfaces).

(c) **Outdoor Storage**

Nonresidential **outdoor storage** shall only be permitted as follows (see §157.408, Landscape Standards, for specific **outdoor storage** landscape provisions):

- (i) In C1 and **BTI districts**, **outdoor storage** shall not be permitted;
- (ii) In C2, NC, SC, C3, and C4 **districts**, **outdoor storage** shall: be located behind the **primary structure**, or on the internal side of a **corner lot**; meet **primary building setback** standards; and be located on a paved or permitted gravel surface;
- (iii) In any commercial or industrial **district**, if over five (5) vehicles are stored outside the vehicle **storage** area shall be screened from **adjacent residential zoning districts** and **public street rights-of-way**; the **outdoor storage** of dismantled vehicles shall be prohibited;
- (iv) In I1 **districts**, **outdoor storage** shall be allowed between the rear of the **building** and the **rear lot line**; the area of the **storage** may be up to the square footage of the **primary structure**;
- (v) In I2 **districts**, **outdoor storage** shall be allowed between the front **façade** of the **building** and the **rear lot line**;
- (vi) In I3 **districts**, **outdoor storage** shall be allowed between the required front **setback** line and the **rear lot line**;
- (vii) **Portable storage containers** used for accessory **outdoor storage**, if used for over 120 days, shall only be permitted in the C3, C4, I1, I2, and I3 **districts**, and shall meet the applicable provisions for **outdoor storage** in this chapter;
- (viii) A paved **outdoor storage** area shall have a minimum 5' **setback** from any **lot line**, and a gravel **outdoor storage** area shall have a minimum 10' **setback** from any **lot line**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.403 TEMPORARY BUILDINGS, STRUCTURES AND USES

(A) Temporary Accessory Structures

- (1) A temporary **accessory structure** shall be permitted for any **universally permitted use**, or in a **nonresidential district**, subject to the following standards and requirements:
 - (a) A temporary mobile classroom **structure** shall be permitted up to two years;
 - (b) A temporary **storage** or similar **temporary structure**, including a **portable storage container**, shall be permitted up to 90 days without a **Certificate of Use**; if the applicant obtains a **Certificate of Use** then the **structures** may be permitted up to 180 days;
 - (c) If the proposed **structure** requires review under §157.302 (Site Plan Review), the applicant shall obtain approval of the proposal through that process, prior to the issuance of an **Improvement Location Permit**; and
 - (d) This subsection shall not apply to temporary construction or sales **structures**, **mobile food service units**, or tents.
- (2) A temporary **storage** or similar **structure**, including a **portable storage container**, shall be permitted in a **residential district** for up to 90 days without a **Certificate of Use**; if the applicant obtains a **Certificate of Use** then the **structure** may be permitted up to 180 days.

(B) Temporary Special Events

Temporary **special events** shall be permitted as an **accessory use** to any **universally permitted use**. Temporary **special events** shall be permitted up to three (3) times per year, for a period not to exceed thirty (30) days per event. Tents, or other similar **structures** or facilities, shall be permitted in conjunction with the **special event**. An **Improvement Location Permit** shall not be required for a tent or similar **structure** used in connection with a permitted temporary **special event**. Festivals or similar events held in **public parks** or public rights-of-way shall not be considered temporary **special events**.

(C) Temporary Construction/Sales Structures

- (1) Construction trailers shall be permitted, provided the project is proceeding with due diligence, until the project is complete. Trailers shall be located in conformance with the **corner visibility** standards set forth in this ordinance.
- (2) A temporary sales/leasing trailer shall be permitted, provided the project is proceeding with due diligence, until the project is complete. If the trailer contains water and/or sewer, it shall be required to be reviewed and approved through the Site Plan review process.
- (3) If water and sanitary sewer connections are requested, then the **structure** shall be reviewed through the Site Plan review process.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(D) Mobile Food Service Units

- (1) A **mobile food service unit** shall be a permitted **use** in a C2, NC, SC, C3, C4, CC, MU, I1, I2, I3, or I4 **district**, and a permitted **accessory use** to an institutional **building** in any **zoning district**. The unit shall be allowed on a site up to five (5) times in a twelve (12) month period, for up to five (5) days per event. If the unit is located in a **public park** as part of a festival or similar event or is located within a public **right-of-way**, there shall be no limit on the number of times the unit shall be allowed. Any unit located outside of a public **right-of-way** shall meet the **primary building setbacks**. No **Improvement Location Permit** or **Certificate of Compliance** shall be required.
- (2) A **mobile food service unit** shall be a permitted **use** in a C2, NC, SC, C3, C4, CC, MU, I1, I2, I3, or I4 **district**, beyond the limits listed in §157.403(D)(1) above, for up to four (4) months in a twelve (12) month period; however, an **Improvement Location Permit** or Site Plan Review, as applicable to the specific request, shall be required for the **use**.

(E) Temporary Tents

The following standards shall apply to the placement of temporary tents; a temporary tent shall only be permitted on a **lot** with an existing **primary building**, and shall only be permitted for a **use** that is permitted in the **district** where the tent is to be located.

- (1) In **residential districts** a tent may be placed on a **lot** up to three (3) times in a twelve (12) month period, for up to thirty (30) days per event;
- (2) In **nonresidential districts**, a tent may be placed on a **lot** up to three (3) times in a twelve (12) month period, for up to thirty(30) days per event.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.404 DEVELOPMENT DESIGN STANDARDS

(A) Purpose

The purpose of this section is to:

- (1) Mitigate potential adverse impacts of proposed **development** on surrounding areas, and particularly residential neighborhoods;
- (2) Accommodate required **infrastructure** and public services;
- (3) Promote the efficient provision of public services;
- (4) Promote efficient transportation and circulation networks; and
- (5) In the City Center (CC) and Mixed Use (MU) **districts**, promote attractive and functional **building** forms; attractive and functional streetscape and public space design; compatibility of design, **use**, character, and pattern; increased **pedestrian oriented** design; and the **use** of high quality, durable materials.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(B) Applicability

All **Development** Plans, Site Plan Reviews and **Subdivisions** shall comply with each of the standards shown in the table below.

DEVELOPMENT DESIGN STANDARD APPLICABILITY					
Standard	Section	DP	SP	MJS	MNS
Access	§157.404(D)	✓	✓	✓	✓
Airport Overlay Districts	§157.404(E)	✓	✓	✓	✓
Block layout	§157.404(F)			✓	✓
Easements	§157.404(G)	✓	✓	✓	✓
Floodplain	§157.404(H)	✓	✓	✓	✓
Landscape standards	§157.404(I)	✓	✓		
Lot standards	§157.404(J)			✓	✓
Natural site features	§157.404(K)	✓		✓	✓
Open space and recreation amenities	§157.404(L)			✓	
Parking	§157.404(M)	✓	✓		
Pedestrian circulation	§157.404(N)	✓	✓	✓	
Residential impact mitigation	§157.404(O)	✓	✓		
Sanitary sewer	§157.404(P)	✓	✓	✓	✓
Signs	§157.404(Q)	✓	✓	✓	✓
Site lighting	§157.404(R)	✓	✓		
Storm drainage	§157.404(S)	✓	✓	✓	✓
Street lighting	§157.404(T)	✓	✓	✓	
Vehicle circulation and streets	§157.404(U)	✓	✓	✓	✓
Water	§157.404(V)	✓	✓	✓	✓
Zoning district standards	§157.404(W)	✓	✓	✓	✓
• Building Separation • Building Size • Number of Buildings on a Lot • Height • Lot Area and Width • Yard Requirements • Zoning Overlay Districts					
Design standards (City Center District)	§157.404(X)	✓	✓		
Design standards (Residential Flex District)	§157.404(Z)	✓	✓	✓	✓
KEY					
DP = Development Plan	SP = Site Plan	MJS = Major Subdivision	MNS = Minor Subdivision	✓ = Standard is applicable	

(C) Compliance

All proposed **development** shall be in conformance with the applicable **development design standards**. Compliance shall be determined by the **Planning Department** staff in the case of zoning ordinance standards, and by the applicable reviewing agency staff in the case of non-zoning ordinance standards. Copies of required application materials, applicable **fees**, and non-zoning ordinance standards are available from **Planning Department** staff.

(D) Access

(1) General Standards

Complete access and traffic management facilities in compliance with the standards and specifications of the applicable reviewing agency shall be provided to serve the proposed **development**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(2) Additional Standards for **Major Subdivisions**

- (a) Each residential **lot** in the **Major Subdivision** shall have direct access to an existing, publicly maintained **street** by way of a platted **public or private street**, but no residential **lot** may directly access an **arterial street**.
- (b) Each residential **lot** in the **Major Subdivision** shall front upon and have at least the minimum required **frontage** on a dedicated **public street** of sufficient width and improvement to meet the applicable agency standards and specifications.
- (c) Each **Major Subdivision** shall have at least one point of connection between its internal **street** system and an adjoining **arterial, collector, or local street** for every one hundred (100) residential **lots**, or part thereof, located in the **Major Subdivision**. For purposes of this standard, the number of homes in all adjoining phases of a **Major Subdivision** shall be considered together.

(3) Additional Standards for **Minor Subdivisions**

Each **Minor Subdivision lot** shall have **frontage** on an existing improved non-arterial **street**.

(E) Reserved

(F) **Block Layout**

In **Major Subdivisions**, **blocks** shall be of sufficient dimension to allow two (2) tiers of **lots** of at least the minimum depth required by the **zoning district** in which the **lots** are located.

(G) **Easements**

Easements shall be provided as required by the applicable reviewing agency for utility lines, storm water drainage facilities, and pedestrian access. **Easements** shall be designed and laid out so that adequate utility service and storm drainage can be provided, and proper continuity exists between areas, **uses, structures, parcels, and developments**. **Easement** widths and locations shall be shown.

(H) **Floodplain**

All proposed **buildings, structures, and site development** located within a Special Flood Hazard Area shall also comply with the floodplain regulations as set forth in §157.412.

(I) **Landscape Standards**

All **development** shall comply with the landscaping, screening, and buffering standards applicable to that **development** as set forth in §157.408. When **development** other than a single **family** or **two family dwelling** occurs on a **lot adjacent** to a **residential zoning district**, the additional landscaping, screening, and buffering requirements in §157.404(O) shall apply.

(J) **Lot Standards**

(1) **Minor and Major Subdivision Standards**

(a) **Corner Lots**

If Minor or **Major subdivision lots** are created that front on more than one intersecting **street (corner lots)** and one or more of those **streets** is an **arterial street, collector street** or limited access highway as shown in the latest adopted **County** transportation or **street** plan, access to each **corner lot** shall only be permitted from a local or interior **street**, unless otherwise approved by the **Plan Commission**. The **Commission** shall not approve a request for alternative access unless it shall make findings of fact based upon the evidence presented to it in each specific case that:

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (i) Granting approval will not be detrimental to the public health, safety, or welfare, or injurious to other properties.
- (ii) The **conditions** upon which the request is based are unique to the property for which the request is sought, and are not applicable generally to other properties.
- (iii) Because of the particular physical surroundings, shape, or topographical **conditions** of the specific property involved, a particular hardship to the **owner** would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

(b) Double Frontage Lots

Major Subdivision lots shall not be created with two opposite **lots** lines both facing a **public street (double frontage lots)** unless:

- (i) The depth of each **double frontage lot** is at least 150 feet; it is intended that a **double frontage lot** be deeper than the **lots** directly across the interior **street** from the **double frontage lot**. Alternatively, the **lots** may be separated from the exterior higher volume **street** by a **common area** of not less than fifteen (15) feet; and
- (ii) Access to each **double frontage lot** is only permitted from the interior, **local street**.
- (iii) **Side Lot Lines**
Side lot lines generally shall be at right angles to straight **street right-of-way** lines and radial to curved **street right-of-way** lines.

(K) Natural Site Features

(1) General Standards

The location and nature of existing **significant** natural site features should be considered by the applicant in the planning and design of site **development** and should be avoided or preserved where possible.

(2) Additional Standards for **Major Subdivisions**

- (a) All **Major Subdivisions** should be located and designed to avoid the inclusion of **significant natural features** in individual **building lots** and to incorporate those features into common open spaces for the benefit of **subdivision** residents where possible.
- (b) The **Commission** shall have the authority to approve **Major Subdivision lots** with up to ten (10) percent less **lot** area than the minimum required for the **zoning district** where the property is located if **significant natural features** are preserved, to allow for the platting of the same number of **lots** permitted by the minimum **lot** area required for that **zoning district** provided that title to the land containing those features is transferred to a homeowners' association or other entity responsible for their management under terms that will not allow the future **development** of the land on which the natural features are located.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(L) Open Space and **Recreation** Amenities

(1) **Development Plan and Major Subdivision Standards**

- (a) All **Major Subdivisions** and **Development Plans** shall require the provision of open/**recreation space**. The provisions of this section are minimum standards, and an applicant may establish other land for recreational purposes in addition to the requirements of this section.
- (b) Open/**recreation space** shall be of suitable size, dimension, topography and general character and shall have adequate road access for the general purposes envisioned. The acreage shall be determined by the **Commission** from the following table, which has been prepared on the basis of providing three (3) acres of **recreation area** for every 100 **dwelling** units, and may be waived if the total required open/**recreation space** is less than 10,000 square feet. These ratios shall be applied to all sections of a **subdivision** and to the **subdivision** as a whole.

REQUIRED RECREATIONAL SPACE	
If total area of plat divided by number of lots is less than or equal to:	Total land required for recreational space allotment:
15,000 square feet	8.0%
25,000 square feet	5.0%
35,000 square feet	3.5%
40,000 square feet	3.0%
50,000 square feet	2.5%
80,000 square feet or more	1.5%

- (c) **Recreation areas** shall be located as the **Commission** directs, may contain any type of **recreational facility** approved by the Department of Parks and Recreation, and may include active or passive **recreational facilities**. **Recreation areas** shall be coordinated, whenever possible, with existing or proposed **recreation areas**.
- (d) This open/**recreation area** requirements shall be waived if:
- (i) The applicant has entered an agreement with the Department of Parks and **Recreation** to improve and dedicate lands and facilities within the **subdivision**, or at an acceptable location not contained within the **subdivided** land, for a **public park**, or;
- The applicant has made acceptable “in lieu of” payments to the Department of Parks and **Recreation** for deposit in an escrow account to be used only for **public park development** within the appropriate subarea of the park service jurisdiction. The method of payment shall be based on the average land value per acre of the land in the development that otherwise would have been dedicated. For the purposes of this section, price or appraisal will then be used to determine the proportionate value of the dedication of land required; the land value per acre shall not exceed a maximum of \$200 per lot.

(M) Parking

All **development** shall comply with the parking standards applicable to that **development** as set forth in §157.407.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(N) Pedestrian Circulation

(1) General Standards

- (a) Internal pedestrian walkways shall be constructed to provide connections to existing adjoining sidewalks and trails, and from **primary building** entrances to required and existing sidewalks and trails.
- (b) Construction of all required sidewalks shall occur prior to issuance of a **Certificate of Compliance** for any **primary building**.
- (c) Where a plan showing specific trail locations has been adopted as an amendment to the **Comprehensive Plan** and the plan shows a **multi-use trail** in a location where a sidewalk would otherwise be required, if engineering plans have been approved for the trail, a **multi-use trail** shall be constructed instead.
- (d) If the proposed roadway is to be dedicated to New Haven, the design shall comply with the requirements of the Americans with Disabilities Act, including but not limited to the Public **Right-of-Way** Accessibility Guidelines.

(2) Additional Standards Applicable to **Development** Plans and Site Plans

- (a) Unless determined by the New Haven City Engineer to be an unnecessary hardship due to engineering constraints, sidewalks a minimum of five (5) feet in width shall be constructed to the standards of the applicable reviewing agency along the full property **frontage** of any **street** adjoining the **Development** Plan or Site Plan **development site**.
- (b) Where the **Development** Plan or Site Plan **development site** includes multiple **buildings** on a single **lot** or on adjoining **lots**, internal pedestrian walkways shall be provided to provide connections between the **primary building** entrances of all **primary buildings**.
- (c) Sidewalks shall not be required for outdoor eating/drinking/smoking area site plan review projects.
- (d) The sidewalk requirement may be waived by the **Planning Director** for a Site Plan **development site** where the project is an **addition** to an existing **structure**, consisting of 10,000 square feet or less and is located within an industrial **zoning district**.

(3) Additional Standards Applicable to **Major Subdivisions**

- (a) Sidewalks a minimum of five (5) feet in width shall be constructed to **City** standards and specifications on each side of all internal **streets** within a **Major Subdivision**.
- (b) Sidewalks a minimum of five (5) feet in width shall be constructed to the standards of the applicable reviewing agency along the full property **frontage** of any **street** adjoining the **Major Subdivision**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(O) Residential Impact **Mitigation**

All **development** must comply with the landscaping, screening, and buffering requirements in §157.408. To provide additional buffering and **mitigation** for residential **uses**, if proposed **development** on a **lot** or **parcel adjacent** to an A1, R1, R2, R3, R4, RP, MHS, or MHP **zoning district** includes **development** other than a single **family** or **two family dwelling**, the plan shall comply with the following additional standards.

(1) Additional Height Standards

No **primary buildings** or **structures** exceeding 50 feet in height shall be located within 50 feet of the A, R, or MH **district**.

(2) Landscaping, Screening and Buffering

(a) **Outdoor display** or **storage** areas, including vehicle **storage** areas and **drive-through** lanes shall meet the minimum **primary building setback**.

(b) If the **mitigation** requirements of this §157.404(O) conflict with the screening and buffering requirements of §157.408, the standard requiring more screening and buffering shall apply.

(P) Sanitary Sewer

Public sanitary sewer facilities in compliance with the standards and specifications of the applicable reviewing agency shall be provided to serve the proposed **development**; for primary **plats** and **Development Plans**, evidence that public sanitary sewer is available and has adequate capacity to serve the **development** shall be provided.

(Q) Signs

All **development** shall comply with the **sign** regulations applicable to that **zoning district** and type of **development** as set forth in §157.409.

(R) Site Lighting

Exterior lighting for all **development** other than single **family** and **two family dwellings** shall comply with the standards in subsection (2) below unless exempted pursuant to subsection (1) below.

(1) Exceptions

The following types of lighting are not subject to the requirements of this §157.407(R):

- (a) **Public street** and **right-of-way** lighting;
- (b) Lighting required and regulated by the **Federal Aviation Administration**;
- (c) Lighting for a special area, **district**, **street** or **building** that, according to an adopted **City** ordinance, requires special lighting aesthetics as part of its physical character;
- (d) Lighting for outdoor recreational **uses** such as ball diamonds, playing fields, **tennis courts** and similar **uses**, provided that light poles are not more than 40 ft. tall, and the maximum illumination at the property line is not brighter than zero foot-candles;
- (e) Temporary decorative seasonal lighting;
- (f) Temporary lighting for emergency or nighttime work and construction; and

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (g) Temporary lighting for theatrical, television and performance areas, or for special public events.
- (2) Standards

All exterior lighting shall meet the following **design standards**:

- (a) Any freestanding or **wall** pack light source or lamp shall be concealed or shielded with an Illuminations Engineering Society of North America (IESNA) **full cutoff** style fixture to minimize the potential for **glare** and unnecessary diffusion on **adjacent** property.
- (b) Except for the portion of the property adjoining a **street right-of-way**, where nonresidential **development** is proposed **adjacent** to **residential districts**, zero foot-candles of light may be emitted by the nonresidential **development** along the property line with the **residential district**.
- (c) The maximum height of any lighting pole serving a residential **use** is 25 feet. The maximum height serving any other type of **use** is 35 feet, except that the maximum height of any pole located within 50 feet of an A, R, or MH **district** shall be 25 feet.
- (d) Lighting on **gas stations**, **convenience store** and other outdoor **canopies** shall be fully recessed into the **canopy** and shall not protrude downward beyond the ceiling of the **canopy**.

(S) Storm Drainage

Storm drainage facilities in compliance with the standards and specifications of the applicable reviewing agency shall be provided to serve the proposed **development**.

(T) Street Lighting

Public street lighting in compliance with the standards and specifications of the **Commission** shall be provided to serve the proposed **development**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(U) Vehicle Circulation and **Streets**

(1) Consistency with Transportation Plan

The design and layout of the **street** system shall be consistent with the latest Common Council adopted Transportation Plan.

(2) Construction Standards

The construction of **streets** shall comply with all applicable **City street** construction standards, including but not limited to **City** standards for minimum **street** widths, intersection and/or roundabout design, **street** alignments, curve radii and tangents, **street** grades and grading, types and qualities of construction materials.

(3) **Alleys**

Alleys are permitted in all **districts**.

(4) Continuation of **Streets**, **Alleys** and **Easements**

Wherever a dedicated or platted portion of a **street** or **alley** or **easement** exists adjoining to the proposed **Subdivision** or **Development** Plan, the continuation of the **street**, **alley**, or **easement right-of-way** at the same width shall be shown on the proposed **Subdivision plat** or **Development** Plan.

(5) **Cul-de-sac Streets**

(a) No **cul-de-sac street** shall be permitted where it would be in conflict with the latest Common Council adopted Transportation Plan or Comprehensive Plan.

(b) **Cul-de-sacs** shall not exceed five hundred (500) feet in length, except that the **Commission** may allow a length of up to 1,320 feet if the presence of natural site features (creeks, drains, floodplain, **rivers**, **wetlands**, or **significant** grade changes) makes it impractical to provide additional or alternate access.

(c) A **cul-de-sac street** shall terminate in a circular **right-of-way (cul-de-sac)** meeting the **City's** design and construction standards.

(d) A pedestrian and utilities access easement with sidewalks shall be provided from every **cul-de-sac** to the nearest adjoining property, sidewalks, trails, or existing through-streets. The Commission may require that this pedestrian and utilities connection be dedicated as common area.

(e) Unless determined to be unnecessary by the **Commission**, a temporary dead-end **street** shall be required where a **Major Subdivision** or **Development** Plan shows that the **street** should be extended to conform to the provisions of this ordinance. A circular **right-of-way** in excess of the required **street right-of-way** at the termination of such temporary dead-end **street** may be required by the **Commission**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(6) Interconnection

(a) Development Plans

All public and **private streets** in **Development Plans** shall:

- (i) Be aligned to join with planned or existing public and **private streets** (including stub **streets**) on adjoining **parcels**, and
- (ii) Provide future access to and from the proposed **development** within the Primary **Development Plan** to any adjoining vacant **parcels** of land, unless the **Plan Commission** determines at the time of the Primary **Development Plan** approval that the interconnection is impracticable due to site or topography constraints. All access **streets** shall be paved to the property line at the time of **development**.

- (iii) Be consistent with the **Comprehensive Plan**.

(b) Major Subdivisions

All **streets** in **Major Subdivisions** shall:

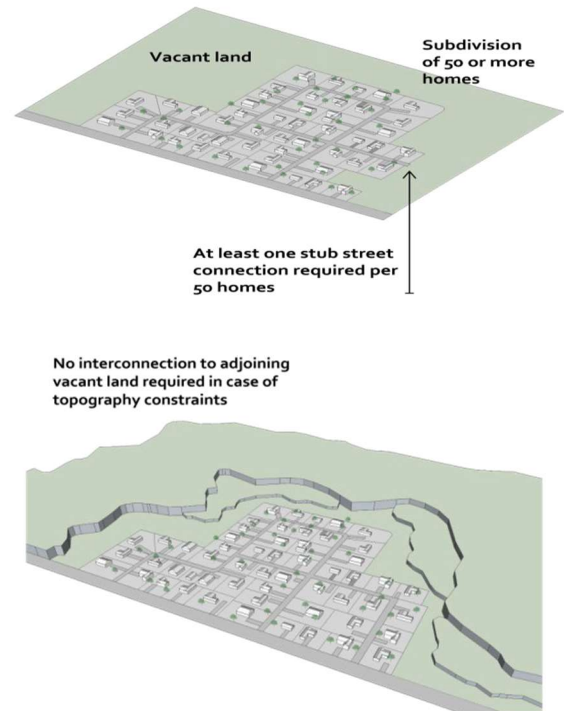
- (i) Be aligned to join with planned or existing **streets** (including stub **streets**) on adjoining **parcels**, and
- (ii) Provide stub **streets** to allow at least one future access to adjoining vacant **parcels** of land per 50 **lots** (or part thereof) in the proposed **Major Subdivision**, unless the **Plan Commission** determines at the time of Primary **Subdivision** approval that the interconnection is impracticable due to site or topography constraints. All stub or other access **streets** shall be paved to the property line at the time of **development**.
- (iii) The **Commission** may require additional stub **streets** to adjoining **parcels** as deemed necessary to improve the interconnectivity of **streets**.

Additional Standards Applicable to **Major Subdivisions**

- (i) The **Commission** shall require that existing streets along the full property **frontage** of the **subdivision** be improved to the standards for street design as set by the New Haven Board of Works to adequately serve the proposed development.
- (ii) The construction, design, and improvement of through streets shall be consistent with the plans for streets as outlined in the **Comprehensive Plan**.

(c) Minor Subdivisions

No **Minor Subdivision** may provide an interconnection to more than one other **Minor Subdivision**, and no more than two (2) **Minor Subdivisions** may share a single point of access to a **public street**.



NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(7) **School Bus Access**

Each **Major Subdivision** or **Development** Plan containing over sixty (50) **lots** shall include an internal loop **street** system allowing **school** busses to access the **subdivision**, circulate, and return to an access point to a local, collector, or **arterial street** adjoining the **Major Subdivision** or **Development** Plan **development site** without turning around or backing up. The **Plan Commission** may permit alternative **street** system provisions allowing for internal bus access if those provisions have been approved by the applicable **school district**. For purposes of this standard, the number of homes in all adjoining phases of a **Major Subdivision** or **Development** Plan shall be considered together.

(8) **Street Names**

- (a) The name of any **street**, road, drive, or avenue already in **use** or established by **plat** anywhere in Allen **County** shall not be used in any new **development** except in the case of a direct extension of the existing **street**, road, drive, or avenue of the same name.
- (b) No name of a **street**, road, drive, or avenue shall include the word north, south, east, or west, unless it denotes a geographic location.

(9) **Street Signs**

Street signs in compliance with the standards and specifications set by the **Commission** shall be provided to serve the proposed development.

(V) **Water**

Public water facilities shall be provided to serve the proposed **development**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(W) Zoning District Standards

(1) **Building Separation**

All **buildings** and **structures** shall comply with the applicable **building** separation standards for the **zoning district** in which they are located, as set forth in §157.208-209.

(2) **Building Size**

All **residential buildings** shall comply with the applicable **building** size standards for the **zoning district** in which they are located, as set forth in §157.206-211.

(3) **Number of Buildings on a Lot**

All residential **developments** shall comply with the applicable **building** number limitations for the **zoning district** in which they are located, as set forth in §157.206-211.

(4) **Height**

(a) All **buildings** and **structures** shall comply with the height standards for the **zoning district** in which they are located, as set forth in §157.206-224.

(b) In addition, when **development** other than a single **family** or **two family dwelling** occurs on a **lot** adjoining an A1, R1, R2, R3, R4, RP, MHP, or MHS **zoning district**, the height standards in §157.404(O) shall apply.

(5) **Lot Area and Width**

All **developments** shall comply with the applicable **lot** area and **lot width** standards for the **zoning district** in which they are located, as set forth in §157.206-211.

(6) **Yard Requirements**

All **development** shall comply with the applicable **yard** requirements for the **zoning district** in which they are located, as set forth in §157.206-224.

(7) **Zoning Overlay Districts**

All **development** proposals shall also be subject to all applicable provisions of Zoning Overlay **districts** including but not limited to the provisions of §157.412 (Floodplain).

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(X) **Design Standards** (CC-City Center District)

(1) Purpose

The purpose of including **design standards** as part of **Development** Plan and Site Plan Review and certain other **development** proposals is to:

- (a) Implement the design-based recommendations of the New Haven **Comprehensive Plan** and additional Council-adopted plans.
- (b) Preserve and enhance the unique character of the community, including the Downtown area, by maintaining the integrity of areas with special significance;
- (c) Foster attractive and functional design solutions;
- (d) Protect and encourage public and private investments;
- (e) Encourage new **development** and **redevelopment** which is compatible with the character and pattern of existing **development**; and
- (f) Provide design direction to property **owners**, **developers**, designers, and decision-makers.

(2) Applicability

This section shall be applicable to the following **development** proposals in the CC **district**:

- (a) Primary and Secondary **Development** Plans;
 - (b) **Major façade renovations**;
 - (c) Site Plan Review projects;
 - (d) Conversions of single **family** and two **family structures** to commercial/mixed-use **structures**, or to **multiple family structures** that are determined to be **Development** Plans, **major façade renovations**, or Site Plan routing projects; and
 - (e) **Fence**, parking **lot**, and **sign** proposals.
- (3) In case of any conflict between the standards in this §157.404(X) and other standards in this ordinance that address the same **building** or site feature, including without limitation standards in §157.404(C) through §157.404(W), the standards in this §157.404(X) shall apply.
- (4) General Requirements

Planning Department staff shall be responsible for conducting reviews, making recommendations, or taking action on certain **development** proposals in the CC **zoning district**. All **Commission**-reviewed **Development** Plan projects in the CC **district** shall also be reviewed in terms of the recommendations of the New Haven Comprehensive Plan and other council adopted area specific plans.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(5) Design Standards

The following **design standards** shall apply as noted.

(a) Awnings, Canopies, and Marquees

- (i) Fiberglass and plastic **awnings** shall not be permitted.
- (ii) **Awnings** shall not be internally lit.
- (iii) At their lowest point, **awnings, canopies, and marquees** shall be a minimum of eight (8) feet above the grade of the sidewalk.

(b) Balconies

At their lowest point, balconies shall be a minimum of eight (8) feet above the grade of the sidewalk.

(c) Building Additions

Additions to the front or side of an existing **structure** that are visible from a **public street** shall be similar in material and design to the **primary façade**.

(d) Building Lighting

- (i) **Building-mounted** light fixtures shall be shielded with an Illuminations Engineering Society of North America (IESNA) **full cutoff** fixture such that **glare** is not created on adjoining public **rights-of-way**.
- (ii) **Building-mounted** light fixtures in pedestrian areas such as sidewalks, pathways, and plazas shall not be mounted higher than twelve (12) feet, as measured from the adjoining grade.

(e) Building Materials

- (i) **Mirrored glass** is prohibited for all new construction, **façade renovations**, and **building** conversions.
- (ii) In the CC **district**, aluminum and/or vinyl residential style lap siding is prohibited on the first two stories of **structures**, for all new construction, **façade renovations**, and **building** conversions.
- (iii) Thin-set brick, corrugated metal, Exterior Insulation Finishing Systems (EIFS), and wood shake, shingle, or other wood lap siding is prohibited on the bottom three (3) feet of the **primary façade** of the **structure** for new nonresidential and **mixed use buildings, façade renovations**, and **building** conversions.

(f) Cornice/Roof Layer Screening

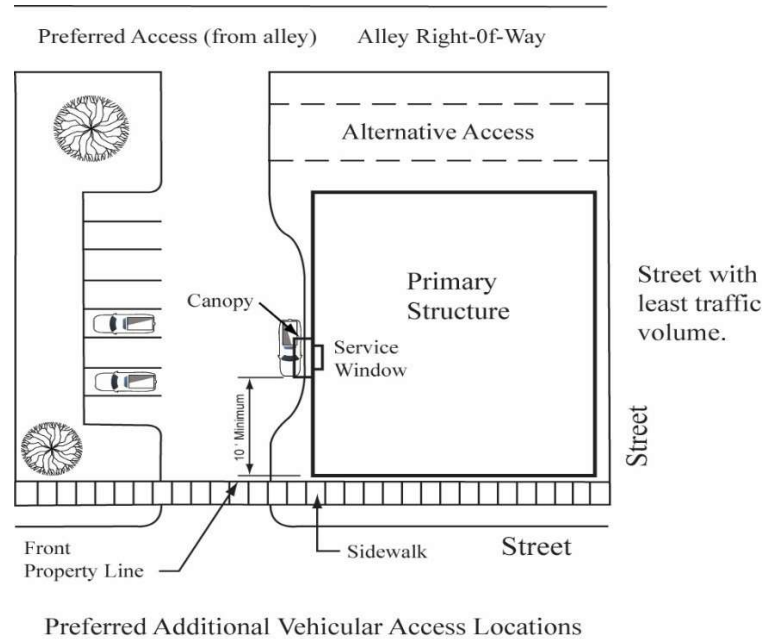
Roof-mounted mechanical equipment such as roof vents, metal chimneys, **solar panels**, television antennae/**satellite dishes**, or air conditioning units shall be screened so as to not be visible from any adjoining sidewalk or **street**.

(g) Drive-Through Facilities

- (i) The following requirements shall apply to all **drive-through facilities**:
 - [A] There shall be a direct pedestrian access between the primary entrance and the adjoining public sidewalk.
 - [B] The **drive-through facility** shall not have more than two (2) service lanes.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

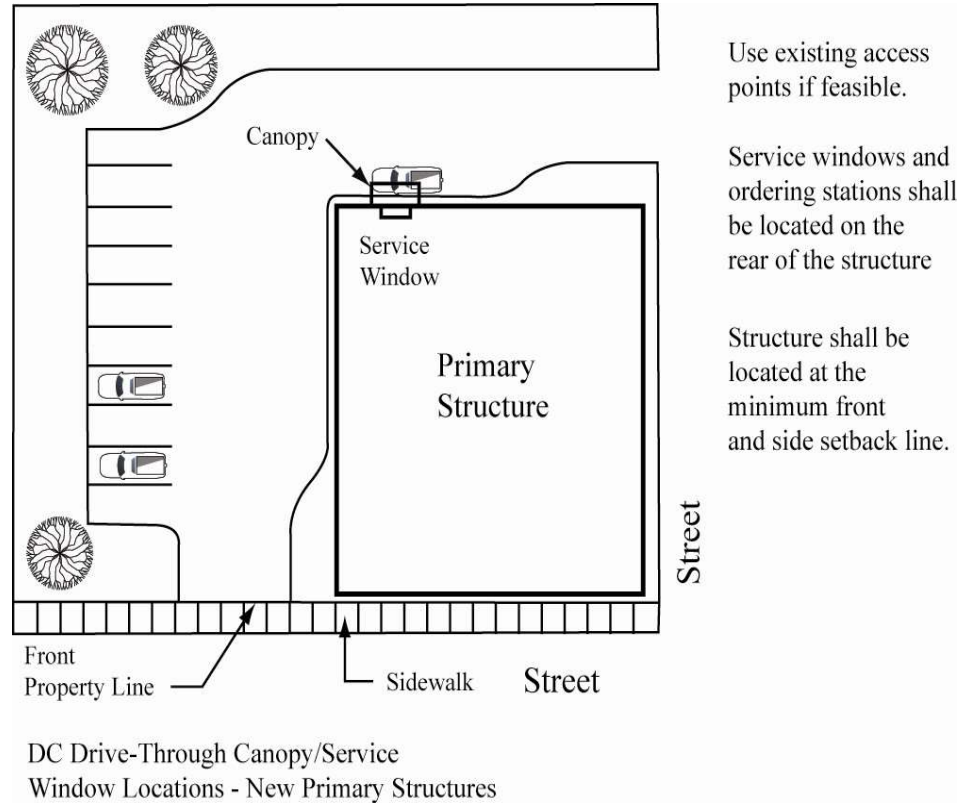
- [C] If an additional access point is required to serve a new facility, the access should be provided from an **alley** if feasible; if **alley** access is not feasible, the access should be provided from the **street** with the least traffic volume.



NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (ii) The following requirements shall apply to **drive-through facilities** proposed as part of a new **primary structure**:

- [A] The **structure** shall be located at the minimum front **setback** line as established in this ordinance for the associated **zoning district**. **Structures** located on a **corner lot/development site** shall be considered to have two (2) front **setback** lines. In this situation, the **Plan Commission** or **Zoning Administrator** shall determine the location of any required **rear yard**.
- [B] In CC **districts**, **drive-through service windows** and ordering stations shall be located on the rear of a **structure**.



NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (iii) The following requirements shall apply to **drive-through facilities** proposed as an **addition** to an existing **primary structure**:
 - [A] In CC **districts**, **drive-through** service **windows** and ordering stations shall be located either on the interior side or rear of a **structure**, with access to the **window** provided by new or existing **alley** access points; an existing **street** access point may also be used.
 - [B] In CC **districts**, **drive-through** service **windows** and ordering stations shall be located either on the interior side or rear of a **structure**, with access to the **window** provided by new or existing **alley** or **street** access points.
 - [C] If the **drive-through** service **window** is located on the interior side of the **structure**, **canopies** for the **drive-through** lanes shall be attached to the **structure** and recessed from the front of the **structure** by a minimum of ten (10) feet.
 - [D] If the **drive-through** service **window** is located on the interior side of the **structure**, the **drive-through** lanes shall be located a minimum of ten (10) feet from the **building** at the location where the exit lane meets the public sidewalk.
- (h) Entrances
 - (i) There shall be at least one (1) unobstructed pedestrian walkway at least five (5) feet wide connecting the **primary façade** entrance to an adjoining public sidewalk.
 - (ii) For new nonresidential and **mixed use buildings**, there shall be a minimum of one (1) direct pedestrian entrance accessed directly from the primary **street frontage** of a **building**. A corner entrance shall be permitted as a way of meeting this standard.
 - (iii) For new nonresidential and **mixed use buildings**, architectural features shall be provided at **primary façade** entrances and shall include at least one (1) of the following at each primary entrance:
 - [A] An arch;
 - [B] An **awning** or **canopy**;
 - [C] Architectural design elements, projecting from the vertical plane of the main exterior **wall** and raised above the adjoining parapet **wall/roof**;
 - [D] Architectural details such as tile work and moldings that are integrated into the **building** design;
 - [E] Enhanced exterior lighting such as **wall** sconces, **building** mounted accent lights, or decorative pedestal lights;
 - [F] Pilasters projecting from the plane of the **wall** by a minimum of eight (8) inches and/or architectural or decorative columns that create visual breaks and interest in the **façade walls**;
 - [G] A raised corniced parapet over the door; or
 - [H] A recessed entry.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (iv) For new nonresidential and **mixed use buildings**, **building** mounted lighting shall be provided at primary and secondary entrances.
- (v) For new **residential buildings**, the primary exterior entrance(s) shall face a primary **street frontage** or be oriented to the corner, and shall be highlighted with architectural elements and/or details, including at least one (1) of the following at each primary entrance:
 - [A] An arch;
 - [B] An **awning** or **canopy**;
 - [C] Architectural design elements, projecting from the vertical plane of the main exterior **wall**;
 - [D] Architectural details such as tile work and decorative moldings that are integrated into the **building** design;
 - [E] Enhanced exterior lighting such as **wall** sconces, **building** mounted accent lights, or decorative pedestal lights;
 - [F] Pilasters projecting from the plane of the **wall** and/or architectural or decorative columns that create visual breaks and interest in the **façade walls**;
 - [G] A **porch**: or
 - [H] A recessed entry.
- (i) **Façade Horizontal Divisions (Primary Façades)**
 - (i) For new nonresidential and **mixed use buildings**, a clear delineation/division between the **street** level **façade** and upper **façade** shall be created by providing one of the following elements:
 - [A] **Awnings**;
 - [B] Variation in **window** pattern such as large store-front **windows** at **street** level and smaller, separated **windows** on the upper **façade** level; or
 - [C] A flush or projecting horizontal band of a different material, color, or pattern.
 - (ii) For new nonresidential and **mixed use buildings**, one of the following elements shall be included on the cornice layer:
 - [A] A cornice or other three-dimensional element; or
 - [B] A flush or projecting horizontal band of a different material, color, or pattern.
- (j) **Façade Vertical Divisions (Primary Façades)**
 - (i) For new nonresidential and **mixed use buildings**, the **façade** shall consist of **building bays** that are a maximum of thirty (30) feet in width. **Building bay** widths shall be measured to the center of the column, pilaster, or other element/change in plane.
 - (ii) Bays shall be established using at least one of the following architectural features:
 - [A] Changes in texture or materials;

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- [B] Columns, ribs, or pilasters;
- [C] Enhanced entries; or
- [D] A change in plane (a recess or projection).

(k) **Façade Transparency**

For new nonresidential and **mixed use buildings**, a minimum of fifty (50) percent of the **street** level **façade** shall be transparent, as measured by the **window** and door openings compared to the area of the **façade**. The length of the area of the **façade** shall be measured from the top of any foundation **wall** to the bottom of the first floor ceiling.

(l) **Façade Design (Secondary)**

For new nonresidential and **mixed use buildings**, **building walls** that are visible from **public streets**, public gathering areas, connecting walkways, or **adjacent development** shall be **subdivided** horizontally and vertically as further set forth in (9) and (10) above on at least fifty (50) percent of the **façade**.

(m) **Mechanical and Service Area Screening**

- (i) For new nonresidential and **mixed use buildings**, roof-mounted mechanical equipment such as roof vents, metal chimneys, **solar panels**, television antennae/**satellite dishes**, or air conditioning units shall be screened so as not to be visible from any adjoining **street** or sidewalk.
- (ii) For new nonresidential and **mixed use buildings**, loading berths, service areas, **trash storage**, exterior work areas, **storage yards**, and truck parking shall be adequately screened from **public streets**, public open spaces and residential properties using **building** mass, **freestanding walls** and gates, and/or landscaping, except at access points. The screening shall be a minimum of six (6) feet in height.
- (iii) For new nonresidential and **mixed use buildings** except for dumpsters recessed into a **building**, the minimum height service area or dumpster enclosure screening shall be six (6) feet. Gates shall be provided.
- (iv) For new nonresidential and **mixed use buildings**, ground-mechanical equipment shall be screened with an enclosure constructed of materials that are compatible with the **primary structure** materials or with evergreen landscaping that is not less than the height of the mechanical equipment at the time of planting.
- (v) For new **residential buildings**, dumpsters and mechanical equipment located on the ground shall be screened on all sides from any adjoining **street** or sidewalk by the **building**, **walls**, plant material, or **fences**.

(n) **Site Lighting**

- (i) Site lighting shall be required to illuminate pedestrian areas outside of the public **right-of-way** including **parking areas**, service areas, sidewalks and pathways, and plazas.
- (ii) Lighting intended for pedestrian pathway illumination shall have a maximum height of fifteen (15) feet.
- (iii) All parking **lot** lighting requirements shall also apply to interior drives and other areas on the property used by vehicles.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (iv) The maximum height for all parking **lot** illuminating light fixtures, including both the pole and the base, shall be twenty-five (25) feet above grade.
- (v) The maximum average maintained illumination level of **parking areas**, service areas, pathways, and plazas shall be no more than one and six-tenths (1.6) horizontal foot-candles at grade.
- (vi) **Cutoff** fixtures shall be used for parking **lots** or building-mounted lighting. Lighting fixtures shall be fully shielded (no direct light emitted past a specified point or **lot line**) or **full cutoff** (no light emitted above the horizontal plan of the lowest edge of the fixture) in accordance with dark sky principles.
- (vii) The use of spotlights, floodlights, and searchlights shall be prohibited except for short-term events of up to seven (7) days.
- (viii) Holiday lighting shall be exempt from the provisions of this section.
- (ix) Lighting of **outdoor display** or open sales areas
 - [A] Light fixtures serving areas designated as exterior display or open sales areas shall be **full cutoff** and/or fully shielded fixtures.
 - [B] Areas designated as exterior display or open sales areas shall be illuminated so that the average maintained horizontal illumination at grade level does not exceed four (4) foot-candles.
 - [C] Light fixtures located on the perimeter of display or sales areas and within twenty (20) feet of a **lot line** shall utilize “house-side” shielding to minimize light spillage beyond that **lot line**.
- (o) **Townhouse Complexes**
 - (i) Townhouse units shall only be connected to other units on the sides of the unit (each unit shall have its own exterior front and rear **walls**).
 - (ii) No single **building** shall have more than ten (10) ground floor units.
 - (iii) Units shall not have **garage** doors facing **public streets**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(Y) **Reserved**

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(Z) **Design Standards** (R4-Flex Residential **District**)

(1) Purpose

The purpose of including **design standards** as part of **development** proposals in the Residential Flex District is to:

- (a) Preserve and enhance the unique character of the community by offering a way to create new neighborhoods with traditional neighborhood design principles;
- (b) Foster attractive and functional design solutions;
- (c) Encourage new **development** and **redevelopment** that promotes walkable, compact, and dense neighborhoods;

(2) Applicability

This section shall be applicable to the following development proposals in the R4 districts:

- (a) **Major & Minor Subdivisions**;
- (b) Primary and Secondary **Development** Plans;
- (c) Site Plan Review projects;
- (d) Conversions of single **family** and two **family structures** to commercial/mixed-use **structures**, or to **multiple family structures** that are determined to be **Development** Plans or Site Plan routing projects.

(3) In case of any conflict between the standards in this §157.404(Z) and other standards in this ordinance that address the same **building** or site feature, including without limitation standards in §157.404(C) through §157.404(W), the standards in this §157.404(Z) shall apply.

(4) Submission Requirements for R4/Residential Flex Rezoning

Applications for rezoning to the R4/Residential Flex **district** shall be done in conjunction with a **Development Plan** or **Primary Plat**. The application shall include building elevation drawings that provide adequate detail of the primary **facades** and architectural style of the proposed development. The **Commission** shall find that the proposed **development** is consistent with the intent and purpose of the R4 **district**.

(5) General Requirements

Planning Department staff shall be responsible for conducting reviews, making recommendations, or taking action on certain **development** proposals in the R4 zoning **district**. All **Commission** and staff reviewed **Development** Plan projects in the R4 district shall also be reviewed in terms of the recommendations of the **Comprehensive Plan** and **Council** adopted area specific plans.

(6) **Design Standards**

The following design standards shall apply as noted. (a)

Anti-Monotony

Residential **developments** shall have diversity in streetscapes, lot sizes and/or **development** features to avoid monotonous streetscapes and to encourage stimulating living environments.

(i) **Primary Façade**

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Primary Facades on the same building model shall not be duplicated for two (2) **lots** on each side of the subject lot on the same side of the **street**. Also, **primary facades** for the same building model may not be duplicated for five (5) **lots** across the street from the subject **lot**. No more than 30% of the same **primary façade** shall be built on the same **street**.

(ii) **Exterior Siding Color**

At the time the **Certificate of Compliance** is issued, no two (2) adjacent **dwelling**s shall have the same exterior siding color.

(iii) **Masonry Package**

Masonry packages may not be duplicated for two (2) **lots** on each side of the subject lot on the same side of the street. Also, masonry packages may not be duplicated for three (3) houses across the street from the subject **lot**.

(iv) **Other**

The developer may propose alternative methods of accomplishing the City's anti-monotony goals. Such methods may be approved by the Zoning Administrator on a case-by-case basis.

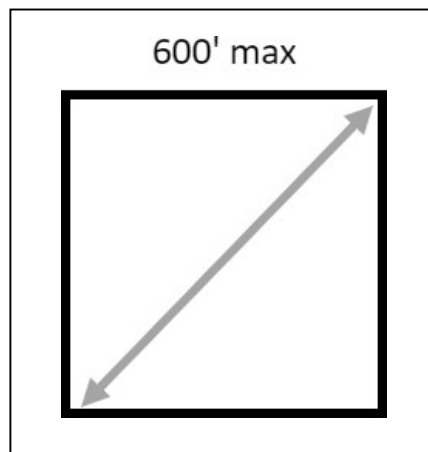
(b) **Blocks**

An area of land bounded by **streets** or by a combination of **streets** and public land, rights-of-way, **common area**, railroad rights-of-way, waterways, or any other barrier to the continuity of **development**.

(i) **Block Section Maximum**

The maximum distance between any two points on the perimeter of a block, or an area enclosed by the designated route network (including **streets**, alleys, and/or pedestrian paths) shall be 600 feet. Stub **streets** shall be provided to adjoining **parcels** to be consistent with this requirement.

The **Commission** may waive the block section requirement when steep slopes greater than 25%, freeways, waterways, railroad lines, preexisting development, tree conservation areas, stream buffers, open or easements would make the provision of this requirement infeasible or does not advance the intent of this Article.



NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(c) **Street Lighting**

Public street lighting in compliance with the standards and specifications of the **Commission** shall be provided to serve the proposed **development**. This shall include public street lighting along the full property **frontage** of any **street** adjoining the **Development** Plan or Site Plan **development site**. This requirement may be modified or waived as outlined in the Commission's standards and specifications for street lighting.

(7) **Platted Building Line Setback**

The **Commission** may require the inclusion of a platted **building** line **setback** for new residential **subdivisions** and **multifamily complexes** within the R4/Residential Flex **zoning district**. The platted **building** line **setback** distance for front, side, and rear lot lines may be set at the discretion of the **Commission**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.405 DEVELOPMENT STANDARDS WAIVERS AND EXCEPTIONS

(A) Minor and **Major Subdivisions**

No **waiver** of design and **development** standards is permitted on an application for **Minor Subdivision** or **Major Subdivision** approval, unless the design and **development** standards are modified by a variance of **development** standards approved by the **Board of Zoning Appeals** pursuant to §157.503(E).

(B) **Development Plans**

The following shall apply to **waivers** to design and **development** standards on **Development Plans**, other than those downtown **design standards** in §157.404(X).

(1) Authority

Pursuant to I.C. 36-7-1402(b)(4), the **Plan Commission** may waive a design or **development** standard listed in §157.404(C) through (W) as set forth below, except as set forth in subsection (2) below, based on the criteria in subsection (3) below:

(2) Exceptions

The following standards may only be varied by the **Board of Zoning Appeals** through the variance process described in §157.503(E).

- (a) Pedestrian circulation standards in §157.404(N); and
- (b) Residential impact **mitigation** standards in §157.404(O).

(3) Criteria

Except for the standards listed in §157.405(B)(2) above, the **Commission** may waive or adjust those design and **development** standards as part of its approval of a Primary or Secondary **Development Plan** if it determines in writing that:

- (a) The **waiver** or modification is in conformance with the purposes and intent of this ordinance along with the objectives and policies of the **Comprehensive Plan**;
- (b) The applicant has submitted adequate evidence to demonstrate that the requested **waiver** or modification will not have a **significant** impact on contiguous residential properties; and
- (c) The failure to grant the requested **waiver** would result in practical difficulties in the **use** of the property for the proposed **development**.

(C) Height Standards Exceptions

The following **buildings** or **structures** shall be exempt from the height limitations herein (however, no **building** or **structure** shall provide additional inhabitable floor space above the height limit):

- (1) **Amateur radio towers**/antennae (freestanding or **building** mounted);
- (2) Chimneys;
- (3) Fire or parapet **walls**;
- (4) Flagpoles;
- (5) Grain elevators;
- (6) Industrial installation requiring a vertical production procedure such as a steel mill;
- (7) Silos;

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (8) Skylights;
 - (9) Smokestacks;
 - (10) Stairways;
 - (11) **Steeple**s;
 - (12) Television aerials (residential), including radio antennae (freestanding or **building** mounted);
 - (13) Uninhabited **structures** for the housing of elevators or mechanical equipment;
 - (14) Water tanks (**building** mounted); or
 - (15) Water towers.
- (D) Waivers of Design Standards
- (1) Authority

The **Plan Commission** may waive or adjust a design or **development** standards listed in §157.404(X) through (Z), as well as the standards in §157.402 (**Accessory Structures and Uses**) and §157.407 (Parking) as set forth below, except as set forth in subsection (2) based on the criteria in subsection (3) below:
 - (2) Exceptions

The following standards may only be varied by the **Board of Zoning Appeals** through the variance process described in §157.503(E).

 - (a) Residential impact **mitigation** standards in §157.404(O).
 - (3) Criteria

The **Commission** may waive or adjust those **development** and **design standards** not listed in subsection (2) above, if it determines in writing that:

 - (a) The **waiver** or modification is in conformance with the purposes and intent of this ordinance along with the objectives, and policies of the **Comprehensive Plan**;
 - (b) The applicant has submitted adequate documentation in support of the requested **waiver** or modification;
 - (c) The proposed **building** or site design, after the granting of the requested **waiver** or modification, will be an attractive and functional design that meets the intent of the **design standards** and is compatible with the character and pattern of existing **development** in the surrounding area;
 - (d) The need for the **waiver** arises from **conditions** specific to existing site or area characteristics, such that it is not practical to provide the required design feature on the site;
 - (e) The **waiver** or adjustment is not being requested to solely to avoid costs or expenses of compliance with the standards in this ordinance; and
 - (f) The approval of the **waiver** or modification will not be unduly detrimental to existing public and/or private investments.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.406 HOME OCCUPATIONS

(A) Home Occupation Standards

To be considered a **home occupation**, a proposed **use** shall comply with all of the following:

- (1) The **home occupation** shall be operated only by residents of the **dwelling**; no outside employees shall be permitted;
- (2) The **home occupation** shall be conducted entirely within the **dwelling** unit. No **home occupation** shall be operated from a detached **accessory structure** or **garage**;
- (3) The **home occupation** shall not display or create any external evidence of the operation of the occupation except that a single vehicle, used in conjunction with the occupation, may be parked outside and may display advertising or a logo. In addition, signage shall be permitted as set forth in §157.409;
- (4) A **home occupation** shall be permitted in a single **family**, two **family**, or **multiple family dwelling** unit; and
- (5) Clients or customers are not permitted to come to the home, and retail sales shall not be permitted to take place on the property.

(B) Permitted Home Occupations

Permitted **home occupations** shall include but not be limited to the following (provided that no clients or customers come to the **dwelling** unit):

- (1) **Personal service uses**;
- (2) **Professional office/business service uses**;
- (3) Limited assembly of products or components of products; and
- (4) Limited production of products or components of products.

(C) Prohibited Home Occupations

Prohibited **home occupations** shall include but not be limited to **automobile** mechanical or body repair (other than routine maintenance and minor repair of personal **motor vehicles** titled to the occupants of the property), or **automobile detailing**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.407 PARKING

(A) Purpose

The purpose of this section is to establish standards for the provision of adequate off-street parking facilities, including standards for bicycle facilities and **parking structures**, for permitted or approved residential, commercial, mixed **use**, industrial and other **nonresidential uses**.

(B) Applicability

The minimum off-street parking requirements of this section shall apply to:

- (1) Any new freestanding **building** or **use** except in the CC & MU **district**, and except for the excluded **uses** in §157.407(D)(1)(d). In cases where a **building addition** of over 50% of the **gross floor area** of an existing **primary building** or displaces existing **parking spaces**, the current parking provisions shall also be reviewed by **Planning Department** staff to see if additional parking should be provided. This review shall consider the existing number of **parking spaces** provided, the ability to provide additional on-site parking, and the availability of additional parking in the immediate area. If parking is provided for **uses** in the CC & MU **districts**, there shall be a maximum number of **parking spaces** allowed; the parking maximum shall be the number of spaces required for the **use** by the ordinance in **districts** other than the CC & MU **districts**, if parking for the **use** is provided in either an on-site or off-site **parking structure**; if parking for the **use** is not provided in a **parking structure**, then the parking maximum shall also be the number of spaces required for the **use**.

(C) General Parking Standards

(1) Location On-Site Required

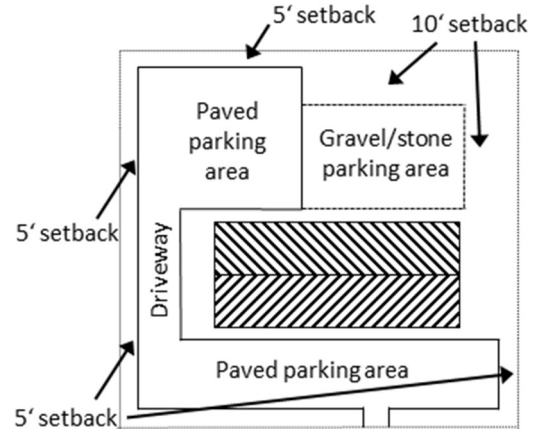
All **parking spaces** required by this section shall be provided on the same **lot, tract** or **development site** as the **building, structure, or use** for which the spaces are required, except in the case of **off-site parking areas** for **religious institutions** or **school uses**, where the **lot** is either under the same ownership or operates under an executed agreement allowing for its **use** and is directly across an **alley right-of-way** from the **primary use**.

(2) Parking Area Location Standards

- (a) Any paved area used for off-street public or employee parking, including internal **driveways** and driving lanes, shall meet the following standards, except for:
 - (i) **Driveways** or driving lanes that provide direct access between the **parking area** and a **public or private street**; and
 - (ii) Any single or two **family** residential **driveway** or **parking area** that does not meet the definition of “public **parking area**”.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (b) Paved areas shall be located a minimum of five (5) feet from any **lot line**.
- (c) Gravel areas shall be located a minimum of ten (10) feet from any **lot line**.
- (d) In CC **district**, off-street parking shall not be located in front of or on the side of any new **structure**. Where existing site **conditions** do not allow for the five (5) foot pavement **setback** required in §157.407(C)(2)(b) above, the required **setback** may be eliminated along a side or **rear lot line**, and reduced to three (3) feet along a **front lot line**.



(3) Compliance with the Americans with Disabilities Act

The design and construction of all new off-street **parking areas** shall comply with the applicable requirements of the Americans with Disabilities Act (ADA).

(4) Maintenance

Off-street parking spaces and any required landscaping shall be provided and maintained by the property **owner** or other occupant of the property.

(D) Minimum Off-Street Parking Requirements

(1) General Requirement

- (a) Where applicable and required, **off-street parking spaces** shall be provided in at least the amounts set forth in the following table, as adjusted by any applicable credits pursuant to §157.407(D)(2).
- (b) For **uses** that require off-street stacking spaces, additional stacking space may be required as part of the approval of a **Development Plan**, if the **Plan Commission** determines that they are necessary for traffic safety purposes.
- (c) **Parking spaces** located within a **garage** on a **lot** containing a single **family** or **two family dwelling**, and **parking spaces** located within a **garage** on a **lot** containing a **multiple family dwelling** and designated for **use** by that **dwelling** unit shall count towards required off-street parking requirements.
- (d) The Planning Director may reduce the minimum required parking spaces by up to 25% for site plan review projects when it is demonstrated by the applicant that the provided parking is adequate to serve the proposed development.
- (e) A group of adjacent properties may provide a shared parking area if all the following criteria are met:
 - (i) **Minimum Number of Parking Spaces Required**
The shared lot shall provide at least 80% of the cumulative total of parking spaces required for each use.
 - (ii) **Administrative approval**
The Planning Director approves the shared parking area.
 - (iii) **Reciprocal Parking Agreement**

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

A written reciprocal parking agreement signed by all property owners involved is required and shall include provisions concerning at least the following items: maintenance, snow removal, ownership, and liability and shall be recorded in the County Recorder's office. A copy of the recorded agreement shall also be submitted to and kept in the Planning Department office.

- (f) The following **uses** shall not have a minimum off-street parking requirement:
- (i) **Airport;**
 - (ii) **Community garden;**
 - (iii) **Cemetery**
 - (iv) **Fairground;**
 - (v) **Hospital;**
 - (vi) **Nature preserve;**
 - (vii) **Religious institution;**
 - (viii) **School;** and
 - (ix) **Uses in the CC/City Center or MU/Mixed Use districts.**

MINIMUM OFF-STREET PARKING REQUIREMENTS (see the table below for specific use additional stacking space standards)	
Use	Parking Standard(spaces per measurement type)
Animal service	1 per 400 square feet
Assisted living facility	1 per 3 sleeping rooms
Athletic field (indoor)	1 per 6 seats
Athletic field (outdoor)	30 per field
Auditorium	1 per 400 square feet
Automobile service	1 per 400 square feet
Bed and breakfast	1 per sleeping room
Business service	1 per 400 square feet
Campus housing (off-site)	1 per 3 sleeping rooms
Educational institution (business school, college, medical training, university, or similar post-secondary use)	1 per 400 square feet
Golf course	4 per golf hole
Group residential facility	1 per 3 sleeping rooms
Hotel	1 per sleeping room
Industrial	1 per 1,000 square feet, or 1 per employee at largest shift (whichever is less; however, a minimum of 3 spaces shall be provided)
Instruction/training	1 per 400 square feet
Library	1 per 400 square feet
Live-work unit	1 per 400 square feet
Medical facility or office	1 per 400 square feet
Mixed use project (uses with different parking requirements)	The greatest number of spaces required by any individual use
Motel	1 per sleeping room
Multiple family	1 per 1-2 bedroom dwelling unit 2 per 3+ bedroom dwelling unit 1 per dwelling unit (MU district only)
Multiple tenant nonresidential building	1 per 400 square feet (regardless of individual uses)
Museum	1 per 400 square feet
Nursing home	1 per 3 sleeping rooms
Personal service	1 per 400 square feet

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

MINIMUM OFF-STREET PARKING REQUIREMENTS (see the table below for specific use additional stacking space standards)	
Use	Parking Standard(spaces per measurement type)
Professional office	1 per 400 square feet
Recreation/tourism, limited	1 per 400 square feet
Recreation, general	1 per 400 square feet, plus 1 per 400 square feet of developed outdoor facilities
Restaurant	1 per 400 square feet
Retail	1 per 400 square feet
Retirement facility	1 per dwelling unit
Self-storage	1 per 400 square feet of office
Single family	1 per dwelling unit
Stadium/racetrack	1 per 6 seats
Studio	1 per 400 square feet
Theater (indoor)	1 per 6 seats
Two family	1 per dwelling unit

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

STACKING SPACE PROVISIONS	
Proposed Use	Stacking Standard (spaces per measurement type)
Automatic teller machine	2 per drive-through lane
Bank	2 per drive-through lane
Car wash	6 per automatic washing bay 1 per manual washing bay
Drug store/pharmacy	2 per point of sale (payment) window
Restaurant	4 per point of sale (payment) window
Other retail use w/accessory drive-through facility	2 per point of sale (payment) window

(2) Credits

To allow for flexibility in the City's nonresidential **zoning districts** (CC, MU, C1 through C4, SC, NC, **BTI**, and I1 through I4) and in order to accomplish the **Comprehensive Plan's** objectives of urban revitalization, enhancing the pedestrian environment, and encouraging the use of transit, **parking space** credits shall be allowed for **nonresidential uses** in these **districts** as set forth below:

- (a) On-street **parking spaces** directly in front of and to the side of the **lot, tract, or development site** where the proposed or existing **use** is located may be counted towards satisfying the minimum off-street parking requirements.
- (b) One (1) required **off-street parking space** for each on-site bicycle rack (a rack must store a minimum of four (4) bicycles), up to two (2) % of the total parking requirement.
- (c) If access to public transit is located within 400 feet of the **lot, tract, or development site** where the proposed or existing **use** is located, this may serve in lieu of one (1) required **off-street parking space**.
- (d) If construction techniques such as pervious pavement, block and concrete modular pavers, and grid pavers are used for off-street parking surfaces, each space provided as a result may serve in lieu of two (2) required **off-street parking spaces**, up to a maximum of ten (10) % of the number of required spaces.
- (e) However, in the MU **district**, where existing off-street parking exists, or additional spaces are required, the resulting off-street parking provided after the application of these credits shall not be less than two spaces (it is intended that a minimum of 2-4 **off-street parking spaces** be provided behind existing or proposed **structures** on the same **lot, tract, or development site** in these **districts** where practical, primarily to accommodate employee parking).

(E) Parking Lot Improvement Standards

(1) Board of Works Standards

All land used for off-street parking and all **driveways** serving **parking areas**, whether required by this ordinance or provided voluntarily, shall comply with those minimum standards and specifications for paving, surfacing, and drainage established by the **Board of Works**. In the event of any inconsistency between those standards and specifications and the requirements of this ordinance, the **Board of Works** standards and specifications shall apply.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(2) Paving and Drainage

- (a) All land used for off-street parking and all **driveways** serving parking, delivery, and loading areas, shall be paved with asphalt, concrete, pervious pavement (which may include block, concrete, similar modular pavers, and grid pavers); or other approved all-weather hard surfaces, and shall be drained with materials and in a manner that meets the current minimum standards and specifications for **parking areas** adopted by the **Board of Public Works**, except as provided in §157.407(E)(2)(b) below.
- (b) In industrial **zoning districts**, **parking areas** that are provided in addition to the minimum number of spaces required as set forth in §157.407(D)(1) shall not be required to be paved, but may have a gravel surface that meets the current minimum standards and specifications for **parking areas** adopted by the **Board of Works**.

(3) Curbing

All off-street **parking areas** shall have curbing or other acceptable elements around the perimeter of the **parking area** at a sufficient location to keep vehicles from overhanging or encroaching upon abutting properties, **streets**, **alleys** or sidewalks or landscape areas.

(4) Single and Two Family Dwellings

The standards in §157.407(E)(2)(a) and (b) above shall not apply to single and **two family dwellings**. However, the parking, **storage**, or display of **motor vehicles** on grass or other similar areas that do not have a paved or gravel surface shall not be permitted on any property.

(5) Parking **Lot** Landscaping, Screening, and Buffering

Landscaping, screening, and buffering of off-street **parking areas** shall be provided to meet the requirements of §157.408.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.408 LANDSCAPE STANDARDS

(A) Purpose

The purpose of this section is to establish standards to provide adequate landscaping and screening and buffering between **buildings, structures, parking areas, driveways, and outdoor activity areas** and **adjacent uses, structures, and streets**. The objectives of these standards are to promote compatibility between different land **uses**; conserve energy and moderate the effects of sun and wind; decrease storm water runoff and erosion; conserve or enhance property values; and improve the appearance of individual **developments**.

(B) Applicability

- (1) The requirements in this §157.408 shall apply to all requests for approval of a Primary or Secondary **Development Plan**, Site Plan Review, certain **Improvement Location Permits** (including permits for new **outdoor activity areas**), and parking **lot** permits, except that only the exterior area landscape standards shall apply in the CC and MU **districts**.
- (2) These standards shall also apply to the creation of a nonresidential **out lot** from an existing **parking area**.
- (3) The **Board of Zoning Appeals** and Hearing Officer may also consider and use these standards as **conditions** for the approval of applications.
- (4) If this §157.408 requires screening and buffering between two **adjacent** properties, and an existing property already contains screening and buffering that satisfies the applicable screening and buffering standards, a new **development** or **use** on the **adjacent parcel** is not required to install additional landscaping or screening.
- (5) If there are multiple screening or buffering standards in the same area (for example, both a **building** and a **parking area**, or a **building** and an **outdoor activity area** are **adjacent** to a **residential district**), the standard for the item that is closest to the **adjacent** property shall apply.
- (6) New outdoor eating/drinking/smoking areas shall always provide a **solid fence** to screen the area from any **adjacent residential district**.

(C) Landscape Plan

A landscape plan shall be submitted to show conformance with this §157.408. The plan shall be prepared by an individual knowledgeable of plant materials, landscape and site design, construction processes, and growing conditions in this region (USDA Zone 5) and shall be in a format and with supporting information as established by the **Plan Commission**.

(D) Standards and Requirements

(1) General Standards and Requirements

(a) Preservation of Existing Trees

The location of existing significant individual trees and tree masses should be considered by the applicant in the planning and design of site **development**, and locations should be avoided, and trees preserved where possible. Existing trees and other existing vegetation may be used to meet the requirements of this §157.408. Existing trees intended to be preserved in order to meet the requirements of this section shall be protected during the construction of the project through the erection of a **fence** around the drip line of the tree.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(b) Location of Screening and Buffering Materials

Screening and buffering materials may be located either on the **lot line**, adjoining or within a **parking area**, or adjoining a **building**; however, screening and buffering plants and fencing may be located within a utility **easement** only if there is no conflict created with either existing or proposed utility facilities.

(c) **Parking Area** Landscape Standards Applicability

The edge buffering requirements §157.408(D)(2) and the interior parking **lot** landscaping requirements in §157.408(E) shall be applicable to the following:

- (i) All new primary or accessory **parking areas** except that the standards shall not apply to any pervious paver **parking areas** provided in addition to required parking;
- (ii) Any **addition** to an existing **lot** that increases the number of spaces by more than 25 or the **parking area** by more than 8,000 square feet, but increases the overall area of the **lot** by less than 50%, shall have the landscape standards applied to the additional **lot** areas only (an **addition** of less than 25 spaces and less than 8,000 square feet shall not have any applicable landscape standards; and
- (iii) Any **addition** to an existing **lot** that increases the overall **lot** area by over 50% shall have the perimeter **parking area** landscape standards (Code P-1, P-2 or P-3 as applicable) applied to the entire **lot** perimeter.

(d) Conflicts with Existing Utility **Easements** and Facilities

If this ordinance requires the placement of landscape materials within a platted or otherwise dedicated utility **easement**, and the policies or specifications of the utility providers using that **easement** prohibit that type of landscaping within the **easement**, an alternative location may be proposed by the applicant and approved by the **Planning Department** to avoid such a conflict, provided that there is no reduction in the total quantity of the landscape materials and the relocated plants continue to meet the intent of the standards in this ordinance to the extent practicable.

(e) Conflicts with **Driveways** and Site Features

If this ordinance requires the placement of landscape materials within a location designated for a **driveway** or in a location where it would interfere with pedestrian access or with visibility of an existing permitted **sign** on the property an alternative location may be proposed by the applicant and approved by the **Planning Department** to avoid such a conflict, provided that there is no reduction in the total quantity of the landscape materials, the number of trees required along **public street frontages** is not reduced by more than one tree per **street frontage**, and the relocated plants continue to meet the intent of the standards in this ordinance to the extent practicable.

(f) **Corner Visibility**

All required screening and buffering shall be subject to the standards set forth in this ordinance.

(g) Plant Requirements

All trees and shrubs used for landscaping purposes shall be selected from the **Plan Commission's** adopted plant species list unless an alternative species is approved by **Planning Department** staff as part of a **Development Plan** or Site Plan review.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(h) Mounding Standards

- (i) Where this section requires landscaping for the purpose of screening a **building** or activity area, a mound may be used to meet all or part of the screening requirement. If mounding is used to meet part of a screening requirement the remaining required screening shall still be provided as set forth herein.
- (ii) If mounding of at least three (3) feet in height is provided, then any required shrub screening **standard** shall be reduced to 50%.
- (iii) Mounding used for screening purposes may be located in a required **yard**, subject to the **corner visibility** provisions set forth in this ordinance. All mounding installed to meet the provisions of this section shall be covered with grass or other acceptable ground cover, shall be designed and installed to ensure that it does not create ponding or other storm drainage problems on adjoining properties, and shall not include side slopes exceeding 34%.

(i) Fencing Used for Screening

Where this section requires landscaping for the purpose of screening a **building** or **outdoor activity area**, a **solid fence** may be used to meet the screening requirement. Fencing used for screening purposes may be located in a required **yard**, subject to the **corner visibility** provisions set forth in this ordinance.

(j) Maintenance

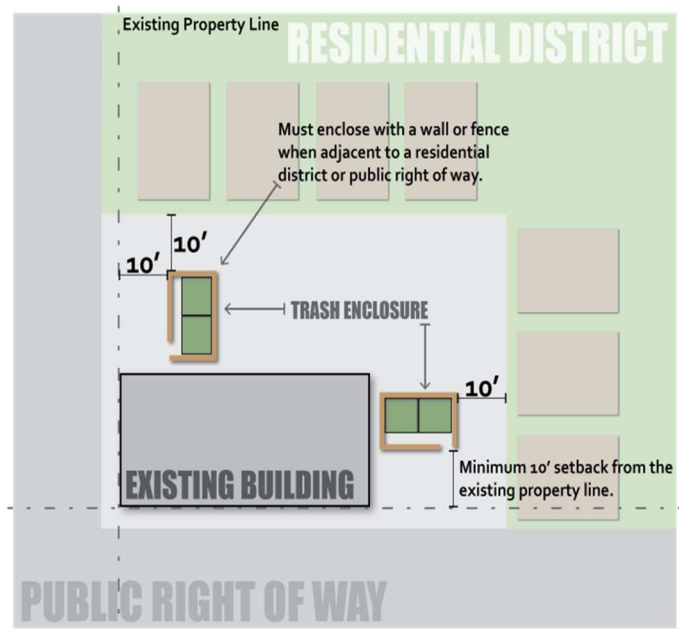
- (i) All plant material required by the provisions of this section shall be properly maintained in accordance with standard horticultural practices for a period of three (3) years from the date of the issuance of the **Certificate of Compliance** for the project. Any required plant or other screening material that dies or is otherwise removed during that time shall be replaced with equivalent plant or screening material by the **developer** or subsequent **owner**. If necessary, the **Planning staff** shall determine what new plant or other screening material shall be adequate to replace the dead, removed, or destroyed plant or other screening material.
- (ii) Any required plant material that dies or is otherwise removed after the three (3) year period may also be required to be replaced if staff is notified of the removal within one year of removal.

(k) As required herein, a **buffer yard** shall be an area between a **building, structure, or use** and an **adjacent** property or **street right-of-way**. The area shall be available for berms/mounding, **fences**, plants, and/or **walls** to provide adequate screening and buffering between **buildings, structures, parking areas, driveways**, and activity areas, and **adjacent uses, buildings, structures, and streets**. A **buffer yard** may be located within a required front, side, or **rear yard building setback**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(2) Specific Standards and Requirements

- (a) Each application subject to this section that falls under the **building** type shown in the tables titled “Landscape Codes – **Buildings** and **Outdoor Activity Areas**” or “Landscape Codes – Parking and **Outdoor Display Areas**” below shall include a **buffer yard** of that type, as shown the applicable “**Buffer Yard Standards**” table, along the edge(s) of the applicant’s property where the **adjacency** occurs. For example, an application with an **adjacency** situation identified in the Landscape Codes table as requiring a Code B-2 **buffer yard** shall include a Code B-2 **buffer yard** as defined in the **Buffer Yard** Standard tables. There may be more than one code required along a given property edge. In any case where a screening or buffering standard is required, an applicant may choose to provide a higher level of landscaping.
- (b) **Planning Department** staff may allow flexibility in the location of required plant materials to allow for landscaping that is equivalent to these standards in cases where the submitted landscape plan has been prepared by a licensed landscape architect.
- (c) All **refuse** dumpsters shall be located a minimum of ten (10) feet from any **lot line**, except that in the CC and MU **districts refuse** dumpsters shall not have a minimum **setback**. All **refuse** dumpsters shall be screened from any **adjacent residential district** and/or public **right-of-way** by a solid **wall** or **fence**.



NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (d) The following landscape codes shall be applicable to the noted **building** types and other landscape situations:

LANDSCAPE CODES – BUILDINGS AND OUTDOOR ACTIVITY AREAS			
Building Type		Landscape Code, if Adjacent To:	
		Residential districts	Nonresidential districts
Office, Personal Service or Other C1 Use Building		B-1	No requirement
Commercial, Retail, Industrial, or Universally Permitted Use Building		B-2	No requirement
Multiple Family Building/Complex, or Manufactured Home Park		B-3	B-4
Nonresidential Outdoor Activity Areas	Driveway	A-1	No requirement
	Drive-through	A-2	A-6
	Other activity area	A-3	A-7
	Storage area	A-4	No requirement
	Eating/drinking/smoking area	A-5	No requirement

- (e) The following landscape codes shall be applicable to the noted **parking area** situations:

LANDSCAPE CODES – PARKING AND OUTDOOR DISPLAY AREAS	
Site Situation	Landscape Code
Adjacent to public street or private access drive	P-1
Adjacent to residential district	P-2
Adjacent to commercial district	P-3
Parking areas more than 50 spaces (shall not apply to outdoor display areas)	P-4

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (f) The following Code B-1 **buffer yard** standard shall apply if an office, **personal service**, or other C1 **use building** is **adjacent** to a **residential district**:

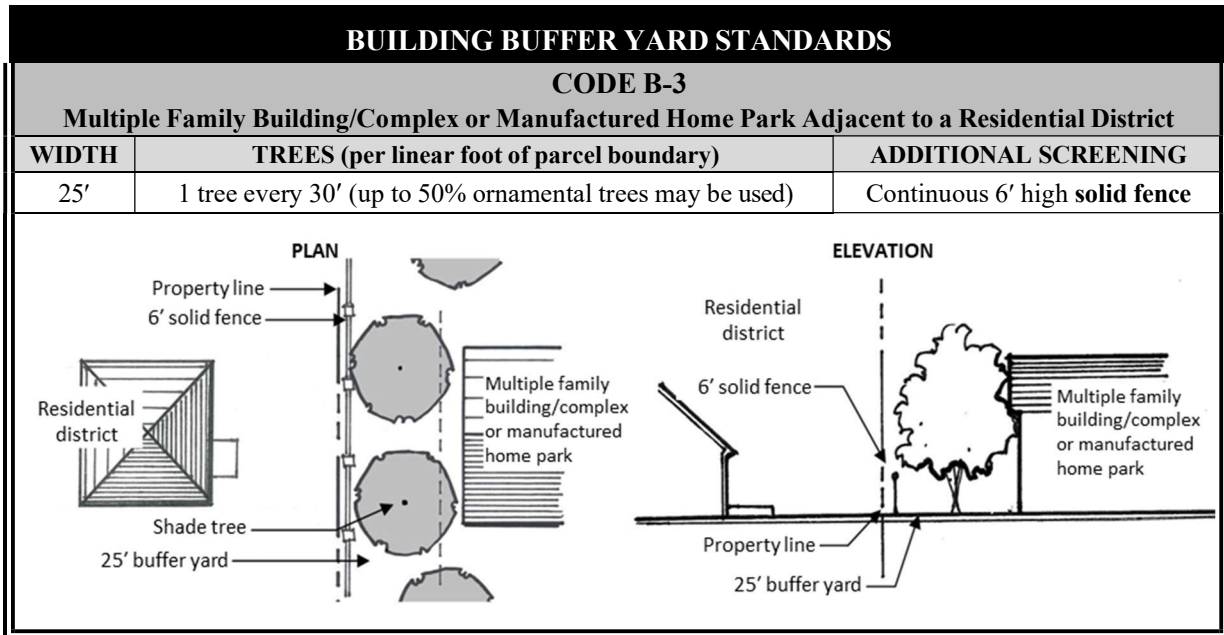
BUILDING BUFFER YARD STANDARDS		
CODE B-1		
Office, Personal Service or Other C1 Use Building Adjacent to a Residential District		
WIDTH	TREES (per foot of façade which does not face a public street)	SHRUBS (% of façade linear feet)
20'	1 tree every 25'; a minimum of 3 per façade (up to 50% ornamental trees may be used)	50% large shrub buffer in groups of at least five
PLAN ELEVATION		

- (g) The following Code B-2 **buffer yard** standard shall apply if a commercial, retail, industrial or **universally permitted use building** is **adjacent** to a **residential district**:

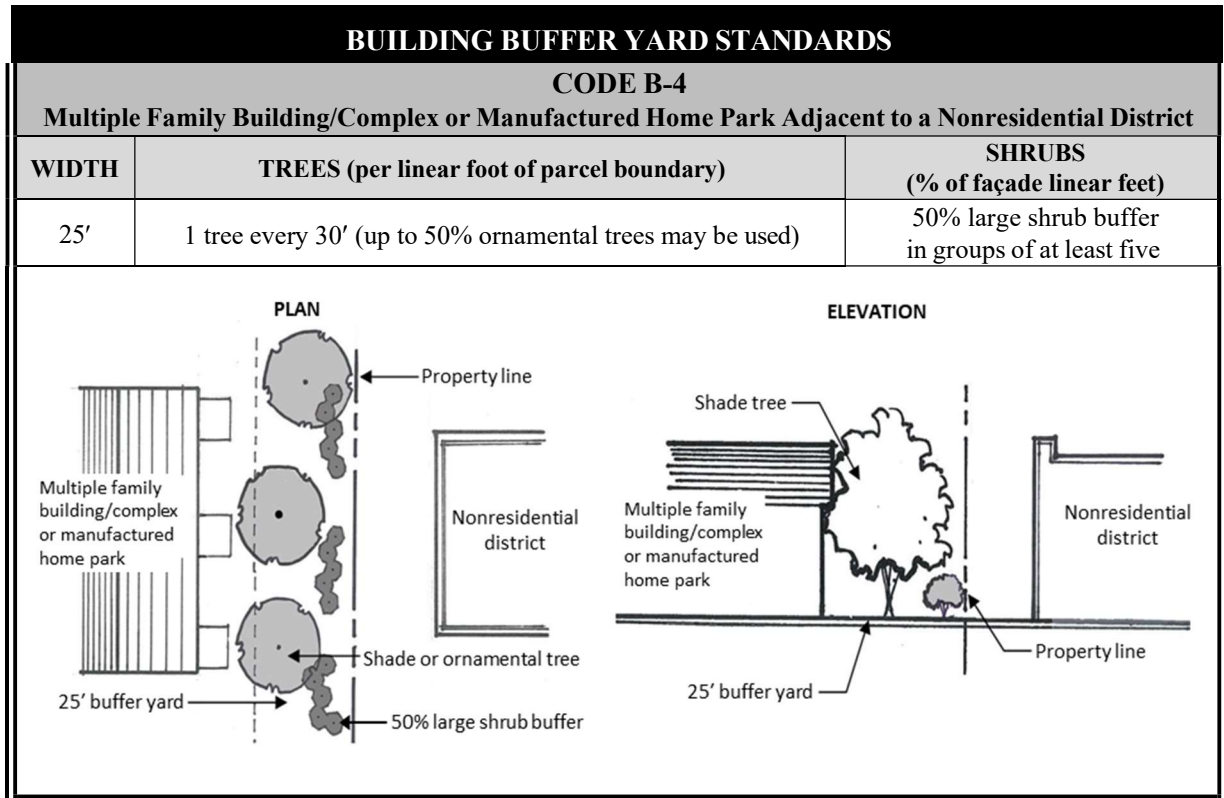
BUILDING BUFFER YARD STANDARDS		
CODE B-2		
Commercial, Retail, Industrial or Universally Permitted Use Building Adjacent to a Residential District		
WIDTH	TREES (Per foot of façade which does not face a public street)	SHRUBS (% of façade linear feet)
20'	1 evergreen tree every 20'; a minimum of 5 per façade	50% large shrub buffer in groups of at least five
PLAN ELEVATION		

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (h) The following Code B-3 **buffer yard** standard shall apply if a multiple family building/complex or manufactured home park is adjacent to a residential district:



- (i) The following Code B-4 **buffer yard** standard shall apply if a multiple family building/complex or manufactured home park is adjacent to a nonresidential district:



NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (j) The following Code A-1, A-2, A-3, A-4, and A-5 **buffer yard** standards shall apply if a nonresidential **outdoor activity area** is **adjacent** to a **residential district**:

OUTDOOR ACTIVITY AREA BUFFER YARD STANDARDS		
CODE A-1		
Nonresidential Driveway Adjacent to a Residential District		
WIDTH	TREES (per lineal foot of driveway)	ADDITIONAL SCREENING
10'	1 every 40'	75% large shrub buffer

PLAN

ELEVATION

OUTDOOR ACTIVITY AREA BUFFER YARD STANDARDS		
CODE A-2		
Drive-Through Facilities Adjacent to a Residential District		
WIDTH	TREES (per lineal foot of drive-through lane)	ADDITIONAL SCREENING
15' ⁽¹⁾	1 every 30'	Continuous 6' high solid fence

PLAN

The drive-through window and all automobile stacking areas are required to be screened.

ELEVATION

(1) See §157.404(O) (Residential Impact **Mitigation**) for additional standards.

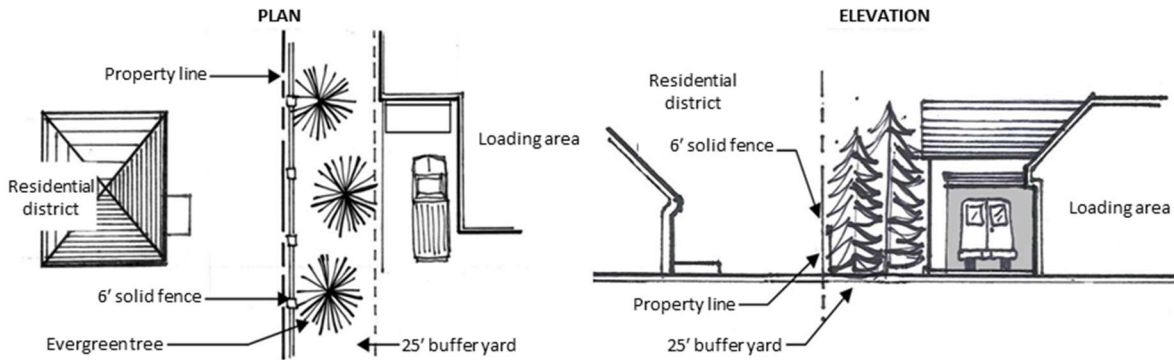
NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

OUTDOOR ACTIVITY AREA BUFFER YARD STANDARDS

Code A-3

**Certain Nonresidential Outdoor Activity Areas Adjacent to a Residential District
(excluding outdoor storage areas and outdoor eating/drinking/smoking areas)**

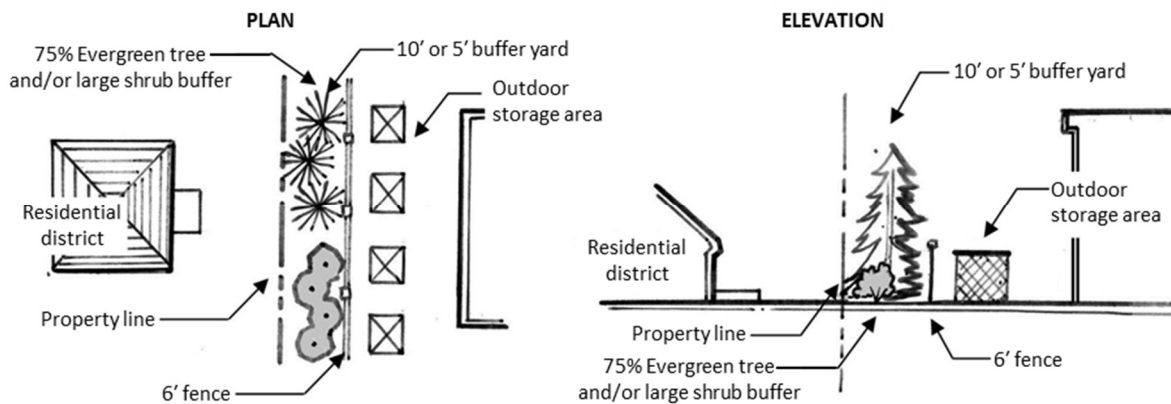
WIDTH	TREES (per lineal foot of activity area)	ADDITIONAL SCREENING
25'	1 evergreen tree every 20'	Continuous 6' high solid fence , either on the property line or immediately around the activity area



Code A-4

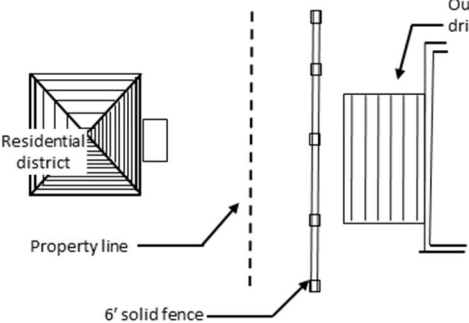
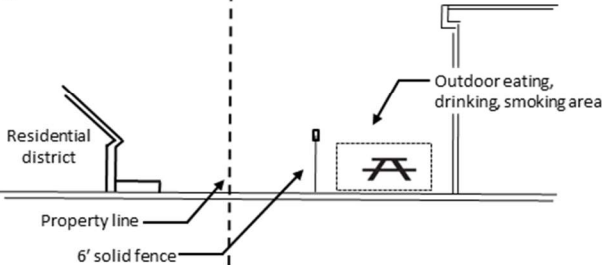
Outdoor Storage Areas Adjacent to a Residential District or a Street

WIDTH	SCREENING	ADDITIONAL BUFFERING (% of storage area lineal feet)
10' ⁽¹⁾ (5' if a solid fence is provided)	Continuous 6' high solid fence , either on the property line or immediately around the activity area; or a continuous non-solid fence , with additional evergreen tree and/or large shrub buffering	75% evergreen tree and/or large shrub buffer



(1) See § 157.404(O) (Residential Impact **Mitigation**) for additional standards.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

OUTDOOR ACTIVITY AREA BUFFER YARD STANDARDS	
Code A-5	
Outdoor Eating/Drinking/Smoking Areas Adjacent to a Residential District	
REQUIRED SCREENING	
Continuous 6' high solid fence , either on the property line or immediately around the eating/drinking smoking area. ⁽¹⁾	
PLAN 	ELEVATION 
(1) A fence shall always be required to screen an eating/drinking/smoking area.	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (k) The following Code A-6 and Code A-7 **buffer yard** standards shall apply if a nonresidential **outdoor activity area** is **adjacent** to a **nonresidential district**:

OUTDOOR ACTIVITY AREA BUFFER YARD STANDARDS		
CODE A-6		
Drive-Through Areas Adjacent to a Nonresidential District		
WIDTH	TREES (per lineal foot of drive-through lane)	ADDITIONAL SCREENING
5'	1 tree every 30'	Continuous medium shrub buffer

PLAN

The drive-through window and all automobile stacking areas are required to be screened.

ELEVATION

OUTDOOR ACTIVITY AREA BUFFER YARD STANDARDS		
CODE A-7		
Other Nonresidential Activity Areas Adjacent to a Nonresidential District		
WIDTH	TREES (per lineal foot of activity area)	ADDITIONAL SCREENING
5'	1 tree every 30'	Continuous medium shrub buffer (around activity area)

PLAN

ELEVATION

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (l) The following Code P-1 and Code P-2 **buffer yard** standards shall apply if a **parking area** is **adjacent** to a **public street**, private access drive, or **residential district** except that only the tree standard in Code P-1 shall apply if the **parking area** is located over 300 feet from the **street right-of-way**:

PARKING AREA BUFFER YARD STANDARDS		
CODE P-1		
Parking Area Adjacent to Public Street or Private Access Drive		
WIDTH	TREES (per linear foot of parking area)	SHRUBS
5'	1 shade tree every 60'	75% small shrub buffer; up to 30% medium shrubs may be used

CODE P-2		
Parking Area Adjacent to Residential District		
WIDTH	TREES (per linear foot of parking area)	SHRUBS (% of linear feet to be planted)
10'	1 shade tree every 40'	75% large shrub buffer

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (m) The following Code P-3 **buffer yard** standards shall apply if a **parking area** is **adjacent** to a **nonresidential district**:

CODE P-3 Parking Area Adjacent to a Commercial Zoning District		
WIDTH	TREES (per linear foot of parking area)	SHRUBS (% of linear feet to be planted)
5'	1 shade tree every 60'	50% small shrub buffer (in groups of at least three)

The diagram illustrates the buffer yard standards for Code P-3. It shows a cross-section of a parking area adjacent to a non-residential district. A property line separates the two. A 5-foot wide planting bed is shown, containing a 50% small shrub buffer. A shade tree is planted every 60 feet. The parking area is shown with cars parked.

- (n) The following Code P-4 interior landscaping standards shall apply to a **parking area** of over 50 spaces:

PARKING AREA BUFFER YARD STANDARDS	
CODE P-4 Parking Areas More Than 50 Spaces (Shall Not Apply to Outdoor Display Areas)	
PLANTING ISLAND SIZE	PLANTING ISLANDS REQUIRED
200 square feet minimum planting area	• A planting island shall be provided at the end of each parking row • A double parking row shall require two shade trees (as shown below) • An additional planting island shall be provided if the row has more than 25 spaces

The diagram illustrates the interior landscaping standards for Code P-4. It shows a top-down view of a parking area with multiple rows of parking spaces. Planting islands are shown at the end of each parking row. A double parking row is shown with two planting islands. An additional planting island is shown for a parking row with more than 25 spaces. The diagram also shows the required planting area for double islands (400 square feet) and single islands (200 square feet).

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(E) Additional **Parking Area** Landscape Standards

(1) Screening and Buffering

Screening and buffering of off-street **parking areas** shall be provided to meet the requirements of §157.408(D)(2).

(2) Planting Areas

The following **landscape planting area** requirements shall be calculated based on the gross square footage of the **parking areas** (not including **driveways** that are not **adjacent** to any **parking space**).

- (a) A minimum of 200 square feet of planting area shall be provided per tree.
- (b) If approved by **Planning Department** staff, the internal planting areas may be designed and planted to be used for stormwater conveyance.
- (c) Each parking **lot** that serves a multiple **family** residential, commercial, public, institutional, civic, or mixed **use** and contains any **parking spaces** located more than 300 feet from the closest pedestrian entrance to the **primary building** shall contain at least one (1) pedestrian walkway (which may be a site perimeter sidewalk) allowing pedestrians to pass from the furthest row of parking to the **primary building** entrance without crossing additional driving spaces or aisles. The required walkway must be at least five (5) feet wide, shall not be located within a driving aisle, and shall be located in a landscaped island running perpendicular to the **primary building façade** if possible. If located in a landscaped island, the minimum width of the island shall be increased by five (5) feet to accommodate the walkway without reducing the amount of landscaped area.

(F) Alternative Landscaping/Buffering Compliance

(1) Purpose

In lieu of compliance with the specific landscaping, screening, and buffering requirements of this §157.408(A) through (E), the applicant may propose alternative compliance pursuant to this §157.408(F) as part of the submittal of a Primary **Development Plan**.

(2) Procedure

An application for alternative landscaping/buffering compliance shall be processed as an application for approval of a Primary **Development Plan** pursuant to §157.301(C).

(3) Criteria for Approval of Alternative Landscaping/Buffering

An application for alternative landscaping/buffering shall be approved if the **Plan Commission** determines that:

- (a) The proposed alternative promotes the purpose of §157.408(A);
- (b) The proposed alternative will equal or exceed the amount of trees, shrubs, and planting area required by §157.408(A) through (E) above; and
- (c) The proposed alternative will screen or buffer **adjacent** properties from visual, lighting, and noise impacts from the same **buildings**, areas, or site features addressed by §157.408(A) through (E) as well as or better than compliance with the standards in those Sections.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.409 SIGNS

(A) Purpose

The purpose of this section shall be to:

- (1) Regulate the time, place, and manner of the display of signage and non-sign visual displays;
- (2) Coordinate the type, placement, and dimensions of **signs** within the different **zoning districts**;
- (3) Recognize the commercial communication requirements of all sectors of the business community;
- (4) Establish updated language and standards for the various types of **signs** and land **use** situations;
- (5) Encourage the innovative **use** of design;
- (6) Promote both **sign renovation** and proper **sign** maintenance;
- (7) Provide for the treatment of nonconforming **signs**;
- (8) Encourage equal treatment through accurate record keeping and consistent enforcement;
- (9) Avoid content-based regulation prohibited by the federal or state constitution, statutes, or court decisions.

(B) Applicability

- (1) The provisions of this section apply to all **structures**, displays, and surface treatments that meet the definition of a **sign** in §157.506 and shall apply throughout the **planning jurisdiction** of New Haven.
- (2) An **Improvement Location Permit** shall be required before the construction, display, enlargement, erection, reconstruction, placing or locating of all **signs** regulated by this section, except as exempted in §157.409(C) below.
- (3) It shall be a **violation** of this ordinance for any **sign** to be constructed, displayed, enlarged, erected, reconstructed, or otherwise altered except as provided in this section. Any **person**, agent, contractor, lessee, **owner**, **sign** company, or tenant violating the provisions of this section or failing to comply with any order or determination made under this ordinance shall be subject to the enforcement provisions of this ordinance
- (4) **Signs** regulated by this section may also be subject to the regulations of the Indiana Department of Transportation (INDOT); where such regulations are more restrictive than this chapter, the INDOT regulations shall govern.
- (5) For purposes of determining **street** classifications for signage purposes in this §157.409, refer to the Northeast Indiana Regional Coordinating Council (NIRCC) 2008 Functional Classification System for Allen **County** Indiana, as may be amended.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(C) Improvement Location Permit Not Required

The **on-premise signs** listed in subsection (1) below, and the **temporary signs** listed in subsection (2) below, may be erected or placed, in addition to other permitted **signs**, without obtaining an **Improvement Location Permit**. However, a **violation** of any standard or **condition** for such **sign** shall be considered a **violation** of this ordinance.

(1) Permanent On-Premise Signs

- (a) Agriculturally-related **signs**, such as seed dealer and test plot **signs**,
- (b) Flags of federal, state, or local governments;
- (c) Historical or commemorative plaques or tablets;
- (d) Historically **significant signs** that have been reviewed and approved by the Historic Preservation Review **Commission** in conformance with any historic preservation ordinance in effect at the time of review;
- (e) Information **signs** that direct traffic within a premises or that identify key locations on the premises subject to the following standards:
 - (i) In the CC **zoning districts**, one (1) **sign** is permitted per site entrance and no **sign** shall exceed two (2) square feet in area or 2.5 ft. in height.
 - (ii) In other **zoning districts**, no **sign** shall exceed six (6) square feet in area or three (3) feet in height.
- (f) Memorial plaques, tablets, or **building** cornerstones, when cut or carved into a masonry surface, or when made of incombustible material and made an integral part of the **building** or **structure** it identifies.
- (g) **Noncommercial opinion signs** subject to the following standards and limitations:
 - (i) In the A1, R1, R2, R3, R4, RP, MHP, or MHS **zoning districts**, up to two (2) **wall** or **freestanding signs** shall be permitted per **lot** or **development site**. No **sign** shall exceed twelve (12) square feet in area and no **freestanding sign** shall exceed four (4) feet in height. The **sign(s)** may be located in a required **yard**.
 - (ii) In any other **zoning district**, one **wall** or **freestanding sign** shall be permitted per **lot** or **development site**. No **sign** shall exceed thirty-two (32) square feet in area, and no **freestanding sign** shall exceed six (6) feet in height. The **sign** may be located in a required **yard**.
- (h) **Signs** authorized by a governmental entity, including traffic and warning **signs**, public notices, and proclamations erected or displayed in discharge of a government function, or where required by ordinance.
- (i) Reflectors and other safety **signs** or devices used to mark **driveways**, towers, **airport** approaches, underground public utilities, and other potentially dangerous **structures** or situations.
- (j) **Signs** painted, printed or mounted on licensed and operable vehicles that are incidentally visible on any vehicle in connection with the **use** of such vehicle for transportation purposes, but excluding vehicles (including trailers) specifically constructed for **use** as **signs** rather than for transportation of other goods.
- (k) **Signs**, warning the public against hunting, fishing, trespassing, dangerous animals, swimming or other risks to public health or safety.
- (l) Off-premise **wall signs** not exceeding six (6) square feet providing directions to nearby properties.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(2) Temporary Signs

The **temporary signs** listed in the following table are permitted subject to the **conditions** for that type of **sign**. Unless otherwise noted, only one type of **temporary sign** may be present on a **development site** at the same time (this limitation shall not apply to **noncommercial opinion signs**), No **temporary sign** may be mounted on a **fence**. Holiday lighting is not considered signage, and is not subject to the provisions of this section.

TEMPORARY SIGN STANDARDS			
Sign Type	Zoning Districts	A/R/MH Districts	All Other Districts
Auction			
Signs per development site (wall or freestanding)		1	1
Maximum size (square feet)		32	32
Maximum freestanding sign height (feet)		6	6
Setback from lot line (feet)		5	5
Placement limitation (number of days prior to event)		30	30
Removal requirement (number of days after event)		7	7
Construction			
Signs per development site (wall or freestanding)		1	1/multiple
Maximum size (square feet)		12	32 per sign or 100 if only one sign
Maximum height (feet)		4	6 per sign or 10 if only one sign
Setback from lot line (feet)		5	5
Removal (number of days after C of O issuance)		30	30
Special Event			
Signs per development site (wall or freestanding)		1	1
Maximum size (square feet)		32	32
Maximum freestanding sign height (feet)		6	6
Setback from lot line (feet)		5	5
Placement limitation (number of days prior to event)		30	30
Removal requirement (number of days after event)		7	7
Mobile			
Signs per development site (freestanding only)		0	1
Maximum size (square feet)		N/A	32
Maximum freestanding sign height (feet)		N/A	6
Setback from lot line (feet)		N/A	5
Placement limitation (number of times per year)		N/A	2
Time limitation (number of days per placement)		N/A	30
Noncommercial Opinion			
Signs per development site (wall or freestanding)		No limit	No limit
Maximum size (square feet)		12	32
Maximum freestanding sign height (feet)		4	6
Setback from lot line (feet)		5	5
Placement limitation (January 1 st of election year)		Yes	Yes
Removal requirement (number of days after election)		30	30
Real Estate			
Signs per street frontage (wall or freestanding)		1	1
Maximum size (square feet)		12	32
Maximum freestanding sign height (feet)		4	6
Setback from lot line (feet)		None	None
Removal requirement (number of days after sale, rental, or lease)		7	7

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(D) General Sign Standards

All **signs** shall meet the standards in the following tables for the **zoning district** in which the **sign** is located, as well as the standards in §157.409(D)(2) (Standards Applicable in All **Zoning districts**) and §157.409(F) (General Provisions and Standards).

(1) Standards Applicable in Specific **Zoning Districts**

(a) General Standards

A1, MH, AND RESIDENTIAL DISTRICT PERMANENT SIGN STANDARDS						
Land Use	Zoning District	A1	R1	R2	R3 & R4	RP MH
Single and two family dwellings, other permitted residential uses, and BZA-approved uses where the owner is required to live on the property						
Signs per dwelling (wall or freestanding, non-illuminated)		1	1	1	1	1
Maximum size (square feet)		3	3	3	3	3
Maximum freestanding sign height (feet)		4	4	4	4	4
Setback from lot line (feet)		5	5	5	5	5
Universally Permitted Uses						
Signs per development site (freestanding)		1	1	1	1	1
Maximum size, freestanding (square feet)		50	50	50	50	50
Maximum changeable copy area (square feet)		40	40	40	40	40
Maximum freestanding sign height		8	8	8	8	8
Setback from front lot line (feet)		5	5	5	5	5
Setback from side or rear lot line (feet)		50	50	50	50	50
Maximum wall sign coverage (per wall)		10%	10%	10%	10%	10%
Maximum size, wall sign (square feet)		80	80	80	80	80
BZA-approved uses where the owner is not required to live on the property						
Signs per development site (freestanding)		1	1	1	1	1
Maximum size, freestanding (square feet)		50	50	50	50	50
Maximum freestanding sign height		8	8	8	8	8
Setback from front lot line (feet)		5	5	5	5	5
Setback from side or rear lot line (feet)		50	50	50	50	50
Maximum wall sign coverage (per wall)		10%	10%	10%	10%	10%
Maximum size, wall sign (square feet)		80	80	80	80	80
Subdivisions (primary signage)						
Signs per manufactured home community, multiple family housing project, or subdivision plat/neighborhood entrance		2	2	2	2	2
Maximum size (square feet)		50	50	50	50	50
Maximum height (feet)		8	8	8	8	8
Setback from lot line (feet)		5	5	5	5	5
Subdivisions (auxiliary signage)						
Signs per subdivision section		1	1	1	1	1
Maximum size (square feet)		24	24	24	24	24
Maximum height (feet)		4	4	4	4	4
Setback from lot line (feet)		5	5	5	5	5

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

COMMERCIAL AND SHOPPING CENTER DISTRICT PERMANENT SIGN STANDARDS							
Sign Type	Zoning District	C1	C2	NC	SC	C3	C4
Freestanding							
Up to 300' of frontage on an arterial street, or on a collector/other public or private street (excluding Interstates)							
Number of signs per street frontage (up to a total of two signs per lot)		1	1	1	1	1	1
Maximum size (square feet)		80	80	80	80	80	80
Maximum changeable copy area		40	40	40	40	40	40
Maximum height (feet)		8	8	8	8	8	8
Setback from lot line (feet)		5	5	5	5	5	5
Setback from residential zoning district (feet) (distance indicated or 5' from side lot line opposite residential district, whichever is less)		50	50	50	50	50	50
More than 300' of frontage on an arterial street							
Number of signs per lot (per street frontage)		1	1	1	1	1	1
Maximum size (square feet)		80	100	100	300	300	300
Maximum changeable copy area (square feet)		40	40	40	40	40	40
Maximum height (feet)		8	15	15	30	30	30
Setback from lot line (feet)		5	5	5	5	5	5
Setback from residential zoning district (feet) (distance indicated or 5' from side lot line opposite residential district, whichever is less)		50	100	100	150	150	150
Additional sign for properties with over 500' of frontage on an interstate highway (I-69 or I-469; on-premise only)							
Number of signs per lot		N/A	N/A	N/A	1	1	1
Maximum size (square feet)		N/A	N/A	N/A	100	100	100
Maximum changeable copy area (square feet); digital signs not permitted		N/A	N/A	N/A	40	40	40
Maximum height (feet)		N/A	N/A	N/A	30	30	30
Setback from lot line (feet)		N/A	N/A	N/A	5	5	5
Maximum sign base setback from interstate ROW (feet)		N/A	N/A	N/A	50	50	50
Setback from residential zoning district (feet) (distance indicated or 5' from side lot line opposite residential district, whichever is less)		N/A	N/A	N/A	50	50	50
Entrance signage for projects with multiple lots/parcels or multiple buildings on a single parcel (permitted for new development proposals with over 500' of frontage on a public street)							
Number of signs per development site (per street frontage; sign shall be located on the public street frontage where the entrance is located)		2	1	1	1	1	1
Maximum size (square feet)		80	150	150	300	300	300
Maximum changeable copy area (square feet)		40	40	40	40	40	40
Maximum height (feet)		8	15	15	30	30	30
Setback from lot line (feet)		5	5	5	5	5	5
Setback from residential zoning district (feet)		50	50	50	50	100	100

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

COMMERCIAL AND SHOPPING CENTER DISTRICT PERMANENT SIGN STANDARDS							
Sign Type	Zoning District	C1	C2	NC	SC	C3	C4
Wall							
Maximum coverage (per façade)		30%	30%	30%	30%	30%	30%
Maximum changeable copy area (square feet)		40	40	40	40	40	40
Awning							
Maximum coverage (of outer awning surface)		50%	50%	50%	50%	50%	50%
Backlighting permitted		No	Yes	Yes	Yes	Yes	Yes
Blade For lot frontages located on arterial streets ; multiple signs are permitted; total square footage shall not exceed 80 square feet							
Maximum size (square feet)		80	80	80	80	80	80
Distance sign can extend from building (feet)		4	4	4	4	4	4
Blade For property frontages not located on arterial streets ; multiple signs are permitted; total square footage shall not exceed 30 square feet							
Maximum size (square feet)		30	30	30	30	30	30
Distance sign can extend from building (feet)		4	4	4	4	4	4
Canopy							
Maximum coverage (of front and side canopy faces)		50%	50%	50%	50%	50%	50%
Distance sign can extend above canopy (feet)		1	1	1	1	1	1
Backlighting permitted		No	Yes	Yes	Yes	Yes	Yes
Building Directory Additional sign for a building with multiple internal tenants							
Number of signs permitted (per building)		1	1	1	1	1	1
Maximum size (square feet)		50	50	50	50	50	50
Maximum height of sign (feet)		6	6	6	6	6	6
Setback from lot line (feet)		5	5	5	5	5	5
Drive-Through For a primary building with an accessory drive-through facility							
Number of signs permitted (per lot)		1	2	2	2	2	2
Maximum size (square feet)		20	50	50	50	50	50
Maximum height (feet)		6	10	10	10	10	10
Setback from lot line (feet) May not be located in required front or side yard		5	5	5	5	5	5
Gas Station							
Gas pump embellishment maximum size (square feet)		2	2	2	2	2	2
Projecting Multiple signs are permitted; total square footage shall not exceed 12 square feet							
Maximum size (square feet)		12	12	12	12	12	12
Distance sign can extend from building (feet)		4	4	4	4	4	4
Subdivision Plat							
Number of signs per entrance		2	1	1	1	1	1
Maximum size (square feet)		80	80	80	80	80	80
Maximum height		8	8	8	8	8	8

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

CITY CENTER AND MIXED USE DISTRICT PERMANENT SIGN STANDARDS

Sign Type	Zoning District	CC	MU
Freestanding CC signs shall be ground-mounted signs (pole-mounted signs are not permitted)			
Number of signs per street frontage	1	1	
Maximum size (square feet)	50	50	
Maximum changeable copy area	40	40	
Maximum height (feet)	8	8	
Setback from lot line (feet)	0	5	
Setback from residential zoning district (distance indicated or 5' from side lot line opposite residential district , whichever is less)	50	50	
Wall Signs shall not cover exterior windows ; for multiple tenant space buildings the allowance shall be per tenant space façade			
Maximum coverage per façade (below second story sill)	10%	25%	
Maximum coverage per façade (above second story sill)	5%	25%	
Maximum changeable copy area (square feet)	40	40	
Awning			
Maximum coverage (of outer awning surface)	50%	50%	
Setback from lot line (feet)	0	0	
Backlighting permitted	Yes	Yes	
Blade Permitted for properties located on arterial streets ; multiple signs are permitted; total square footage shall not exceed 80 square feet			
Maximum size (square feet)	80	80	
Distance sign can extend from building (feet)	4	4	
Blade For property frontages not located on arterial streets ; multiple signs are permitted; total square footage shall not exceed 30 square feet			
Maximum size (square feet)	30	30	
Distance sign can extend from building (feet)	4	4	
Canopy			
Maximum coverage (of front and side canopy faces)	50%	50%	
Distance sign can extend above canopy (feet)	1	1	
Backlighting permitted	Yes	Yes	
Drive-Through For a primary building with an accessory drive-through facility ;			
Number of signs permitted (per lot)	2	2	
Maximum size (square feet)	50	50	
Maximum height	6	10	
Setback from lot line (feet); Shall not be located in required front or side yard	0	0	
Marquee			
Maximum height of sign (feet)	5	5	
Distance sign can extend above marquee (feet)	6	6	
Projecting Multiple signs are permitted; total square footage shall not exceed 30 square feet			
Maximum size (square feet)	12	12	
Distance sign can extend from building (feet)	4	4	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

INDUSTRIAL DISTRICT PERMANENT SIGN STANDARDS					
Sign Type	Zoning District	BTI	I1	I2/I4	I3
Freestanding (all on-premise only)					
Up to 300' of frontage on an arterial street, or on a collector or other street					
Number of signs per street frontage		1	1	1	1
Maximum size (square feet)		80	80	80	80
Maximum changeable copy area (square feet)		40	40	40	40
Maximum height (feet)		8	8	8	8
Setback from lot line (feet)		5	5	5	5
Setback from residential zoning district (distance indicated or 5' from side lot line opposite residential district , whichever is less)		50	50	50	50
Over 300 ft. of frontage on an arterial street, or on a collector or other street					
Number of signs per street entrance if lot or parcel contains one primary building		1	1	1	1
Number of signs per street entrance if lot or parcel contains more than one primary building		2	2	2	2
Maximum size (square feet)		80	100	100	300
Maximum changeable copy area (square feet)		40	40	40	40
Maximum height (feet)		8	15	15	30
Setback from lot line (feet)		5	5	5	5
Setback from residential zoning district (distance indicated or 5' from side lot line opposite residential district , whichever is less)		50	100	100	150
Additional signage if lot has over 500' of frontage on an interstate highway (I-69 or I-469)					
Number of signs per lot		N/A	1	1	1
Maximum size (square feet)		N/A	100	100	100
Maximum changeable copy area (square feet); digital signs not permitted		N/A	40	40	40
Maximum height (feet)		N/A	30	30	30
Setback from lot line (feet)		N/A	5	5	5
Maximum sign base setback from interstate ROW (feet)		N/A	50	50	50
Setback from residential zoning district (feet) (distance indicated or 5' from side lot line opposite residential district , whichever is less)		N/A	50	50	50
Wall					
Maximum coverage (per façade)		30%	30%	30%	30%
Maximum changeable copy area (square feet)		40	40	40	40
Awning					
Maximum coverage (of outer awning surface)		50%	50%	50%	50%
Backlighting permitted		Yes	Yes	Yes	Yes
Canopy					
Maximum coverage (of front and side canopy faces)		50%	50%	50%	50%
Distance sign can extend above canopy (feet)		1	1	1	1
Backlighting permitted		Yes	Yes	Yes	Yes

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

INDUSTRIAL DISTRICT PERMANENT SIGN STANDARDS					
Sign Type	Zoning District	BTI	I1	I2/I4	I3
Building Directory					
Additional sign for a building with multiple internal tenants					
Maximum size (square feet)		50	50	50	50
Maximum height of sign (feet)		6	6	6	6
Setback from lot line (feet)		5	5	5	5
Drive-Through					
For a primary building with an accessory drive-through facility					
Number of signs permitted (per lot)		1	2	2	2
Maximum size (square feet)		20	50	50	50
Maximum height (feet)		6	10	10	10
Setback from lot line (feet); Shall not be located in required front or side yard		5	5	5	5
Gas Station					
Gas pump embellishment maximum size (square feet)		2	2	2	2
Subdivision or Multiple Lot Development Plan					
Number of signs per development entrance		2	2	2	2
Maximum size (square feet)		150	150	150	150
Maximum height (feet)		10	10	10	10

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(2) Standards Applicable in All **Zoning Districts**

(a) **Awning Signs**

- (i) **Awning signs** shall be affixed flat to, or painted upon, the surface of the **awning**.
- (ii) **Awning signs** shall not extend vertically or horizontally beyond the limits of the **awning** to which they are attached.
- (iii) **Awning signs** shall not be internally illuminated.
- (iv) **Awnings** shall be permitted to extend up to four (4) feet into a required **front yard** or into a **right-of-way**, if the **awning** is at least eight (8) feet above grade.

(b) **Changeable Copy Area and Digital Signs**

- (i) Unless specifically prohibited, **changeable copy** area and digital **signs** shall be permitted to be up to 40 square feet of the area of a permitted freestanding or **wall sign**.
- (ii) Digital **signs** may not be operated to allow an image or component to change, rotate, move, flash, or blink at a rate exceeding one image per six (6) seconds. The change time between images shall be no more than 0.25 second. This includes the **use** of lighting to depict action or animation or to create a special effect or scene through any of the following: blink, flash, flicker, scintillate, scroll, or variations in intensity or brightness that depict or give the appearance of action, motion, movement, or rotation. Only static text and graphics shall be permitted. The digital display shall contain a default mechanism that will freeze the **sign** in one position if a malfunction occurs.
- (iii) Digital **signs** that scroll or **travel** may not be in motion longer than ten (10) seconds with a minimum of three (3) seconds delay until **transition** to another message.
- (iv) Digital **sign** illumination shall not exceed 4,500 **nits** from 30 minutes after sunrise to 30 minutes before sunset and 500 **nits** during other hours.
- (v) Each digital **sign** shall have an automatic dimmer control, to produce a distinct illumination change from a higher illumination level to a lower illumination level in order to comply with the daytime and nighttime illumination levels in subsection (iv) above, and to adjust **sign brightness** based on ambient lighting levels. The dimmer control shall be activated at all times that the **sign** is in operation.
- (vi) Each digital **sign** shall have an automatic cutoff device that results in a blank **sign** in the event of a mechanical or electrical malfunction in the **sign**.

(c) **Marquee Signs**

- (i) All portions of the marquee and attached **signs** shall have a minimum clearance of eight (8) feet above the walk or grade below.
- (ii) Each face of a marquee shall be allowed to have a **sign**.
- (iii) Each **sign** may extend the entire length of the marquee face on which it is located
- (iv) Each **sign** may project up to six (6) feet above the roof of the marquee face on which it is located, but not above the cornice **wall** or roof of the **building**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (d) **Drive-Through Signs**

Drive-through signs are only permitted in conjunction with a **primary building** with an accessory **drive-through facility**.
- (e) **Projecting Signs**

All portions of the **projecting sign** shall have a minimum clearance of eight (8) feet above the walk or grade below.
- (f) **Roof Signs**

Roof signs are prohibited
- (g) **Wall Signs**
 - (i) When located on a **building wall**, **wall signs** shall be mounted substantially parallel to that **wall** and shall project no more than twelve (12) inches from the **wall**.
 - (ii) When mounted on a mansard roof, **wall signs** shall be mounted so that the lower edge of the **sign** is no more than twelve (12) inches from the mansard roof surface and the top edge is no further from the mansard roof surface than necessary to allow the **sign** to be mounted vertically.
 - (iii) No portion of the **wall sign** shall project above the cornice **wall** or roof of the **building** to which they are attached.
- (h) **Window Signs**

Window signs shall be permitted in accordance with the applicable **wall sign** provisions; **window signs** are not permitted in the DC, DE, and UC **districts**.
- (3) **Board of Zoning Appeals Approved Uses Signs**

Sign regulations for **uses** permitted by the **Board of Zoning Appeals** shall be as specified in any written decision approved by the **Board** in connection with that **use**. If the written decision does not address permitted **signs** or does not address some aspects of permitted **signs**, then the regulations for the **zoning district** in which the property is located shall apply.
- (4) **Plan Commission Approved Uses Signs**

Sign regulations permitted by the **Plan Commission** pursuant to §157.301 (**Development Plans**) shall be as specified in any written decision approved by the **Plan Commission** in connection with that **use**. As part of its approval, the **Plan Commission** may waive or modify certain **sign design standards** as part of its approval of a **Development Plan** as provided in §157.405(B). If the written decision does not address permitted **signs** or does not address some aspects of permitted **signs**, then the regulations for the **zoning district** in which the property is located shall apply.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(5) Master Sign Plan

(a) Authority

An applicant for a **development** containing multiple **buildings** on a single **parcel** or multiple **buildings** on separate contiguous **parcels** may file an application for a **Master Sign Plan** to reallocate certain aspects of the **on-premise sign area**, to increase the number or size of individual **signs**, available in the **zoning district** where the applicant's property is located pursuant to §157.409.(D)(1). A **Master Sign Plan** is not available for a single **lot** or **parcel** containing a single principal **building**. The **Plan Commission** shall not be permitted to approve signage that exceeds the maximum height standards

(b) Review by Plan Commission

The **Master Sign Plan** application shall be treated as a Primary **Development Plan** for review by the **Plan Commission**, but the criteria in subsection (c) below shall apply instead of the criteria in §157.301.

(c) Criteria for Review and Approval

The **Plan Commission** shall approve the application for a **Master Sign Plan** if it finds that:

- (i) The application reflects an overall **sign** program of a consistent architectural design.
- (ii) The requested signage will not create an adverse impact on **adjacent County** or Fort Wayne residential or office **zoning districts**.
- (iii) The application does not request a **sign** with a maximum height taller than that otherwise permitted for that **sign** pursuant to §157.409(D)(1).

(d) Board of Zoning Appeals

A request to permit **signs** not permitted by this §157.409 that does not meet the criteria for approval in subsection (c) above may be submitted to the **Board of Zoning Appeals** for review and decision under §157.503(E) (Variances of **Development Standards**).

(6) Nonconforming Use Signs

A **nonconforming use** may continue to **use** that **sign(s)** in **use** at the time the **use** became nonconforming (or if that date is unknown, then the date on which the **nonconforming use** was first documented), and may repair the **sign** and change the message or **sign** face as permitted for an **on-premise signs**. The size, height, or illumination (if any) of the **sign** may not be increased, and the **sign** may not be converted from a static to a digital **sign**.

(E) General Provisions and Standards

(1) Corner Visibility Areas

No **temporary sign** and no permanent on-premise or **off-premise sign**, other than a governmental traffic control or **directional sign**, shall be located within the "**corner visibility areas**" as defined in this ordinance.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(2) Expired Signs

No **on-premise sign** shall be displayed longer than 30 calendar days after becoming an **expired sign**. The **Zoning Administrator** may require the covering of any **expired sign**, **sign** face, or **sign** copy area. If covering is required, the covering material shall be durable, and shall be replaced by the **sign owner** upon notice from the **Zoning Administrator** that it has become worn or damaged. If the **primary building** is removed, then the **sign** may be determined by the **Zoning Administrator** to be an illegal **sign**, subject to removal by the property **owner** at the direction of the **Zoning Administrator**. However, if at any time a freestanding **expired sign** is determined by the **Zoning Administrator** to create a safety or health issue, the **Zoning Administrator** may pursue the removal of the **sign** in conjunction with the **Allen County Building Department**.

(3) Illumination

- (a) No **sign** shall blink or flash, nor be illuminated by any device so as to appear to blink or flash, except as otherwise expressly provided in this §157.409.
- (b) External light sources shall be concealed from view at ground level at and beyond **lot lines**.
- (c) Except for the portion of the property adjoining a **street right-of-way**, where nonresidential **development** is proposed **adjacent** to **residential districts**, zero foot-candles of light may be emitted by the nonresidential **development** along the property line with the **residential district**.
- (d) External light sources on **signs** larger than 100 square feet shall be mounted above the **sign** so as to shine downward.
- (e) Any external **sign** light source or lamp that emits more than 900 **lumens** (13 watt compact fluorescent or 60 watt incandescent) shall be concealed or shielded with an Illuminations Engineering Society of North America (IESNA) **full cutoff** style fixture to minimize the potential for **glare** on **adjacent** property.
- (f) Digital **signs** shall comply with illumination standards in §157.409(D)(2)(b).

(4) Maintenance and Removal

- (a) No **sign** or part thereof shall be erected or maintained except in conformance with the provisions of this §157.409.
- (b) All **signs** shall be maintained in a good state of repair, including replacement of defective parts, painting, cleaning and other acts required for the maintenance of the **sign**.

(5) Message Substitution

A noncommercial message may be substituted for a commercial message on any **sign** permitted by this §157.409.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(6) Prohibited **Signs**

The following are prohibited, unless they qualify as permitted **temporary signs**:

- (a) Strings of exposed light bulbs, pennants or streamers;
- (b) **Off-premise signs**;
- (c) **Signs** painted on or attached to rocks, trees, or any other natural object, except those **signs** created or erected with the approval of the **City** or an authorized quasi-governmental entity to commemorate a historic event or place;
- (d) **Signs** that revolve or flash;
- (e) **Signs** similar in appearance, color, lighting, shape, or size to emergency, railroad, or traffic **signs** or signals;
- (f) Vehicle **signs**; and
- (g) **Signs** mounted on **fences**.

(7) **Projecting Sign** Minimum Clearance

- (a) No **sign** shall be erected upon, maintained in, encroach upon or overhang any public **right-of-way** without the approval of the **Board of Public Works**, except as expressly provided in this §157.409, or by state and federal law.
- (b) Each **sign** permitted to project over a sidewalk or public **right-of-way** by this §157.409 shall have a minimum clearance of eight (8) feet above grade.

(8) **Sign** Measurement

- (a) Radial measurements shall start from the center of the **sign** base at grade, and extend outward in a circular manner for the distance specified.
- (b) Lineal or linear measurements shall start from the center of the **sign** base at grade as projected at a right angle to the nearest **right-of-way** line, and then extend as stated in the applicable **sign** standard.
- (c) **Sign height** shall be determined by measuring the distance between the lowest grade level within two (2) feet of either side of the base of the **sign**, and the highest part of the **sign** or its supporting **structure**.
- (d) **Sign area** measurements shall include the **sign** face and any portion of the **sign structure** with words, logos, pictures, or symbols intended to be read by the public, but shall not include portions of the **sign structure** that do not include such words, logos, pictures or symbols.
- (e) **Sign area** measurements for **changeable copy** shall not include a border up to 4 inches in width designed to enclose the **changeable copy** provided that **changeable copy** does not appear on the border area.
- (f) The area of a V-type **sign** not exceeding an angle of 60 degrees shall be calculated on one face of the **sign** only.
- (g) **Sign** illumination is measured in **candelas** per square meter, also known as “**nits**”, as measured at the **sign** face.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(9) Pre-existing Signs

Any on-premise or **off-premise sign**:

- (a) That was legally erected in compliance with a former **sign** regulation ordinance in effect prior to September 1, 2020; and
- (b) That is not the subject of a notice of **violation** issued by the **City** prior to September 1, 2020; and
- (c) Which is not in compliance with the standards in this ordinance; and
- (d) For which the **owner** has filed an application for registration of the **sign** prior to one year after September 1, 2020, shall be deemed to be a conforming **sign** and shall not be subject to enforcement or penalties under §157.505 for any aspect of the **sign** that met the **sign** regulations applicable at the time the **sign** was erected but that does not meet the **sign** standards in this ordinance.

(10) Nonconforming Signs

- (a) Any **sign** that was erected in compliance with the **sign** regulation ordinance that was in effect at the time the **sign** was erected, but that no longer complies with the provisions of this ordinance, is a nonconforming **sign** subject to the provisions of this §157.409(F)(10).
- (b) A digital **sign** that was erected in compliance with the **sign** regulation ordinance that was in effect at the time the **sign** was erected, and that continues to comply with the standards of this ordinance regarding the physical **structure** and location of the **sign**, but that is found to be in **violation** of this ordinance regarding the digital display, shall only be a nonconforming **sign** if the digital display cannot be reprogrammed to bring the digital display into compliance with this ordinance.
- (c) Reasonable repairs, alterations and conversions may be made to nonconforming **off-premise signs** as long as the location of the **sign** is not changed, and the height or area of the **sign** is not increased. In addition:
 - (i) If the **sign** is covered, it can be re-used; or
 - (ii) If the cabinet is removed, a new cabinet can be placed on the existing pole, provided the cabinet complies with the current **zoning district** square footage limitation; or
 - (iii) If the pole is removed, then the entire **sign** has to be brought into compliance
 - (iv) Static **off-premise signs** shall not be converted to digital message signs.
- (d) If any nonconforming **sign** is damaged by any means, including an act of God, and the damage exceeds 50% of the replacement value of the **sign**, as documented in writing by an established **sign** repair firm, the **sign** may be restored, reconstructed, altered or repaired only in conformance with the provisions of this §157.409.
- (e) If the **primary structure** on a **lot** or **parcel** is demolished any nonconforming **sign** on the **lot** or **parcel** shall be removed, repaired, or reconstructed so as to comply with the **sign** regulations for new **signs** in the **district** where the property is located.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.410 RESERVED

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.411 RESERVED

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.412 FLOODPLAIN

(A) Statutory Authorization, Findings of Fact, Purpose, and Objectives

(1) Statutory Authorization

The Indiana Legislature has in IC 36-7-4 granted the power to local government units to control land within their jurisdictions. Therefore, the **City** of New Haven does hereby adopt the following **floodplain management regulations**.

(2) Findings of Fact

- (a) The **flood** hazard areas of the **City** of New Haven are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for **flood** protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (b) These **flood** losses are caused by the cumulative effect of **obstructions** in **floodplains** causing increases in **flood** heights and velocities, and by the occupancy in **flood** hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, inadequately flood-proofed, or otherwise unprotected from **flood** damages.

(3) Statement of Purpose

It is the purpose of this section to promote the public health, safety, and general welfare and to minimize public and private losses due to **flood** conditions in specific areas by provisions designed to:

- (a) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in **flood** heights or velocities.
- (b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against **flood** damage at the time of initial construction.
- (c) Control the alteration of natural **floodplains**, stream channels, and natural protective barriers which are involved in the accommodation of **flood** waters.
- (d) Control filling, grading, dredging, and other **development** which may increase erosion or **flood** damage.
- (e) Prevent or regulate the construction of **flood** barriers which will unnaturally divert floodwaters or which may increase **flood** hazards to other lands.
- (f) Make federal **flood** insurance available for **structures** and their contents in the **City** by fulfilling the requirements of the **National Flood Insurance Program**.

(4) Objectives

The objectives of this section are:

- (a) To protect human life and health.
- (b) To minimize expenditure of public money for costly **flood** control projects.
- (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- (d) To minimize prolonged business interruptions.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in **floodplains**.
- (f) To help maintain a stable tax base by providing for the sound use and **development** of **flood prone areas** in such a manner as to minimize **flood** blight areas.

(B) Definitions

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application. The definitions listed below shall only apply to this section.

A Zone

Portions of the **SFHA** in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In **A zone**, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to **buildings**. These areas are labeled as **Zone A**, **Zone AE**, **Zones A1-A30**, **Zone AO**, **Zone AH**, **Zone AR** and **Zone A99** on a **FIRM**. The definitions are presented below:

Zone A: Areas subject to inundation by the **one-percent annual chance flood** event. Because detailed hydraulic analyses have not been performed, no **base flood elevation** or depths are shown.

Zone AE and A1-A30: Areas subject to inundation by the **one-percent annual chance flood** event determined by detailed methods. **Base flood elevations** are shown within these **zones**. (**Zone AE** is on new and revised maps in place of **Zones A1-A30**.)

Zone AO: Areas subject to inundation by **one-percent annual chance shallow flooding** (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average **flood** depths derived from detailed hydraulic analyses are shown within this **zone**.

Zone AH: Areas subject to inundation by **one-percent annual chance shallow flooding** (usually areas of ponding) where average depths are between one and three feet. Average **flood** depths derived from detailed hydraulic analyses are shown within this **zone**.

Zone AR: Areas that result from the decertification of a previously accredited **flood** protection system that is determined to be in the process of being restored to provide **base flood** protection.

Zone A99: Areas subject to inundation by the **one-percent annual chance flood** event, but which will ultimately be protected upon completion of an under-construction Federal **flood** protection system. These are areas of special **flood** hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. **Zone A99** may only be used when the **flood** protection system has reached specified statutory progress toward completion. No **base flood elevations** or depths are shown.

Accessory Structure (Appurtenant Structure)

A **structure** with a floor area 400 square feet or less that is located on the same parcel of property as the principal **structure** and the **use** of which is incidental to the **use** of the principal **structure**. **Accessory structures** should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal **flood** damage potential. Examples of **accessory structures** are detached garages, storage sheds, pole barns, and hay sheds.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Addition (to an Existing Structure)

Any walled and roofed expansion to the perimeter of a **structure** in which the **addition** is connected by a common load-bearing wall other than a firewall. Any walled and roofed **addition**, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is **new construction**.

Appeal

A request for a review of the **floodplain** administrator's interpretation of any provision of this section.

Area of Shallow Flooding

A designated AO or AH **Zone** on the **community's Flood Insurance Rate Map (FIRM)** with **base flood** depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood

The **flood** having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE)

The elevation of the **one-percent annual chance flood**.

Basement

That portion of a **structure** having its floor sub-grade (below ground level) on all sides.

Boundary River

The part of the Ohio River that forms the boundary between Kentucky and Indiana.

Boundary River Floodway

The **floodway** of a **boundary river**.

Building - see "Structure"

Community

A political entity that has the authority to adopt and enforce **floodplain** ordinances for the area under its jurisdiction.

Community Rating System (CRS)

A program developed by the Federal Insurance Administration to provide incentives for those communities in the **Regular Program** that have gone beyond the minimum **floodplain management** requirements to develop extra measures to provide protection from flooding.

Critical Facility

A facility for which even a slight chance of flooding might be too great. **Critical facilities** include, but are not limited to: schools; nursing homes; hospitals; police, fire, and emergency response installations; and installations which produce, use or store hazardous materials or hazardous waste.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Development

Any man-made change to improved or unimproved real estate including but not limited to:

- (1) construction, reconstruction, or placement of a **structure** or any **addition** to a **structure**;
- (2) installing a **manufactured home** on a site, preparing a site for a **manufactured home** or installing a **recreational vehicle** on a site for more than 180 days;
- (3) installing utilities, erection of walls and fences, construction of roads, or similar projects;
- (4) construction of **flood** control **structures** such as levees, dikes, dams, channel improvements, etc.;
- (5) mining, dredging, filling, grading, excavation, or drilling operations;
- (6) construction and/or reconstruction of bridges or culverts;
- (7) storage of materials; or
- (8) any other activity that might change the direction, height, or velocity of **flood** or surface waters.

"**Development**" does not include activities such as the maintenance of existing **structures** and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent **structures**.

Elevated Structure

A non-basement **structure** built to have the **lowest floor** elevated above the ground level by means of **fill**, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

Elevation Certificate

A certified statement that verifies a **structure's** elevation information.

Emergency Program

The first phase under which a **community** participates in the **NFIP**. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable **structures** in that **community** before the effective date of the initial **FIRM**.

Existing Manufactured Home Park or Subdivision

A **manufactured home park or subdivision** for which the construction of facilities for servicing the **lots** on which the **manufactured homes** are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before May 24, 1974.

Expansion to an Existing Manufactured Home Park or Subdivision

The preparation of additional sites by the construction of facilities for servicing the **lots** on which the **manufactured homes** are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA

The Federal Emergency Management Agency.

Flood

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Flood Boundary and Floodway Map (FBFM)

An official map on which the Federal Emergency Management Agency (**FEMA**) or Federal Insurance Administration (FIA) has delineated the areas of **flood** hazards and regulatory **floodway**.

Flood Insurance Rate Map (FIRM)

An official map of a **community**, on which **FEMA** has delineated both the areas of special **flood** hazard and the risk premium **zones** applicable to the **community**.

Flood Insurance Study (FIS)

The official hydraulic and hydrologic report provided by **FEMA**. The report contains **flood** profiles, as well as the **FIRM**, **FBFM** (where applicable), and the water surface elevation of the **base flood**.

Flood Prone Area

Any land area acknowledged by a **community** as being susceptible to inundation by water from any source. (See “**Flood**”)

Flood Protection Grade (FPG)

The elevation of the **regulatory flood** plus two feet at any given location in the **SFHA** (see “**Freeboard**”).

Floodplain

The channel proper and the areas adjoining any wetland, lake, or **watercourse** which have been or hereafter may be covered by the **regulatory flood**. The **floodplain** includes both the **floodway** and the **fringe districts**.

Floodplain Management

The operation of an overall program of corrective and preventive measures for reducing **flood** damage and preserving and enhancing, where possible, natural resources in the **floodplain**, including but not limited to emergency preparedness plans, **flood** control works, **floodplain management regulations**, and open space plans.

Floodplain Management Regulations

This section and other zoning ordinances, subdivision regulations, **building** codes, health regulations, special purpose ordinances, and other applications of police power which control **development** in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing **flood** loss and damage. **Floodplain management regulations** are also referred to as **floodplain** regulations, **floodplain** ordinance, **flood** damage prevention ordinance, and **floodplain management** requirements.

Floodproofing (Dry Floodproofing)

A method of protecting a **structure** that ensures that the **structure**, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic **flood** forces, including the effects of buoyancy, and anticipated debris impact forces.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Floodproofing Certificate

A form used to certify compliance for nonresidential **structures** as an alternative to elevating **structures** to or above the **FPG**. This certification must be by a Registered **Professional Engineer** or Architect.

Floodway

The channel of a river or stream and those portions of the **floodplains** adjoining the channel which are reasonably required to efficiently carry and discharge the peak **flood** flow of the **regulatory flood** of any river or stream.

Freeboard

A factor of safety, usually expressed in feet above the **BFE**, which is applied for the purposes of **floodplain management**. It is used to compensate for the many unknown factors that could contribute to **flood** heights greater than those calculated for the **base flood**.

Fringe

Those portions of the **floodplain** lying outside the **floodway**.

Hardship (as Related to Variances of This Section)

The exceptional **hardship** that would result from a failure to grant the requested **variance**. The **City of Fort Wayne Board of Zoning Appeals** requires that the **variance** is exceptional, unusual, and peculiar to the property involved. Mere economic or financial **hardship** alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional **hardship**. All of these problems can be resolved through other means without granting a **variance**, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest Adjacent Grade

The highest natural elevation of the ground surface, prior to the **start of construction**, next to the proposed **walls** of a **structure**.

Historic Structure

Any **structure** that is:

- (1) Listed individually on the National Register of Historic Places (a listing maintained by the Department of the Interior) or determined by the United States Secretary of the Interior as eligible for individual listing on the National Register; or
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered **historic district**; or
- (3) Listed on or determined eligible for the National Register of Historic Places as contributing to the significance of a **historic district**; or
- (4) Individually listed on the Indiana Register of **Historic Sites and Structures**; or
- (5) Individually listed on or designated as a contributing resource in a **historic district** listed in the Fort Wayne Cultural Resources Survey.

Letter of Final Determination (LFD)

A letter issued by **FEMA** during the mapping update process which establishes final elevations and provides the new **flood** map and **flood** study to the **community**. The **LFD** initiates the six-month adoption period. The **community** must adopt or amend its **floodplain management regulations** during this six-month period unless the **community** has previously incorporated an automatic adoption clause.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Letter of Map Change (LOMC)

A general term used to refer to the several types of revisions and amendments to **FEMA** maps that can be accomplished by letter. They include **Letter of Map Amendment (LOMA)**, **Letter of Map Revision (LOMR)**, and **Letter of Map Revision based on Fill (LOMR-F)**. The definitions are presented below:

Letter of Map Amendment (LOMA)

An amendment by letter to the currently effective **FEMA** map that establishes that a property is not located in a **SFHA** through the submittal of property specific elevation data. A **LOMA** is only issued by **FEMA**.

Letter of Map Revision (LOMR)

An official revision to the currently effective **FEMA** map. It is issued by **FEMA** and changes **flood zones**, delineations, and elevations.

Letter of Map Revision Based on Fill (LOMR-F)

An official revision by letter to an effective **NFIP** map. A **LOMR-F** provides **FEMA's** determination concerning whether a **structure** or parcel has been elevated on **fill** above the **BFE** and excluded from the **SFHA**.

Lowest Adjacent Grade

The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or **basement** entryway immediately next to the **structure**.

Lowest Floor

The lowest elevation described among the following:

- (1) The top of the lowest level of the **structure**.
- (2) The top of the **basement** floor.
- (3) The top of the garage floor, if the garage is the lowest level of the **structure**.
- (4) The top of the first floor of a **structure** elevated on pilings or pillars.
- (5) The top of the floor level of any enclosure, other than a **basement**, below an **elevated structure** where the walls of the enclosure provide any resistance to the flow of **flood waters** unless:
 - (a) the walls are designed to automatically equalize the hydrostatic **flood** forces on the walls by allowing for the entry and exit of **flood** waters by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls; if a **structure** has more than one enclosed area, each shall have openings on exterior walls;
 - (b) the total net area of all openings shall be at least one (1) square inch for every one square foot of enclosed area; the bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and
 - (c) such enclosed space shall be usable solely for the parking of vehicles and **building** access.

Manufactured Home

A **structure**, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "**manufactured home**" does not include a "**recreational vehicle**."

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two or more **manufactured home** lots for rent or sale.

Market Value

The **building** value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. **Market value** can be established by independent certified appraisal, replacement cost depreciated by age of **building** (actual cash value), or adjusted assessed values.

Mitigation

Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of **mitigation** is twofold: to protect people and **structures**, and to minimize the cost of disaster response and recovery.

National Flood Insurance Program (NFIP)

The federal program that makes **flood** insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

National Geodetic Vertical Datum (NGVD) of 1929 as corrected in 1929

A vertical control used as a reference for establishing varying elevations within the **floodplain**.

New Construction

Start of construction commencing on or after the effective date of a **floodplain management regulation** adopted by a **community** and including any subsequent improvements to the **structures**.

New Manufactured Home Park or Subdivision

A **manufactured home park or subdivision** for which the construction of facilities for servicing the lots on which the **manufactured homes** are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after May 24, 1974.

Non-boundary River Floodway

The **floodway** of any river or stream other than a **boundary river**.

North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993

A vertical control datum used as a reference for establishing varying elevations within the **floodplain**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Obstruction

Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, **building**, wire, fence, rock, gravel, refuse, **fill**, **structure**, vegetation, or other material in, along, across or projecting into any **watercourse** which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-Percent Annual Chance Flood

A **flood** that has a one percent (1%) chance of being equaled or exceeded in any given year. Any **flood zone** that begins with the letter A is subject to the **one-percent annual chance flood** (see “Regulatory Flood”).

Physical Map Revision (PMR)

An official republication of a **community’s** FEMA map to effect changes to base (1-percent annual chance) **flood** elevations, **floodplain** boundary delineations, regulatory **floodways**, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional **flood** hazard areas, or correction to **base flood elevations** or SFHAs.

Public Safety and Nuisance

Anything which is injurious to the safety or health of an entire **community**, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational Vehicle

A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Regular Program

The phase of the **community’s** participation in the NFIP where more comprehensive **floodplain management** requirements are imposed and higher amounts of insurance are available based upon risk **zones** and elevations determined in a FIS.

Regulatory Flood

A **flood** having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The **regulatory flood** elevation at any location is as defined in this section (§157.412). The "Regulatory Flood" is also known by the term "**Base Flood**", "**One-Percent Annual Chance Flood**", and "100-Year **Flood**".

Repetitive loss

Flood-related damages sustained by a **structure** on two separate occasions during a 10-year period for which the cost of repairs at the time of each such **flood** event, on the average, equaled or exceeded 25% of the **market value** of the **structure** before the damage occurred.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Section 1316

That section of the National Flood Insurance Act of 1968, as amended, which states that no new **flood** insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in **violation** of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land **development** or occupancy in flood-prone areas.

Special Flood Hazard Area (SFHA)

Those lands within the jurisdiction of the **City** subject to inundation by the **regulatory flood**. The **SFHAs** of The **City** of Fort Wayne are generally identified as such on the **Flood Insurance Rate Map** of Allen County, Indiana dated August 3, 2009 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a **FIRM** as **Zone A**, AE, A1- A30, AH, AR, A99, or AO).

Start of Construction

Includes **substantial improvement**, and means the date the **building** permit was issued, provided the actual **start of construction**, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a **structure** on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a **manufactured home** on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a **basement**, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory **buildings**, such as garages or sheds not occupied as dwelling units or not part of the main **structure**. For a **substantial improvement**, the actual **start of construction** means the first alteration of any wall, ceiling, floor, or other structural part of a **building**, whether or not that alteration affects the external dimensions of the **building**.

Structure

A **structure** that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a **manufactured home**, or a prefabricated **building**. The term also includes **recreational vehicles** to be installed on a site for more than 180 days.

Substantial Damage

Damage of any origin sustained by a **structure** whereby the cost of restoring the **structure** to its before damaged condition would equal or exceed 50 percent of the **market value** of the **structure** before the damage occurred.

Substantial Improvement

Any reconstruction, rehabilitation, **addition**, or other improvement of a **structure**, the cost of which equals or exceeds 50 percent of the **market value** of the **structure** before the "**start of construction**" of the improvement. This term includes **structures** that have incurred "**repetitive loss**" or "**substantial damage**" regardless of the actual repair work performed. The term does not include improvements of **structures** to correct existing **violations** of state or local health, sanitary, or safety code requirements or any alteration of a "**historic structure**", provided that the alteration will not preclude the **structures** continued designation as a "**historic structure**".

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Suspension

The removal of a participating **community** from the **NFIP** because the **community** has not enacted and/or enforced the proper **floodplain management regulations** required for participation in the **NFIP**.

Variance

A grant of relief from the requirements of this section, which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary **hardship**.

Violation

The failure of a **structure** or other **development** to be fully compliant with this section. A **structure** or other **development** without the elevation, other certification, or other evidence of compliance required in this section is presumed to be in **violation** until such time as that documentation is provided.

Watercourse

A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. **Watercourse** includes specifically designated areas in which substantial **flood** damage may occur.

X Zone

The area where the **flood** hazard is less than that in the **SFHA**. Shaded **X zones** shown on recent **FIRMs** (**B zones** on older **FIRMs**) designate areas subject to inundation by the **flood** with a 0.2 percent chance of being equaled or exceeded (the 500-year **flood**). Unshaded **X zones** (**C zones** on older **FIRMs**) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

Zone

A geographical area shown on a **FIRM** that reflects the severity or type of flooding in the area.

Zone A (see “A Zone”)

Zone B, C, and X

Areas identified in the **community** as areas of moderate or minimal hazard from the principal source of **flood** in the area. However, **buildings** in these **zones** could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these **zones**. (**Zone X** is used on new and revised maps in place of **Zones B** and **C**.)

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(C) General Provisions

(1) Lands to Which This Section Applies

This section shall apply to all **SFHAs** and known **flood prone areas** within the jurisdiction of the **City** of New Haven.

(2) Basis for Establishing **Regulatory Flood** Data

This section's protection standard is the **regulatory flood**. The best available **regulatory flood** data is listed below.

- (a) The **regulatory flood** elevation, **floodway**, and **fringe** limits for the studied **SFHAs** within the jurisdiction of The **City** of New Haven shall be as delineated on the **one-percent annual chance flood** profiles in the **Flood Insurance Study** of Allen County, Indiana and Incorporated Areas dated August 3, 2009 and the corresponding **Flood Insurance Rate Map** dated August 3, 2009 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.
- (b) The **regulatory flood** elevation, **floodway**, and **fringe** limits for each of the unstudied **SFHAs**, or studied **SFHAs** without a published **floodway**, within the jurisdiction of the **City** of New Haven, delineated as an "**A Zone**" or an "**AE Zone**" on the Allen County, Indiana and Incorporated Areas **Flood Insurance Rate Map** dated August 3, 2009 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved
- (c) In the absence of a published **FEMA** map, or absence of identification on a **FEMA** map, the **regulatory flood** elevation, **floodway**, and **fringe** limits of any **watercourse** in the **community's** known **flood prone areas** shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.
- (d) Upon issuance of a **Letter of Final Determination (LFD)**, any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (**development**) purposes, replacing all previously effective less restrictive **flood** hazard data provided by **FEMA**.

(3) Establishment of **Floodplain Development** Permit

A **Floodplain Development** Permit shall be required in conformance with the provisions of this section prior to the commencement of any **development** activities in areas of special **flood** hazard.

(4) Compliance

No **structure** shall hereafter be located, extended, converted or structurally altered within the **SFHA** without full compliance with the terms of this section and other applicable regulations. No land or stream within the **SFHA** shall hereafter be altered without full compliance with the terms of this section and other applicable regulations.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(5) Abrogation and Greater Restrictions

This section is not intended to repeal, abrogate, or impair any existing **easements**, covenants, or deed restrictions. However, where this section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(6) Discrepancy between Mapped **Floodplain** and Actual Ground Elevations

- (a) In cases where there is a discrepancy between the mapped **floodplain** (SFHA) on the **FIRM** and the actual ground elevations, the elevation provided on the profiles shall govern.
- (b) If the elevation of the site in question is below the **base flood elevation**, that site shall be included in the **SFHA** and regulated accordingly.
- (c) If the elevation (natural grade) of the site in question is above the **base flood elevation** and not located within the **floodway**, that site shall be considered outside the **SFHA** and the **floodplain** regulations will not be applied. The property owner shall be advised to apply for a **LOMA**.

(7) Interpretation

In the interpretation and application of this section all provisions shall be:

- (a) Considered as minimum requirements.
- (b) Liberally construed in favor of the governing body.
- (c) Deemed neither to limit nor repeal any other powers granted under state statutes.

(8) Warning and Disclaimer of Liability

The degree of **flood** protection required by this section is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this section does not create any liability on the part of The **City** of Fort Wayne, the Indiana Department of Natural Resources, or the State of Indiana, for any **flood** damage that results from reliance on this section or any administrative decision made lawfully thereunder.

(9) Penalties for **Violation**

Failure to obtain a **Floodplain Development** Permit in the **SFHA** or failure to comply with the requirements of a **Floodplain Development** Permit or **conditions** of a **variance** shall be deemed to be a **violation** of this section. All **violations** shall be considered a common **nuisance** and be treated as such in accordance with the provisions of the Zoning Code for the **City** of New Haven. All **violations** shall be punishable by a fine not exceeding \$2,500.00.

- (a) A separate offense shall be deemed to occur for each day the **violation** continues to exist.
- (b) The **City** of New Haven **Plan Commission** shall inform the owner that any such **violation** is considered a willful act to increase **flood** damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- (c) Nothing herein shall prevent the **City** from taking such other lawful action to prevent or remedy any **violations**. All costs connected therewith shall accrue to the person or persons responsible.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(D) Administration

(1) Designation of Administrator

The New Haven **Plan Commission** of The **City** of New Haven hereby appoints the New Haven Zoning Administrator to administer and implement the provisions of this section and is herein referred to as the **Floodplain** Administrator.

(2) Permit Procedures

Application for a **Floodplain Development** Permit shall be made to the **Floodplain** Administrator on forms furnished by him or her prior to any **development** activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed **structures**, earthen **fill**, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

(a) Application Stage

- (i) A description of the proposed **development**.
- (ii) Location of the proposed **development** sufficient to accurately locate property and **structure(s)** in relation to existing roads and streams.
- (iii) A legal description of the property site.
- (iv) A site **Development** Plan showing existing and proposed **development** locations and existing and proposed land grades.
- (v) Elevation of the top of the planned **lowest floor** (including **basement**) of all proposed **buildings**. Elevation should be in **NAVD 88** or **NGVD**.
- (vi) Elevation (in **NAVD 88** or **NGVD**) to which any nonresidential **structure** will be floodproofed.
- (vii) Description of the extent to which any **watercourse** will be altered or relocated as a result of proposed **development**. A hydrologic and hydraulic engineering study is required and any **watercourse** changes submitted to DNR for approval and then to **FEMA** as a **Letter of Map Revision**. (See §157.412(D)(3)(f)).

(b) Construction Stage

Upon establishment of the **lowest floor** of an **elevated structure** or **structure** constructed on **fill**, it shall be the duty of the applicant to submit to the **Floodplain** Administrator a certification of the **NAVD 88** or **NGVD** elevation of the **lowest floor**, as built. Said certification shall be prepared by or under the direct supervision of a registered **land surveyor** or **professional engineer** and certified by the same. The **Floodplain** Administrator shall review the **lowest floor** elevation survey data submitted. The applicant shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project. Any work undertaken prior to submission of the elevation certification shall be at the applicant's risk.

(c) Finished Construction

Upon completion of construction, an elevation certification (**FEMA Elevation Certificate** Form 81-31 or any future updates) which depicts the "as-built" **lowest floor** elevation is required to be submitted to the **Floodplain** Administrator. If

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

the project includes a **floodproofing** measure, **floodproofing** certification (**FEMA Floodproofing Certificate** Form 81-65 or any future updates) is required to be submitted by the applicant to the **Floodplain** Administrator.

(3) Duties and Responsibilities of the **Floodplain** Administrator

The **Floodplain** Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this section. The administrator is further authorized to render interpretations of this section, which are consistent with its spirit and purpose. Duties and responsibilities of the **Floodplain** Administrator shall include, but are not limited to:

- (a) Review all **floodplain development** permits to assure that the permit requirements of this section have been satisfied.
- (b) Inspect and inventory damaged **structures** in the **SFHA** and complete **substantial damage** determinations.
- (c) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all **development** projects subject to §157.412(E)(5) and (7)(a) of this section, and maintain a record of such authorization (either copy of actual permit/authorization or **floodplain** analysis/regulatory assessment).
- (d) Ensure that all necessary federal or state permits have been received prior to issuance of the local **floodplain development** permit. Copies of such permits/authorizations are to be maintained on file with the **floodplain development** permit.
- (e) Maintain and track permit records involving **additions** and improvements to residences located in the **floodway**.
- (f) Notify adjacent communities and the State **Floodplain** Coordinator prior to any alteration or relocation of a **watercourse**, and submit copies of such notifications to **FEMA**.
- (g) Maintain for public inspection and furnish upon request local permit documents, damaged **structure** inventories, **substantial damage** determinations, **regulatory flood** data, **SFHA** maps, **Letters of Map Change (LOMC)**, copies of DNR permits, letters of authorization, and **floodplain** analysis and regulatory assessments (letters of recommendation), federal permit documents, and “as-built” elevation and **floodproofing** data for all **buildings** constructed subject to this section.
- (h) Utilize and enforce all **Letters of Map Change (LOMC)** or **Physical Map Revisions (PMR)** issued by **FEMA** for the currently effective **SFHA** maps of the **community**.
- (i) Assure that maintenance is provided within the altered or relocated portion of said **watercourse** so that the flood-carrying capacity is not diminished.
- (j) Review certified plans and specifications for compliance.
- (k) Verify and record the actual elevation of the **lowest floor** (including **basement**) of all new or substantially improved **structures**, in accordance with §157.412(D)(2).
- (l) Verify and record the actual elevation to which any new or substantially improved **structures** have been floodproofed in accordance with §157.412(D)(2).
- (m) Stop Work Orders
 - (i) Upon notice from the **floodplain** administrator, work on any **building, structure** or premises that is being done contrary to the provisions of this section shall immediately cease.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (ii) Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.
 - (n) Revocation of Permits
 - (i) The **floodplain** administrator may revoke a permit or approval, issued under the provisions of the section, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
 - (ii) The **floodplain** administrator may revoke a permit upon determination by the **floodplain** administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the **structure** for which the permit was issued is in **violation** of, or not in conformity with, the provisions of this section.
- (E) Provisions for **Flood** Hazard Reduction
- (1) General Standards

In all **SFHAs** and known **flood prone areas** the following provisions are required:

 - (a) **New construction** and **substantial improvements** shall be anchored to prevent flotation, collapse or lateral movement of the **structure**.
 - (b) **Manufactured homes** shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
 - (c) **New construction** and **substantial improvements** shall be constructed with materials and utility equipment resistant to **flood** damage below the **FPG**.
 - (d) **New construction** and **substantial improvements** shall be constructed by methods and practices that minimize **flood** damage.
 - (e) Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the **FPG** or designed so as to prevent water from entering or accumulating within the components below the **FPG**. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the **FPG**.
 - (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of **flood** waters into the system.
 - (g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of **flood** waters into the system.
 - (h) Onsite waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 - (i) Any alteration, repair, reconstruction or improvements to a **structure** that is in compliance with the provisions of this section shall meet the requirements of “**new construction**” as contained in this section.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (j) Whenever any portion of the **SFHA** is authorized for use, the volume of space which will be occupied by the authorized **fill** or **structure** below the **BFE** shall be compensated for and balanced by an equivalent volume of excavation taken below the **BFE**. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the **fill** or **structure**.
- (i) The excavation shall take place in the **floodplain** and in the same property in which the authorized **fill** or **structure** is located.
 - (ii) Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the **floodplain** provided that the excavated volume will be below the **regulatory flood** elevation, will be in the same property in which the authorized **fill** or **structure** is located, will be accessible to the **regulatory flood** water, will not be subject to ponding when not inundated by **flood** water, and that it shall not be refilled.
 - (iii) The excavation shall provide for true storage of floodwater but shall not be subject to ponding when not inundated by **flood** water.
 - (iv) The **fill** or **structure** shall not obstruct a drainage way leading to the **floodplain**.
 - (v) The grading around the excavation shall be such that the excavated area is accessible to the **regulatory flood** water.
 - (vi) The **fill** or **structure** shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement.
 - (vii) Plans depicting the areas to be excavated and filled shall be submitted prior to the actual **start of construction** or any site work; once site work is complete, but before the actual **start of construction**, the applicant shall provide to the **Floodplain** Administrator a certified survey of the excavation and **fill** sites demonstrating the **fill** and excavation comply with this article.
- (k) Exceptions to compensation requirements
- (i) For primary **buildings** of up to 400 square feet, or accessory **buildings** or **structures** of up to 400 square feet, no compensatory storage shall be required;
 - (ii) As of the effective date of this section, the following amounts of **fill** shall be permitted on a lot: on lots of over one acre, up to 40 cubic yards shall be permitted; on lots between $\frac{3}{4}$ and one acre, up to 30 cubic yards shall be permitted; on lots between $\frac{1}{2}$ and $\frac{3}{4}$ acre, up to 20 cubic yards shall be permitted; on lots between $\frac{1}{4}$ and $\frac{1}{2}$ acre, up to 10 cubic yards shall be permitted, and on lots of up to $\frac{1}{4}$ acre, up to 5 cubic yards shall be permitted, provided that:
 - [A] No **fill** shall be placed within 10 feet of a side lot line;
 - [B] No **fill** shall be placed within 15 feet of a front or rear lot line;
 - [C] No **fill** shall be placed within 50 feet outside a **floodway** boundary as shown on the **FIRM** map; and
 - [D] No **fill** shall be placed in such a way so as to obstruct **flood** water or divert it onto an adjacent property (as in the construction of a levee or dike).

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (iii) **Fill** placed for: public **flood** control improvement projects (including a dike or levee); public transportation facilities; or utility collection or transmission lines as permitted in §157.412(E)(1) above; or for approved **structures** as permitted above. A request for a non-public **flood** control improvement project, including a dike or levee, or a private request to place over 40 cubic yards of non-compensatory storage **fill** in the **floodway fringe**, shall require approval of a special use by the Board of Zoning Appeals, subject to the applicant verifying that the **fill** as placed can withstand a **regulatory flood** flooding event.

(2) Specific Standards

In all **SFHAs**, the following provisions are required:

- (a) In addition to the requirements of §157.412(E)(1), all **structures** to be located in the **SFHA** shall be protected from **flood** damage below the **FPG**. This **building** protection requirement applies to the following situations:
 - (i) Construction or placement of any **structure** having a floor area greater than 400 square feet.
 - (ii) **Addition** or improvement made to any existing **structure** where the cost of the **addition** or improvement equals or exceeds 50% of the value of the existing **structure** (excluding the value of the land).
 - (iii) Reconstruction or repairs made to a damaged **structure** where the costs of restoring the **structure** to its before damaged condition equals or exceeds 50% of the **market value** of the **structure** (excluding the value of the land) before damage occurred.
 - (iv) Installing a travel trailer or **recreational vehicle** on a site for more than 180 days.
 - (v) Installing a **manufactured home** on a new site or a new **manufactured home** on an existing site. This section does not apply to returning the existing **manufactured home** to the same site it lawfully occupied before it was removed to avoid **flood** damage.
 - (vi) Reconstruction or repairs made to a **repetitive loss structure**.

(b) Residential Structures

New construction or **substantial improvement** of any residential **structure** (or **manufactured home**) shall have the **lowest floor**; including **basement**, at or above the **FPG** (two feet above the **base flood elevation**). Should solid foundation perimeter walls be used to elevate a **structure**, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of §157.412(E)(2)(d).

(c) Nonresidential Structures

New construction or **substantial improvement** of any commercial, industrial, or nonresidential **structure** (or **manufactured home**) shall either have the **lowest floor**, including **basement**, elevated to or above the **FPG** (two feet above the **base flood elevation**) or be floodproofed to or above the **FPG**. Should solid foundation perimeter walls be used to elevate a **structure**, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of §157.412(E)(2)(d). **Structures** located in all “**A Zones**” may be floodproofed in lieu of being elevated if done in accordance with the following:

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (i) A Registered **Professional Engineer** or Architect shall certify that the **structure** has been designed so that below the **FPG**, the **structure** and attendant utility facilities are watertight and capable of resisting the effects of the **regulatory flood**. The **structure** design shall take into account **flood** velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the **floodplain** administrator as set forth in §157.412(D)(3).
- (ii) **Floodproofing** measures shall be operable without human intervention and without an outside source of electricity.

(d) **Elevated Structures**

New construction or **substantial improvements** of **elevated structures** shall have the **lowest floor** at or above the **FPG**. **Elevated structures** with fully enclosed areas formed by foundation and other exterior walls below the **flood protection grade** shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic **flood** forces on exterior walls. Designs must meet the following minimum criteria:

- (i) Provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).
- (ii) The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher.
- (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (iv) Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (**garage** door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
- (v) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (vi) The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.
- (vii) Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.
- (viii) Property owners shall be required to execute and record with the **structure's** deed a non-conversion agreement declaring that the area below the **lowest floor** (where the interior height of the enclosure exceeds 6 feet) shall not be improved, finished or otherwise converted; the **community** will have the right to inspect the enclosed area. The non-conversion agreement shall be recorded in the office of the Allen County Recorder.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(e) Structures Constructed on Fill

A residential or nonresidential **structure** may be constructed on a permanent land **fill** in accordance with the following:

- (i) The **fill** shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file.
- (ii) The **fill** shall extend five (5) feet beyond the foundation of the **structure** before sloping below the **BFE**.
- (iii) The **fill** shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
- (iv) The **fill** shall not adversely affect the flow of surface drainage from or onto neighboring properties.
- (v) The top of the **lowest floor** including **basements** shall be at or above the **FPG**.

(f) Standards for **Manufactured Homes** and **Recreational Vehicles**

Manufactured homes and **recreational vehicles** to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

- (i) These requirements apply to all **manufactured homes** to be placed on a site outside a **manufactured home park or subdivision**; in a **new manufactured home park or subdivision**; in an **expansion to an existing manufactured home park or subdivision**; or in an **existing manufactured home park or subdivision** on which a **manufactured home** has incurred “substantial damage” as a result of a **flood**:

[A] The **manufactured home** shall be elevated on a permanent foundation such that the **lowest floor** shall be at or above the **FPG** and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

[B] Fully enclosed areas formed by foundation and other exterior walls below the **FPG** shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic **flood** forces on exterior walls as required for **elevated structures** in §157.412(E)(2)(d).

- (ii) Flexible skirting and rigid skirting not attached to the frame or foundation of a **manufactured home** are not required to have openings.
- (iii) These requirements apply to all **manufactured homes** to be placed on a site in an **existing manufactured home park or subdivision** that has not been substantially damaged by a **flood**:

[A] The **manufactured home** shall be elevated so that the **lowest floor** of the **manufactured home** chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[B] Fully enclosed areas formed by foundation and other exterior walls below the **FPG** shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic **flood** forces on exterior walls as required for **elevated structures** in §157.412(E)(2)(d).

(iv) **Recreational vehicles** placed on a site shall either:

[A] Be on site for less than 180 days;

[B] Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached **additions**); or

[C] Meet the requirements for “**manufactured homes**” as stated earlier in this section.

(g) Accessory **Structures**

Relief to the elevation or **dry floodproofing** standards may be granted for accessory **structures**. Such **structures** must meet the following standards:

(i) Shall not be used for human habitation.

(ii) Shall be constructed of **flood** resistant materials.

(iii) Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.

(iv) Shall be firmly anchored to prevent flotation.

(v) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the **FPG**.

(vi) Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic **flood** forces on exterior walls as required for **elevated structures** in §157.412(E)(2)(d).

(h) Above Ground Gas or Liquid Storage Tanks

All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement.

(3) Standards for Subdivision Proposals

(a) All subdivision proposals shall be consistent with the need to minimize **flood** damage.

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize **flood** damage.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to **flood** hazards.

(d) **Base flood elevation** data shall be provided for subdivision proposals and other proposed **development** (including **manufactured home parks and Subdivisions**), which is greater than the lesser of fifty (50) lots or five (5) acres.

(e) All subdivision proposals shall minimize **development** in the **SFHA** and/or limit density of **development** permitted in the **SFHA**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (f) All subdivision proposals shall ensure safe access into/out of **SFHA** for pedestrians and vehicles (especially emergency responders).
- (4) **Critical Facility**

Construction of new **critical facilities** shall be, to the extent possible, located outside the limits of the **SFHA**. Construction of new **critical facilities** shall be permissible within the **SFHA** if no feasible alternative site is available. **Critical facilities** constructed within the **SFHA** shall have the **lowest floor** elevated to or above the **FPG** at the site. **Floodproofing** and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the **FPG** shall be provided to all **critical facilities** to the extent possible.
- (5) **Standards for Identified Floodways**
 - (a) Located within **SFHAs**, established in §157.412(C)(2), are areas designated as **floodways**. The **floodway** is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified **floodway**, the **Floodplain Administrator** shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a **floodway**. Under the provisions of IC 14-28-1 a permit for construction in a **floodway** from the Indiana Department of Natural Resources is required prior to the issuance of a local **building** permit for any excavation, deposit, construction, or **obstruction** activity located in the **floodway**. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual **start of construction** of the **structure**. However, it does exclude non-substantial **additions/improvements** to existing (lawful) residences in a **non-boundary river floodway**. (IC 14-28-1-26 allows construction of a non-substantial **addition/improvement** to a residence in a **non-boundary river floodway** without obtaining a permit for construction in the **floodway** from the Indiana Department of Natural Resources. Please note that if **fill** is needed to elevate an **addition** above the existing grade, prior approval for the **fill** is required from the Indiana Department of Natural Resources.)
 - (b) No action shall be taken by the **Floodplain Administrator** until a permit or letter of authorization (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the **floodway**. Once a permit for construction in a **floodway** or letter of authorization has been issued by the Indiana Department of Natural Resources, the **Floodplain Administrator** may issue the local **Floodplain Development Permit**, provided the provisions contained in §157.412(E) of this section have been met. The **Floodplain Development Permit** cannot be less restrictive than the permit for construction in a **floodway** issued by the Indiana Department of Natural Resources. However, a **community's** more restrictive regulations (if any) shall take precedence.
 - (c) No **development** shall be allowed, which acting alone or in combination with existing or future **development**, that will adversely affect the efficiency of, or unduly restrict the capacity of the **floodway**. This adverse effect is defined as an increase in the elevation of the **regulatory flood** of at least fifteen-hundredths (0.15) of a foot as determined by comparing the **regulatory flood** elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (d) For all projects involving channel modifications or **fill** (including levees) the **City** shall submit the data and request that the Federal Emergency Management Agency revise the **regulatory flood** data per mapping standard regulations found at 44 CFR §65.12.
- (6) Standards for Identified **Fringe**

If the site is located in an identified **fringe**, then the **Floodplain** Administrator may issue the local **Floodplain Development** Permit provided the provisions contained in §157.412(E) of this section have been met. The key provision is that the top of the **lowest floor** of any new or substantially improved **structure** shall be at or above the **FPG**.
- (7) Standards for **SFHAs** without Established **Base flood elevation** and/or **Floodways/Fringes**
 - (a) Drainage area upstream of the site is greater than one square mile:
 - (i) If the site is in an identified **floodplain** where the limits of the **floodway** and **fringe** have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the **Floodplain** Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.
 - (ii) No action shall be taken by the **Floodplain** Administrator until either a permit for construction in a **floodway** (including letters of authorization) or a **floodplain** analysis/regulatory assessment citing the **one-percent annual chance flood** elevation and the recommended **flood protection grade** has been received from the Indiana Department of Natural Resources.
 - (iii) Once the **Floodplain** Administrator has received the proper permit for construction in a **floodway** (including letters of authorization) or **floodplain** analysis/regulatory assessment approving the proposed **development**, a **Floodplain Development** Permit may be issued provided the conditions of the **Floodplain Development** Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in §157.412(E) of this section have been met.
 - (b) Drainage area upstream of the site is less than one square mile:
 - (i) If the site is in an identified **floodplain** where the limits of the **floodway** and **fringe** have not yet been determined and the drainage area upstream of the site is less than one square mile, the **Floodplain** Administrator shall require the applicant to provide an engineering analysis showing the limits of the **floodplain** and **one-percent annual chance flood** elevation for the site.
 - (ii) Upon receipt, the **Floodplain** Administrator may issue the local **Floodplain Development** Permit, provided the provisions contained in §157.412(E) of this section have been met.
 - (c) The total cumulative effect of the proposed **development**, when combined with all other existing and anticipated **development**, shall not increase the **regulatory flood** more than 0.14 of one foot and shall not increase **flood** damages or potential **flood** damages.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(8) Standards for **Flood Prone Areas**

All **development** in known **flood prone areas** not identified on **FEMA** maps, or where no **FEMA** published map is available, shall meet applicable standards as required per §157.412(E).

(F) Nonconforming **Buildings** and **Structures**

- (1) Any **building** or **structure** existing as of March 30, 1985 that does not conform to this section or that subsequently becomes nonconforming as a result of an amendment to this ordinance shall be considered a nonconforming **building** or **structure**.
- (2) Any nonconforming **building** or **structure** which is not in the **floodway** may be enlarged or improved at the existing grade and floor elevations, provided the **addition** or improvement does not constitute **substantial improvement**. Completion of the **addition** or improvement must be completed within 24 months from the date of the permit.
- (3) Any nonconforming **building** or **structure** in the **floodway** may be enlarged or improved at the existing grade and floor elevations, provided the **addition** or improvement does not constitute **substantial improvement** and shall meet the construction in the **floodway** requirement in §157.412(E)(5). Only one permit for an **addition** or improvement per **building** or **structure** is authorized by this section. Completion of the **addition** or improvement must be completed within 24 months from the date of the permit.
- (4) Any nonconforming **building** or **structure** may be repaired after a damage event, provided the repair does not constitute **substantial improvement**. For any proposed repair which constitutes **substantial improvement**, the **addition** or improvement shall conform to the applicable **building** protection standards in §157.412(E).

(G) **Variance** Procedures

(1) Designation of **Variance** and **Appeals** Board

The Board of Zoning Appeals shall hear and decide **appeals** and requests for **variances** from requirements of this section.

(2) Duties of **Variance** and **Appeals** Board

The Board shall hear and decide **appeals** when it is alleged an error in any requirement, decision, or determination is made by the **Floodplain** Administrator in the enforcement or administration of this section. Any person aggrieved by the decision of the Board may **appeal** such decision to the Allen County Circuit or Superior Court.

(3) **Variance** Procedures

In passing upon such applications, the Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this section, and;

- (a) The danger of life and property due to flooding or erosion damage.
- (b) The susceptibility of the proposed facility and its contents to **flood** damage and the effect of such damage on the individual owner.
- (c) The importance of the services provided by the proposed facility to the **community**.
- (d) The necessity of the facility to a waterfront location, where applicable.
- (e) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
- (f) The compatibility of the proposed use with existing and anticipated **development**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (g) The relationship of the proposed use to the Comprehensive Plan and **floodplain management** program for that area.
 - (h) The safety of access to the property in times of **flood** for ordinary and emergency vehicles.
 - (i) The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.
 - (j) The costs of providing governmental services during and after **flood** conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (4) Conditions for **Variances**
- (a) **Variances** shall only be issued when there is:
 - (i) A showing of good and sufficient cause.
 - (ii) A determination that failure to grant the **variance** would result in exceptional **hardship**.
 - (iii) A determination that the granting of a **variance** will not result in increased **flood** heights, additional threats to **public safety**, extraordinary public expense, create **nuisances**, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
 - (b) No **variance** for a residential use within a **floodway** subject to §157.412(E)(5) or (7)(a) of this section may be granted.
 - (c) Any **variance** granted in a **floodway** subject to §157.412(E)(5) or (7)(a) of this section will require a permit from the Indiana Department of Natural Resources.
 - (d) **Variances** to the Provisions for Flood Hazard Reduction of §157.412(E)(2), may be granted only when a new **structure** is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing **structures** constructed below the **flood protection grade**.
 - (e) **Variances** shall only be issued upon a determination that the **variance** is the minimum necessary, considering the **flood** hazard, to afford relief.
 - (f) **Variances** may be granted for the reconstruction or restoration of any **structure** individually listed on the National Register of Historic Places or the Indiana State Register of **Historic Sites** and **Structures**.
 - (g) Any applicant to whom a **variance** is granted shall be given written notice specifying the difference between the **flood protection grade** and the elevation to which the **lowest floor** is to be built and stating that the cost of the **flood** insurance will be commensurate with the increased risk resulting from the reduced **lowest floor** elevation (see §157.412(G)(5)).
 - (h) The **Floodplain** Administrator shall maintain the records of **appeal** actions and report any **variances** to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (see §157.412(G)(5)).
- (5) **Variance** Notification
- (a) Any applicant to whom a **variance** is granted that allows the **lowest floor** of a **structure** to be built below the **flood protection grade** shall be given written notice over the signature of a **community** official that:

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (i) The issuance of a **variance** to construct a **structure** below the **flood protection grade** will result in increased premium rates for **flood** insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - (ii) Such construction below the **flood protection grade** increases risks to life and property. A copy of the notice shall be recorded by the **Floodplain** Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- (b) The **Floodplain** Administrator shall maintain a record of all **variance** actions, including justification for their issuance.
- (6) **Historic Structure**

Variances may be issued for the repair or rehabilitation of “**historic structures**” upon a determination that the proposed repair or rehabilitation will not preclude the **structure’s** continued designation as an “**historic structure**” and the **variance** is the minimum to preserve the historic character and design of the **structure**.
- (7) **Special Conditions**
 - (a) Upon the consideration of the factors listed in §157.412(G), and the purposes of this section, the Board of Zoning Appeals may attach such conditions to the granting of **variances** as it deems necessary to further the purposes of this section.
 - (b) A **development** standards **variance** that was previously granted to construct a **structure** and the **structure** is substantially damaged by a **flood** event as determined by the Zoning Administrator, shall be deemed terminated and the **structure** shall only be repaired or rebuilt in conformance with the provisions of this ordinance.
- (H) **Severability**

If any section, clause, sentence, or phrase of this section is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this section.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.413 RESERVED

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.414 SEXUALLY ORIENTED BUSINESS LOCATION STANDARDS

- (A) *Purpose.* It is the purpose of this ordinance to regulate **sexually oriented businesses** in order to promote the health, safety, and general welfare of the citizens of the **City**, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of **sexually oriented businesses** within the **City**. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.
- (B) *Findings and Rationale.* Based on evidence of the adverse secondary effects of adult **uses** presented in hearings and in reports made available to the **City**, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4*, L.L.C., 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and *HH-Indianapolis, LLC v. Consol. City of Indianapolis/Marion County*, 889 F.3d 432 (7th Cir. 2018); *BBL, Inc. v. City of Angola*, 2014 WL 26093 (N.D. Ind. Jan. 2, 2014), *aff'd*, *BBL, Inc. v. City of Angola*, 809 F.3d 317 (7th Cir. 2015); *HH-Indianapolis, LLC v. Consol. City of Indianapolis/Marion County*, 265 F. Supp. 3d 873 (S.D. Ind. 2017); *1407, LLC v. City of Fort Wayne*, 2019 WL 341239 (N.D. Ind. 2019); *Uniontown Retail #36, LLC v. Bd. of Comm'rs of Jackson County*, 950 N.E.2d 332 (Ind. Ct. App. 2011); *Plaza Group Properties, LLC v. Spencer City Plan Comm'n*, 911 N.E.2d 1264 (Ind. Ct. App. 2009); *Plaza Group Properties, LLC v. Spencer City Plan Comm'n*, 877 N.E.2d 877 (Ind. Ct. App. 2007); *Foxxxy Ladyz Adult World, Inc. v. Village of Dix*, 779 F.3d 706 (7th Cir. 2015); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Andy's Restaurant & Lounge, Inc. v. City of Gary*, 466 F.3d 550 (7th Cir. 2006); *Blue Canary Corp. v. City of Milwaukee*, 270 F.3d 1156 (7th Cir. 2001); *Schultz v. City of Cumberland*, 228 F.3d 831 (7th Cir. 2000); *Matney v. City of Kenosha*, 86 F.3d 692 (7th Cir. 1996); *Berg v. Health & Hospital Corp.*, 865 F.2d 797 (7th Cir. 1989); *DiMa Corp. v. Town of Hallie*, 185 F.3d 823 (7th Cir. 1999); *Graff v. City of Chicago*, 9 F.3d 1309 (7th Cir. 1993); *North Avenue Novelties, Inc. v. City of Chicago*, 88 F.3d 441 (7th Cir. 1996); *Chulchian v. City of Indianapolis*, 633 F.2d 27 (7th Cir. 1980); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Metro Pony, LLC v. City of Metropolis*, 2012 WL 1389656 (S.D. Ill. Apr. 20, 2012); *Entm't Prods., Inc. v. Shelby County*, 721 F.3d 729 (6th Cir. 2013); *Lund v. City of Fall River*, 714 F.3d 65 (1st Cir. 2013); *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4th Cir. 2010); *LLEH, Inc. v. Wichita County*, 289 F.3d 358 (5th Cir. 2002); *Ocello v. Koster*, 354 S.W.3d 187 (Mo. 2011); *84 Video/Newsstand, Inc. v. Sartini*, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); *Flanigan's Enters., Inc. v. Fulton County*, 596 F.3d 1265 (11th Cir. 2010); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Peek-a-Boo Lounge v. Manatee County*, 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Heideman v. South Salt Lake City*, 348 F.3d 1182 (10th Cir. 2003); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville*, 635 F.3d 1266 (11th Cir. 2011); *H&A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (5th Cir. 2006); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

512 (6th Cir. 2009); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *DCR, Inc. v. Pierce County*, 964 P.2d 380 (Wash. Ct. App. 1998); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); *Fantasyland Video, Inc. v. City of San Diego*, 505 F.3d 996 (9th Cir. 2007); *U.S. v. Baston*, 818 F.3d 651 (11th Cir. 2016); *Johnson v.*

California State Bd. of Accountancy, 72 F.3d 1427 (9th Cir. 1995); *Spencer v. World Vision, Inc.*, 633 F.3d 723 (9th Cir. 2010); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); *People ex rel. Deters v. The Lion's Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); *Reliable Consultants, Inc. v. City of Kennedale*, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); and based upon reports concerning secondary effects occurring in and around **sexually oriented businesses**, including, but not limited to, "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," *Journal of Urban Health* (2011); "Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime?" *Crime & Delinquency* (2012) (Louisville, KY); Metropolis, Illinois – 2011-12; Manatee County, Florida – 2007; Hillsborough County, Florida – 2006; Clarksville, Indiana – 2009; El Paso, Texas – 2008; Memphis, Tennessee – 2006; New Albany, Indiana – 2009; Louisville, Kentucky – 2004; Fulton County, GA – 2001; Chattanooga, Tennessee – 1999-2003; Jackson County, Missouri – 2008; Ft. Worth, Texas – 2004; Kennedale, Texas – 2005; Greensboro, North Carolina – 2003; Dallas, Texas – 1997; Houston, Texas – 1997, 1983; Phoenix, Arizona – 1995-98, 1979; Tucson, Arizona – 1990; Spokane, Washington – 2001; St. Cloud, Minnesota – 1994; Austin, Texas – 1986; Indianapolis, Indiana – 1984; Garden Grove, California – 1991; Los Angeles, California – 1977; Whittier, California – 1978; Oklahoma City, Oklahoma – 1986; New York, New York Times Square – 1994; the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); Dallas, Texas – 2007; "Rural Hotspots: The Case of Adult Businesses," 19 *Criminal Justice Policy Review* 153 (2008); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Sex Store Statistics and Articles; Indianapolis / Marion City Board of Zoning Appeals Documents; Law Enforcement and Private Investigator Affidavits (Adult Cabarets in Forest Park, GA and Sandy Springs, GA); and Strip Club-Trafficking Documents, the City finds:

- (1) **Sexually oriented businesses**, as a category of commercial **uses**, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, human trafficking, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation.
- (2) **Sexually oriented businesses** should be separated from sensitive land **uses** to minimize the impact of their secondary effects upon such **uses**.
- (3) Each of the foregoing negative secondary effects constitutes a harm which the **City** has a substantial government interest in preventing and/or abating. The **City's** interest in regulating **sexually oriented businesses** extends to preventing future secondary effects of either current or future **sexually oriented businesses** that may locate in the **City**. The **City** finds that the cases and documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

The **City** hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of **sexually oriented businesses**, including the judicial opinions and reports related to such secondary effects.

(C) Standards

- (1) It shall be unlawful to establish, operate, or cause to be operated a **sexually oriented business** within the **planning jurisdiction** of New Haven that is within:
 - (a) 1000 feet of any existing Allen **County**, New Haven or Fort Wayne A or R **district**; or
 - (b) 300 feet of any existing **sexually oriented business**; or
 - (c) 1000 feet of any existing or pending **religious institution** or **school**.
- (2) For the purpose of this section, measurements shall be made in a straight line from the closest part of any **structure** occupied by the **sexually oriented business** to the closest property line of **uses** outlined in subsection (C)(1), above.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

ADMINISTRATION

§ 157.501 PURPOSE

The purpose of this section is to:

- (A) Provide for the administration and enforcement of the provisions of this ordinance;
- (B) Set forth general standards, procedures, and requirements for the review, consideration, and issuance of **Improvement Location Permits** and **Certificates of Compliance**; and
- (C) Establish standards, procedures, and requirements for **violations** and penalties.

§ 157.502 PLANNING AND ZONING BODIES

(A) Zoning Administrator

(1) Authorization

The Common Council has authorized the creation of a **Zoning Administrator** for the administration and enforcement of this ordinance. All references in this ordinance to the **Zoning Administrator** shall include any **Planning Department** or zoning enforcement officers designated by the **Zoning Administrator**.

(2) Powers and Duties

The **Zoning Administrator** shall be responsible for:

- (a) Making all determinations, interpretations, and decisions necessary to carry out the provisions and requirements of this ordinance, or as directed by the **Board of Zoning Appeals** or **Plan Commission**;
- (b) Determining if a **violation** of this ordinance exists, and how the provisions and requirements of this ordinance shall be applied and enforced (in conjunction with Code Enforcement); and
- (c) Issuing or causing to be issued all Site Plan Review decisions, **Improvement Location Permits**, **Certificates of Compliance**, and **Certificates of Use** required under this ordinance.

(3) Exceptions

The following exceptions shall apply in the situations noted below.

- (a) In cases where this ordinance requires a public hearing to be held on a **Plan Commission Development** Plan application, the **Plan Commission** hereby establishes that the project may be reviewed and acted on by a committee of the **Commission** without a public hearing if the **Zoning Administrator** determines that the proposed project does not warrant a public hearing due to: substantial conformance with a previously approved primary **Development** Plan, or lack of impact on **adjacent** properties.
- (b) In cases where this ordinance requires a project to be reviewed under the Site Plan review process, the **Zoning Administrator** may waive said review process upon a determination that the scope or impact of the project does not warrant a technical review by external review entities.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (c) In cases where this ordinance requires a project to be reviewed under the Site Plan review process, the **Zoning Administrator** may waive a required submittal, including but not limited to the required **building** plans or boundary/topographic/utility surveys, upon a finding that the proposed submittal is not applicable to or necessary for the proposed project.
- (4) Appeals

All determinations, interpretations, and decisions of the **Zoning Administrator** may be appealed to the **Board of Zoning Appeals**, in accordance with the **Board's** rules.
- (B) Planning Director
 - (1) Authorization

The Common Council has authorized the creation of an Planning Director of the **Planning Department** for the administration of that department.
 - (2) Powers and Duties

The Planning Director shall have the following powers and duties:

 - (a) To direct the activities of the **Planning Department**;
 - (b) To be authorized and empowered to do and perform those acts required for the administration of this ordinance or as directed by the **Board of Zoning Appeals** or **Plan Commission**;
 - (c) To perform those acts authorized by adopted inter-local agreement.
- (C) Hearing Officer
 - (1) Authorization

This ordinance hereby authorizes the creation of a Hearing Officer for the type of cases and in accordance with the procedures outlined in IC 36-7-4-923 and IC 36-7-4-924, and as set forth in the **Commission's** rules.
 - (2) Appointment

The Hearing Officer shall be appointed at the first annual meeting of the **Commission** and shall serve in that capacity for the succeeding year. The **Commission** may also appoint one or more alternates to serve in that capacity in the event the Hearing Officer is unavailable or unable to so act. The Hearing Officer and alternates so appointed shall serve at the pleasure of the **Commission** and may be removed or replaced by the **Commission** at any time.
 - (3) Powers and Duties

The Hearing Officer shall have the same powers and duties as the **Board of Zoning Appeals** to approve or deny applications through the alternate procedure allowed under IC 36-7-4-923, except as may be limited by the **Commission's** rules.
 - (4) Procedure

The **Commission** shall:

 - (a) Establish the circumstances in which it would be appropriate for the Hearing Officer to transfer proceedings to the **Board**; and

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (b) Designate requirements for the conduct of proceedings before the Hearing Officer filed under the alternate procedure including, but not limited to, the creation and filing of minutes and records, regulation of conflicts of interest and communication with the Hearing Officer and appeals to the **Board** of decisions by the Hearing Officer.

(D) Board of Zoning Appeals

(1) Authorization

The New Haven **Board of Zoning Appeals** has been established pursuant to IC 36-7-4-901(a), and shall operate subject to and in accordance with the Advisory Planning law as set forth in the 900 series (**Board of Zoning Appeals**). Any appeal filed under this section shall also be subject to all applicable procedures and limitations the **Board** may establish by rule.

(2) Powers and Duties

The **Board** shall approve or deny all of the following types of applications:

- (a) **Contingent uses**, pursuant to IC 36-7-4-918.2 and §157.503(C).
- (b) **Special uses**, pursuant to IC 36-7-4-918.2 and §157.503(D).
- (c) Variances from the **development** standards of this ordinance, pursuant to IC 36-7-4-918.5 and §157.503(E).
- (d) **Use** variances pursuant to IC 36-7-4-918.4 and §157.503(F).
- (e) Appeals of:
 - (i) Any, decision, interpretation, or determination made by a Hearing Officer, **Zoning Administrator**, or **Planning Department** staff member under this ordinance;
 - (ii) Any order, requirement, decision, interpretation, or determination made by an administrative **board** or other body, except the **Commission**, in relation to the enforcement of this ordinance; and
 - (iii) Any order, requirement, decision, interpretation, or determination made by an administrative **board** or other body, except the **Commission**, relative to the enforcement of **Improvement Location Permits** or **Certificates of Compliance**.
- (f) Other requests related to this ordinance as provided for in the **Board's** rules.
- (g) **Conditions**

The **development** standards under this ordinance are minimum regulations and, to promote the public health, safety, or general welfare, the **Board** has the discretion to impose **conditions** on any approval that are greater or more restrictive than the ordinance's minimum **development** standards or regulations. The **Board** may also impose whatever additional safeguards and restrictions that the **Board** reasonably finds necessary to meet the intent and purpose of this ordinance. Whenever, as part of its approval, the **Board** imposes a **condition**, safeguard or restriction that is greater or more restrictive than the minimum regulations of this ordinance, the greater or more restrictive **condition** safeguard or restriction shall govern.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(E) **Plan Commission**

(1) Authorization

The **Plan Commission** has been established pursuant to IC 36-7-4-202, and shall operate subject to and in accordance with the Advisory Planning law as set forth in the 200 series (**Plan Commission**) and in IC 36-7-4. In addition, the **Plan Commission** is established by Indiana Code as the administrative authority for the **subdivision** of land within the **planning jurisdiction** of the **City**. Under the authority granted by state law, the **Commission** may establish an Executive Committee empowered to act on its behalf on such matters as may be assigned to it by the **Commission**. The **Commission** may establish a **Plat Committee** to approve **plats** on its behalf.

(2) Purpose

The **Plan Commission** has been established to carry out the purposes set forth for advisory **Plan Commissions** in IC 36-7-4-201.

(3) Membership

The membership of the **Commission** and qualifications for citizens to be appointed to the **commission** are described in IC 36-7-4-207(a) and IC 36-7-4-216, and the adopted rules of the **Commission**.

(4) Powers and Duties

The **Commission** shall have the powers and duties as set forth in the 200 series (**Plan Commission**), the 300 series (Organization of **Commission**), and the 400 Series (**Commission Duties and Powers**), including but not limited to:

- (a) Make recommendations to the New Haven Common Council on amendments to this ordinance and the **Comprehensive Plan**;
- (b) Take action on all applications for approval of Primary or Secondary **Development Plans** or **Subdivisions** that are required to be submitted under this ordinance, provided, that in the event an application requires approval of a primary **Development Plan** or Primary **Major Subdivision**, and also approval of a **special use, contingent use, use variance**, or variance of dimensional standard, the **Commission** may authorize a combined hearing procedure pursuant to IC 36-7-4-403.5;
- (c) Take action on all applications for primary and **secondary approval** of **Minor and Major Subdivisions**, pursuant to the 700 series (**Subdivision Control**), and §157.303;
- (d) Be authorized and empowered to adopt any rules or regulations allowed or required under IC 36-7-4 or such other rules or regulations as the **Commission** may deem necessary or advisable for the effective administration of its duties under state law or this ordinance;
- (e) The **Commission** may adopt written policies and/or rules:
 - (i) For the **development** of public ways, public places, public **structures**, and public and private utilities;
 - (ii) As necessary to carry out the intent of this ordinance.
- (f) The **Commission** has adopted an **Administrative Manual** and shall update it as needed to implement this Chapter.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.503 PROCEDURES

(A) General

(1) Board of Zoning Appeals

The procedures of the **Board** shall be governed by provisions of the IC 36-7-4 -900 Series (**Board of Zoning Appeals**), the provisions of this §157.503(1), and the **Board's** rules. The **Board** shall adopt rules concerning the filing of appeals, the giving of notice, and the conduct of its hearings and operations as necessary to carry out its duties. Any application or appeal filed to go before the **Board** shall be subject to all applicable **Board** procedures and limitations. Certain **Board** procedures may apply to the Hearing Officer as well.

(a) Pre-Application Discussion

Prior to the submission of an application for a **contingent use, special use, use variance, or variance of development** standards, a pre-application discussion between the **Planning Department** staff and the applicant is recommended. The purpose of the pre-application discussion is to:

- (i) Acquaint the applicant with the standards, procedures, and requirements of this ordinance, the **Comprehensive Plan**, and any other applicable requirements;
- (ii) Review the **Board's** procedures, application, and submittal requirements; and
- (iii) Make the applicant familiar with potential issues or concerns regarding the proposed application.

(b) Submission Requirements

The applicant for an application or appeal to the **Board** shall submit an application form and supporting information as established by the **Board's** rules. **Planning Department** staff shall only place an application on the **Board's** next available public hearing agenda after all submittal requirements have been received. A determination made by the **Planning Department** staff with regard to the completeness of information required for an application or appeal may be appealed to the **Board** in accordance with the **Board's** rules.

(c) Public Hearing

The **Board** shall hold a public hearing on any appeal or application, in accordance with the **Board's** established public hearing calendar and rules. Any application or appeal filed under this section shall be subject to all applicable procedures and limitations the **Board** may establish by rule.

(d) Appeals

The **Board** may reverse, affirm, or modify the appealed decision, interpretation, or determination. For this purpose, the **Board** has all the powers of the official, officer, board or body from which the appeal is taken. The **Board** may also defer action on the appeal if it needs more information or time to make a decision.

(e) Decision and Additional Provisions

(i) Decision

Following the public hearing on an application, the **Board** shall approve or deny the application. The **Board** shall make a decision on any matter that it is required to hear either at the meeting at which the matter is first presented, or at the conclusion of the hearing on the matter, if it is continued. See IC 36-7-4-919(e).

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

The following standards and requirements shall also apply to the **Board's** decision on an appeal or application.

(ii) **Conditions**

The **Board** may impose reasonable **conditions** as a part of its action on an application or appeal. The **Board** may also permit or require a **commitment** as set forth in IC 36-7-4-1015 and §157.503(A)(5).

(iii) **Findings**

The **Board** shall enter written findings, setting forth the reasons for its action on an application or appeal.

(iv) **Notice**

Notice of the **Board's** decision on an application or appeal shall be provided as established by the **Board's** rules.

(v) **Appeal**

A decision of the **Board** may be reviewed as allowed by the Advisory Planning law in Indiana Code.

(vi) **Reconsideration**

In the event the **Board** or Hearing Officer denies a requested application or appeal, the **Board** shall not rehear and reconsider a repeated application for a period of one (1) year following the date of the **Board's** denial. Any **person** submitting a repeated application requesting reconsideration or rehearing of a previous denial after one (1) year shall also submit documentation indicating how the repeated application is substantially changed from the previous application that was denied. The repeated application shall be reviewed by the **Zoning Administrator**, who shall determine whether the request is a **substantial change** that can be placed on the **Board's** agenda for review. The **zoning administrator's** decision that the repeated application is not a **substantial change** may be appealed to the **Board** in accordance with the **Board's** rules.

(vii) **Revocation**

The **Board** may revoke a **contingent use, special use, use** variance or variance from **development** standards if the applicant, landowner and/or occupant violates a **condition** of approval or **commitment** imposed as part of the **Board's** approval. Prior to revocation, the **Board** shall notify the applicant, landowner and/or occupant of the real estate of the **violation** in writing and shall give the applicant, landowner and/or occupant an opportunity to be heard on the **violation**. At the **Board's** hearing, the **zoning administrator** shall present information to the **Board** regarding the alleged **violation**. Public notice and the public hearing on the revocation shall be in accordance with the **Board's** rules. Any application which is revoked by the **Board** shall be declared void.

(2) **Plan Commission**

The procedures of the **Commission** shall be governed by IC 36-7-4, the provisions of this §157.503(A)(2), and the **Commission's** rules. The **Commission** shall be empowered to act in accordance with IC 36-7-4, including but not limited to the following:

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (a) **Adoption and Amendment of Comprehensive Plan**
The **Commission** shall review take action on proposed a replacement of or amendments to the **Comprehensive Plan**.
 - (b) **Development Plans**
The **Commission** shall review and take action on applications for the approval of Primary or Secondary **Development Plans** pursuant to the IC 36-7-4-1400 series, and as described in §157.301.
 - (c) **Subdivisions of Land**
The **Commission** shall review and take action on applications for the primary or **secondary approval** of **Subdivisions** of land, and the certification and recording of exempt land divisions, pursuant to the IC 36-7-4-700 series, and as described in §157.302.
 - (d) **Zoning Map Amendments**
The **Commission** shall review and take action on proposed zoning map amendments pursuant to the IC 36-7-4-600 series and §157.503(G).
 - (e) **Zoning Text Amendments**
The **Commission** shall review and take action on proposed ordinance text amendments pursuant to the IC 36-7-4-600 series and §157.503(H).
 - (f) **Plat Vacations**
The **Commission** shall review and take action on proposed **plat** vacations pursuant to IC 36-7-4-711.
 - (g) **Plat Covenant Vacations**
The **Commission** shall review and take action on proposed **plat** covenant vacations pursuant to IC 36-7-4-711 and IC 36-7-4-714.
- (3) **Fees**
- At the time an application is filed with the **Board, Plan Commission**, or Planning Director for action and approval, **Planning Department** staff shall collect a nonrefundable filing **fee**. In accordance with IC 36-7-4-411, the **Plan Commission** shall establish a schedule of **fees** to defray the administrative costs connected with:
- (a) Processing and hearing administrative appeals and applications for rezoning, **special uses, contingent uses** and variances;
 - (b) Issuing permits; and
 - (c) Other actions or activities taken in accordance with the provisions of IC Title 36.
- (4) **Deemed Delivery of Notice**
- If this ordinance or the rules of the **Board of Zoning Appeals** or **Plan Commission** requires written notice to be given to any **person**, the notice requirement shall be considered satisfied as of three (3) days after the date of deposit of the required notice in the United States mail.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(5) Commitments

(a) Authorization

As part of its review of an application the **Board of Zoning Appeals**, Hearing Officer, or the **Plan Commission**, as applicable, may permit or require the property **owner(s)** to make **commitments** concerning the **use** or **development** of that property, in accordance with IC 36-7-4-1015, and the **Board's** or **Commission's** rules.

Commitments shall be in a form acceptable to the **Board's** or **Commission's** legal staff.

(b) General Provisions

- (i) By permitting or requiring a **commitment**, the **Board**, Hearing Officer, or **Commission** does not become obligated to approve the application or recommend approval of the proposed zoning map amendment, and the Common Council shall be under no obligation to approve the zoning map amendment.
- (ii) By permitting or requiring a **commitment**, the **Board** or Hearing Officer, shall not be obligated to grant any requested **waiver** or modification of a zoning standard or requirement, and the **Commission** shall not be obligated to grant any requested **waiver** or modification of a **development** standard or requirement.
- (iii) If a **commitment** is executed in conjunction with an application or a proposed zoning map amendment, and the application or proposal is denied, the **commitment** shall not be recorded.
- (iv) This section does not affect the validity of any covenant, **easement**, equitable servitude, or other land **use** restriction created in accordance with the law.

(c) Content

A **commitment** may include, but shall not be limited to, the following provisions:

- (i) Limiting the **uses**, or a specific aspect of a **use**, that will be permitted on the property;
- (ii) Placing restrictions on the size, location, height, or similar aspects of a proposed **structure** or **structures** on the property;
- (iii) Establishing standards or requirements relative to screening, buffering, landscaping, parking, or other similar site design aspects of a **development** on the property;
- (iv) Limiting off-site impacts of a proposed **building**, **structure** or **development** or future **development** proposal, relative to noise, site lighting, signage, or similar issues;
- (v) Similar **use**, layout, or site design issues; or
- (vi) Any other provisions as determined by the **Board of Zoning Appeals**, Hearing Officer, or **Plan Commission**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(d) Recordation

Commitments made under this §157.503(A)(5) shall be approved by the **Board**, Hearing Officer, or **Commission** and recorded in the Allen **County Recorder's** office in accordance with the **Commission's** rules. Unless modified or terminated by the **Commission** or automatically terminated, a recorded **commitment** made under this section is binding on:

- (i) The **owner** of the **parcel**;
- (ii) Any subsequent **owner** of the **parcel**; and
- (iii) Any **person(s)** who acquires an interest in the **parcel**.

(e) Enforcement

Commitments made under this §157.503(A)(5) shall include provisions for the enforcement of the **commitment**. The **commitment** shall designate the **Board**, Hearing Officer, or **Commission** as a party entitled to enforce the **commitment**. Other appropriate parties, including but not limited to registered neighborhood associations, may also be designated as a party entitled to enforce the **commitment**. A **violation** of a **commitment** shall be considered a **violation** of this ordinance.

(f) Modification and Termination

A **commitment** made under this §157.503(A)(5) shall automatically terminate if, after the adoption of the **commitment** and approval of the proposed application or zoning map amendment, the approval or zoning classification that is the subject of the **commitment** is changed at some future point. Otherwise, **commitments** made under this section shall only be modified or terminated by the **Board of Zoning Appeals**, Hearing Officer, or **Plan Commission**. Prior to the **Board**, Hearing Officer, or **Commission** considering a request to modify or terminate a **commitment** previously approved under this section, the **Board**, Hearing Officer, or **Commission** shall hold a public hearing on the request. The procedure for the public hearing, including required notice, shall be as established in the **Board's** or **Commission's** rules.

(6) Conditions

- (a) Wherever this ordinance grants the **Board** or the **Commission** the authority to impose **conditions** on an approval or recommendation:
 - (i) All **conditions** imposed shall be reasonably related to the anticipated impacts of the proposed **development** or land **use** and to the purposes of this ordinances; and
 - (ii) Such **conditions** may include a requirement for the recordation of a written **commitment** in a form acceptable to the **Board** or **Commission**, as applicable, binding the present and subsequent **owners** of the **parcel** of land affected and all parties having an interest therein, to the terms of the **conditions**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(7) Lapsing of Approvals

The approvals listed in the table below are valid for the periods indicated in that table. The sections listed in the right-hand column provide more information about periods of validity.

Type of Approval	Lapsing Period	Ordinance Section
Primary Development Plan	24 months	157.301(C)(4)(f)
Secondary Development Plan	36 months	157.301(D)(3)(f)(i)
Site Plan	6 months	157.302(G)(5)(b)
Primary Minor Subdivision	24 months	157.303(E)(4)(d)(i)
Secondary Minor Subdivision	24 months	157.303(E)(5)(i)(b)
Primary Major Subdivision	24 months	157.303(F)(4)
Secondary Major Subdivision	12 months	157.303(F)(4)(d)(ii)
Improvement Location Permit	3 months	157.303(B)(5&8)

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(B) Improvement Location Permit

(1) General Provisions

An **Improvement Location Permit** shall be required for the construction, reconstruction, enlargement, or relocation of any **building** or **structure** (including a non-temporary **sign**), unless specifically excluded by this ordinance. No **building** or **structure** shall be erected, constructed, reconstructed, enlarged, or moved prior to the issuance of an **Improvement Location Permit**.

- (a) No **Improvement Location Permit** shall be issued unless the proposed **development** conforms with the provisions and requirements of this ordinance.
- (b) No **Improvement Location Permit** shall be issued for construction that would encroach over a platted front **building** line except for ornamental fences and open decks, open porches, or stoops unless the applicant documents that the restrictive covenants for the **subdivision** allow such an encroachment. This prohibition shall also apply to all non-allowed construction that does not require an **Improvement Location Permit**.
- (c) No **Improvement Location Permit** shall be issued for the construction, reconstruction, enlargement, or relocation of a **building** or **structure**, or any part of a **building** or **structure** (except for **fences** or **signs**), within a utility or surface drainage **easement**, unless the **easement** has been vacated (if the **easement** is a platted **easement**) or otherwise released.
- (d) No **Improvement Location Permit** shall be issued for construction that would encroach into a **corner visibility area** as defined herein. This prohibition shall also apply to construction that does not require an **Improvement Location Permit**.
- (e) If an application requires the approval of a **Development** Plan or a Site Plan Review, that approval shall have been granted and all **conditions** of approval satisfied prior to the approval and issuance of any **Improvement Location Permit(s)**.
- (f) Projects meeting the definition of **major façade renovation** shall be required to be reviewed through the Design Review process as described in §157.404 and the **Commission's** rules prior to the application for an **Improvement Location Permit** application.
- (g) Notwithstanding the other **Improvement Location Permit** validity provisions included herein, any application for a non-Site Plan Review **Improvement Location Permit** shall be void if a complete application is not submitted within three (3) months of the submission of an **ILP** incomplete application.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(2) Exclusions

An **Improvement Location Permit** shall not be required for the items listed in the following table, but the **development** standards of this ordinance shall still apply.

IMPROVEMENT LOCATION PERMIT EXCLUSIONS		
Accessory building of 200 square feet or less	Grill	Sign (as set forth in §157.409)
Access ramp	Hedge	Site lighting facilities
Address marker	Holiday decorations	Solar panel (building mounted)
Arbor	Landscape elements	Stoop
Basketball backboard/goal	Mail delivery box	Storage tank (underground)
Bird bath	Manufactured home, Type II (if located in a manufactured home park)	Swing set
Bird feeder	Manufactured home, Type III (if located in a manufactured home park)	Television aerial
Bird house	Name plate	Temporary sign
Commercial communication tower (if located within City right-of-way)	Newspaper delivery box	Tree house (not attached to ground)
Dog/pet house	Patio (without foundations/footings)	Trellis
Driveway	Play equipment	Utility fixtures (including lines/poles/supports)
Fence (temporary construction)	Pond	Walk
Fence (agricultural)	Property boundary marker	Wall (retaining)
Flagpole	Rain barrel/garden	Yard light
Garden	Satellite dish	

(3) Issuance of Permit

- (a) Complete permit applications shall be promptly reviewed by **Planning Department** staff. If the proposed construction is in compliance with the provisions of this ordinance, the permit shall be issued. However, the **Zoning Administrator** may distribute the permit application and supporting information to other applicable entities for review prior to the issuance of the permit. In that case the issuance of the permit may be delayed until any **conditions** of that reviewing entity are satisfied.
 - (i) If the proposed construction requires a permit from the **Allen County Building Department** then the **Improvement Location Permit** shall be sent by the **Planning Department** staff to the **Building Department**.
 - (ii) If the proposed construction does not require a permit from the **Allen County Building Department**, then the **Improvement Location Permit** shall be sent directly to the applicant.
 - (iii) If there is an existing zoning ordinance **violation** on the **lot** included in the permit application, the **Zoning Administrator** may delay the issuance of the permit until such time as the **Zoning Administrator** determines that the **violation** has been resolved or an adequate **commitment** to resolve the **violation** has been made.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (b) If the proposed construction is not in compliance with the provisions of this ordinance, the **Zoning Administrator** shall not approve the application, and shall notify the applicant in writing of the reason(s) why the permit cannot be approved.
 - (i) If the applicant amends the application to bring it into full compliance with the provisions of this ordinance within thirty (30) days after such notice, then the **Zoning Administrator** shall approve and issue the permit.
 - (ii) If the application cannot be amended to bring it into full compliance, the **Zoning Administrator** shall defer action on the request to allow the applicant the opportunity to apply for a variance. If a variance is not obtained, or a requested variance is denied by the **Board of Zoning Appeals** or Hearing Officer, then the permit application shall be denied. The applicant may also withdraw the permit application.
 - (iii) As part of the review and approval of any **Improvement Location Permit**, the **Zoning Administrator** may place **conditions** on the permit. If **conditions** are placed on a permit, those **conditions** must be satisfied or adequately addressed prior to the issuance of a **Certificate of Compliance** for the project or **use**.
- (4) Lack of **Improvement Location Permit**
 - (a) Any case where construction requiring an **Improvement Location Permit** takes place without the issuance of the required permit shall be a **violation** of this ordinance. In that case, the **Zoning Administrator** shall give the **owner(s)** written notice of the **violation** and the **owner(s)** of the real estate shall be required to make application for an **Improvement Location Permit**, in accordance with this §157.503(B)(1), within ten (10) business days of notice being given.
 - (b) If the **Zoning Administrator** determines that the **building** or **structure** so erected or maintained fails to conform with the provisions of this ordinance, the **owner(s)** shall be granted thirty (30) business days to complete to the satisfaction of the **Zoning Administrator**, the modification necessary to cause the **building** or **structure** to be in compliance with the ordinance.
 - (c) If the **owner(s)** fail to timely apply for an **Improvement Location Permit** as required by subsection (3)(a) above, or if at the end of the thirty (30) business day period the **building** or **structure** is not in conformity with the provisions of this ordinance, the **owner(s)** of the real estate on which the **building** or **structure** is located shall be subject to the penalties set forth in §157.505.
- (5) Commencement and Continuation of Work

Work on any construction project for which an **Improvement Location Permit** has been issued shall begin within ninety (90) business days of the date of the issuance of the permit. Work shall continue with due diligence until the project is completed.
- (6) Compliance with Approved Plans

All work shall proceed in accordance with the plan(s), specifications, and other information approved as part of the permit application.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (7) Amendment and Modifications
- (a) After the **Improvement Location Permit** has been issued, amendments involving the location, design, or layout of a proposed **building** or **structure** that are determined to not be a **substantial change** may be approved by the **Zoning Administrator**. Such an amendment, if approved, shall not require another **Improvement Location Permit** application.
 - (b) After the **Improvement Location Permit** has been issued the approved plan(s) shall not be amended to include new items such as **accessory structures, decks, further additions**, or other similar changes. Such an amendment shall require another **Improvement Location Permit** application.
 - (c) An approved **Improvement Location Permit** may not be applied or transferred to another construction project or site or to a different applicant.
- (8) Validity and Revocation of Permit
- (a) An approved **Improvement Location Permit** may be revoked and declared void by the **Zoning Administrator** in the following situations:
 - (i) If work on the construction project is not commenced within (90) days of its date of issuance and continued with due diligence to completion; or
 - (ii) If work on the construction project is not completed within eighteen (18) months of the issuance of the permit, unless a request to extend the validity of the permit is submitted prior to the expiration of the eighteen (18) months; this provision shall not apply to Site Plan review **Improvement Location Permits**; or
 - (iii) If work on the construction project is not proceeding in conformance with the approved plan(s), specifications, and other information approved as part of the permit application; or
 - (iv) If work on the construction project is not in compliance with the provisions of this ordinance.
 - (b) If the **Zoning Administrator** determines that any of the situations listed in §157.503(B)(8)(a) above exists, the **Zoning Administrator** shall notify the applicant, specify the areas of non-compliance, and establish a time frame for the work to be brought into full compliance. The **Zoning Administrator** may also issue a stop work order (in conjunction with Code Enforcement) to ensure that no additional work will be done on the project.
 - (c) If the work on the project is not brought into full compliance within the time frame specified by the **Zoning Administrator**, a stop work order shall be issued (if one has not been previously issued), and the previously issued **Improvement Location Permit** shall be revoked and declared void. In a case where work on the project has not begun within the required ninety (90) days, a stop work order shall not be required, but the permit may still be revoked and declared void.
 - (d) After the revocation of an **Improvement Location Permit** any **person** performing any work in or about the **structure, building** or **lot** shall be subject to the penalties prescribed in §157.505.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(9) Certificate of Compliance

- (a) After the issuance of an **Improvement Location Permit** for a **building** or **structure**, no occupancy or **use** of that **building** or **structure** shall take place prior to the issuance of a **Certificate of Compliance** for the **building** or **structure**. Upon the completion of the construction included with the issued **Improvement Location Permit**, the **Planning Department** staff shall take the following actions:
 - (i) If the construction is in full compliance with the requirements of this ordinance, the requested **Certificate of Compliance** shall be issued to the **Allen County Building Department**. However, if another review entity has placed a **condition** on the issuance of the **Certificate of Compliance** as a result of a **Planning Department** distribution for review, the issuance of the **Certificate of Compliance** may be delayed until the **conditions** of that reviewing entity are satisfied.
 - (ii) If the **Certificate of Compliance** cannot be issued, the **Planning Department** staff shall advise the applicant of the reason(s) the compliance cannot be issued. It shall be the applicant's or the designated project representative's responsibility to resolve all outstanding issues, provide any requested information, or schedule any required inspections. The requested **Certificate of Compliance** shall not be issued until all outstanding issues are adequately addressed.
- (b) Any approved **Certificate of Compliance** may be revoked and declared void by the **Zoning Administrator** in the following situations:
 - (i) If a **Certificate of Compliance** was issued based on the acceptance of a letter of **commitment** for compliance on a future date that was not fulfilled as specified; or
 - (ii) If a **Certificate of Compliance** approving a certain **use** was issued and the **use** is no longer in compliance with the provisions of this ordinance.
- (c) If the **Zoning Administrator** determines that any of the situations listed in subsection (9)(a)(ii) or (9)(b) above exists, the **Zoning Administrator** shall notify the applicant, specify the areas of noncompliance and establish a timeframe for the **use** to be brought into full compliance. If the construction, site, or **use** is not brought into compliance within the timeframe specified the **Certificate of Compliance** shall be revoked and declared void. A new application, filing **fee**, review and approval shall be required to obtain another **Certificate of Compliance**.

(10) Certificate of Use

In order for a landowner, tenant, or occupant to change any **use** of real estate to another **use** permitted in the **zoning district**, the landowner, tenant, or occupant shall apply for a **Certificate of Use**. The **Certificate of Use** shall certify only that the change in **use** of the real estate is permitted in the **zoning district** and complies with the **use** provisions of the applicable **zoning district**. A new outside **storage** area which does not otherwise require an **Improvement Location Permit** shall require a **Certificate of Use**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(C) Contingent Uses

(1) List of Contingent Uses

The following **contingent uses** may be permitted by the **Board of Zoning Appeals** after public hearing pursuant to §157.503(A)(1) in any **zoning district**, if the **Board** determines that the application meets the criteria in §157.503(C)(2) below. As part of its approval, the **Board** may impose **conditions** regarding the location, site design, and other features of the proposed **building, structure, use**, or site **development** as are reasonably related to the purposes of this ordinance.

- (a) **Airport** (public);
- (b) **Cemetery (public or private)**;
- (c) **Correctional institution**;
- (d) Government/publicly-owned and operated facility not otherwise permitted (highway/transportation facility, lift station, recycling facility, **sanitary landfill**, sewage/water treatment plant, and other utility facility);
- (e) **Heliport** (public); and
- (f) **Public works use (temporary)**.

(2) Criteria for Approval of Contingent Use

The **Board** shall approve a **contingent use** if the **Board** determines that:

- (a) Adequate storm drainage, water, sanitary disposal, other utility, and transportation **infrastructure** either currently exists or will be provided to serve the proposed **use**; and
- (b) The proposed **use** will substantially serve the health, safety, or welfare of the community and will not conflict with the **Comprehensive Plan** or other plan duly adopted by the New Haven Common Council.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(D) Special Uses

(1) List of Special Uses

The following **special uses** may be permitted by the **Board of Zoning Appeals** in the **zoning districts** shown in the table below, after public hearing pursuant to §157.503(A)(1). To approve a **special use**, the **Board** shall determine that the application meets the criteria in §157.503(D)(2) below and any other requirements stated for the specific **use** in this ordinance. The **Board** may impose reasonable **conditions** as part of its approval.

SPECIAL USES	
Special Use	District(s) Where Allowed
Accessory building conversion to a single family residence	A1
Accessory building, as a primary building, on a site of at least 5 acres	A1
Agriculturally-allied uses	A1
Airstrip/heliport (for corporate or multiple owner use)	A1
Animal grooming	C1
Animal hospital	A1 and C1
Animal keeping (outdoor, small animal)	R1, R2, R3, R4, RP, MHS, CC, and MU
Animal kennel	A1 and C1
Animal obedience school	C1
Animal rescue	A1
Arena	A1
Asphalt Plant	A1
Automatic teller machine (stand-alone ATM)	C1
Automobile maintenance (quick service)	C2, NC, and SC
Bed and breakfast	A1, R1, R2, R3, R4, RP, and MHS
Boarding house	A1, R1, R2, R3, R4, RP, and MHS
Child care home (class II)	A1, R1, R2, R3, R4, RP, MHS, CC, and MU
Club, private ⁽¹⁾	R1, R2, R3, R4, RP, MHS, and C1,
Commercial communication tower ⁽²⁾	A1, C1, C2, NC, SC, C3, C4, BTI, I1, I2, I3 and I4
Community facility (transitional use)	R1, R2, R3, R4, RP, and MHS
Community garden that includes a structure	A1, R1, R2, R3, R4, RP, MHS, C1, C2, NC, CC, and MU
Concrete plant	A1
Country club	A1, R1, R2, R3, R4, RP, and MHS
Educational institution uses	A1, R1, R2, R3, R4, RP, MHS ⁽¹⁾ , C1, C2, NC, SC, C3, and MU
Emergency response facility (transitional use)	R1, R2, R3, R4, RP, and MHS
Flood control improvement project/non-permitted fill, private	Any district
Fuel storage facility	I2
Funeral home	A1, R1, R2, R3, R4, RP, and MHS

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

SPECIAL USES	
Special Use	District(s) Where Allowed
Gas station	C2 and NC
Golf course	A1, R1, R2, R3, R4, RP, and MHS
Greenhouse (retail)	C2, NC, and SC
Group residential facility (large) ⁽¹⁾	A1, R1, R2, R3, R4, RP, MHS, C1, C2, NC, SC, C3, C4, CC, MU, I1, I2, I3 and I4
Heliport	A1, R1, R2, R3, R4, RP, and MHS
Home business ⁽²⁾	A1, R1, R2, R3, R4, RP, MHS, C1, C2, C3, C4, CC, and MU
Home enterprise ⁽²⁾	A1
Home workshop ⁽²⁾	A1
Homeless/emergency shelter (accessory to a religious institution)	A1, R1, R2, R3, RP, MHS, C1, C2, NC, SC, C3, C4, CC, and MU
Illuminated recreation field (if adjacent to residential district)	BTI, I1, I2, I3, and I4
Instruction/training education (transitional use)	R1, R2, R3, R4, RP, and MHS
Junk yard	I2
Live-work unit (transitional use)	R1, R2, R3, R4, RP, and MHS
Manufactured home, Type II (see §157.503(D)(3)(e) for additional standards)	R1, R2, R3, R4, RP, MHS, C1, C2, NC, SC, C3, C4, CC, and MU
Medical office (transitional use)	R1, R2, R3, R4, RP, and MHS
Metal and plastic extrusion and molding	I1
Metal cutting facility	I1
Metal fabricating facility	I1
Metal processing facility	I1
Model home (for an extension of time or expansion of scope)	A1, MHS, R1, R2, R3, R4, and RP
Model unit (for an extension of time or expansion of scope)	CC,
Motor vehicle storage yard	I2
Museum	R1, R2, R3, R4, RP, and MHS
Nature preserve (that includes a structure or parking area)	A1, R1, R2, R3, R4, RP, MHS, and MU
Neighborhood facility	A1, R1, R2, R3, R4, RP, and MHS
Nonconforming use (expansion of existing nonconforming use, or allow conforming status to existing use; this special use shall not be available for gas station uses)	A1, R1, R2, R3, R4, RP, MHS, C1, C2, NC, SC, C3, C4, CC, MU, BTI, I1, I2, I3 and I4
Open use of land (not otherwise permitted)	I3,
Outdoor use (in conjunction with a permitted primary building)	C2
Parking structures (public or private)	CC, MU
Pawn shop	CC
Personal service (transitional use)	R1, R2, R3, R4, RP, and MHS
Plant nursery (retail)	C2, NC, and SC
Professional office/business service (transitional use)	R1, R2, R3, R4, RP, and MHS
Reception, meeting, or recreation hall; clubhouse	A1

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

SPECIAL USES	
Special Use	District(s) Where Allowed
Recreation facility or use (not otherwise permitted) ⁽¹⁾	A1, R1, R2, R3, R4, RP, MHS, C1, C2, NC, SC, C3, C4, CC, and MU
Religious institution or school illuminated athletic field(s)	R1, R2, R3, R4, RP, MHS, C1, C2, NC, SC, CC,
Residential facility for a court-ordered re-entry program	A1, R1, R2, R3, R4, RP, MHS, C1, C2, NC, SC, C3, C4, CC, MU, I1, I2, I3 and I4
Residential facility for homeless individuals	A1, R1, R2, R3, R4, MHS, C1, C2, NC, SC, C3, C4, CC, MU, I1, I2, I3 and I4
Retail (limited)	C1
Riding stable, residential	R1
Salvage yard	I2
Sheet metal fabrication and/or processing	I1
Shooting range (indoor)	A1, C2, and SC
Shooting range (outdoor)	A1, C4
Sign (temporary subdivision direction)	A1
Solar panel (ground mounted)	A1, R1, R2, R3, R4, RP, MHS, C1, C2, NC, SC, C3, C4, CC, MU, BTI, I1, I2, and I3
Solid waste transfer station	I2
Studio (transitional use)	R1, R2, R3, R4, RP, and MHS
Subdivision clubhouse, meeting hall, neighborhood center, or swim/tennis facility, if not previously approved as part of the subdivision	R1, R2, R3, R4, RP, and MHS
Tattoo establishment	C1
Tree service	C3 and C4
Two family dwelling (to allow conforming status for existing nonconforming dwellings)	R1 and MHS
Utility facility, private (not otherwise permitted or exempt)	A1, R1, R2, R3, R4, RP, MHS, C1, C2, NC, SC, C3, C4, CC,
Veterinary clinic	C1
Wind energy conversion system (micro) ⁽²⁾	A1, R1, R2, R3, R4, RP, MHS, C1, C2, NC, SC, C3, C4, BTI, I1, I2, I3 and I4
Wind energy conversion system (standard) ⁽²⁾	A1, R1, R2, R3, RP, MHS, C1, C2, NC, SC, C3, C4, I1, I2, I3 and I4
Notes:	
(1) See the individual zoning districts for possible additional use standards	
(2) See §157.503(D)(3) for additional use standards	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(2) Criteria for Approval of **Special Use**

In reviewing an application for any **special use**, the **Board** may consider the location and size of the **use**; the nature and intensity of the operations involved in or conducted in connection with it; and its site layout, including access provisions and parking requirements, and may approve a **special use** if the **Board** determines that:

- (a) The proposed **use** will not be unduly detrimental to the **use**, value, pattern of **development**, or growth of the surrounding area;
- (b) The location, size, intensity, site design, and operation of the proposed **use** will be compatible with the immediate area;
- (c) Adequate storm drainage, water, sanitary disposal, other utility, and transportation **infrastructure** either currently exists or will be provided to serve the proposed **use**; and
- (d) If the application is for one of the following listed **uses**, in addition to the criteria above, the **Board** shall also determine that the proposed **use** will not be injurious to the public health, safety, or welfare of the community:
 - (i) **Airstrip/heliport** (corporate/multiple **owner use**);
 - (ii) **Arena**;
 - (iii) **Recreation facility or use** (not otherwise permitted);
 - (iv) **Sanitary landfill**;
 - (v) **Shooting range** (indoor or outdoor);
 - (vi) **Solid waste transfer station**;
 - (vii) **Stadium/racetrack**;
 - (viii) **Utility facility, private**.

(3) Additional **Special Use** Standards and Provisions

The following standards shall apply as applicable to applications for the noted **special use** approvals.

- (a) **Commercial communication tower**
 - (i) A **special use** shall not be required for a wireless support **structure**, as defined in I.C. 8-1-32,3-14, if the proposed wireless support **structure** is located within the **City right-of-way**.
 - (ii) A **special use** shall not be required for the location of additional cabinets or shelters for an existing tower
 - (iii) A **special use** shall not be required for the co-location of antennae in any **district** on an existing **building** or **structure**. Antennae shall be permitted to extend up to twenty (20) feet above the existing **building** or **structure**. A **Certificate of Compliance** shall be obtained for all antennae locations and co-locations.
 - (iv) In addition to meeting the requirements set forth in §157.503(D)(2) the **Board** shall also find the following as a part of its approval:
 - [A] The proposed communication tower is necessary to serve either new providers of service, or documented service gaps in the immediate area; and

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- [B] The applicant is unable to locate or co-locate on an existing **structure**.
- (v) New communication towers approved by the **Board of Zoning Appeals** shall conform to the following **development** standards:
- [A] The tower **structure** shall not exceed 150 feet in height for a new service provider, and 80 feet in height for towers intended to fill in service gaps for an existing provider;
- [B] The **setback** requirement for towers shall be as follows. **Setbacks** shall be measured from the base of the tower to the applicable **lot lines**.

TOWER SETBACK REQUIREMENTS	
Front yard (including through lots)	75% of tower structure height
Side yard – interior lot line	50% of tower structure height
Side yard – street frontage side of corner lot	75% of tower structure height
Rear yard	50% of tower structure height

- (b) **Home business**
- (i) The **Board** may limit the number of outside employees who work at the home;
 - (ii) No outside display, **storage**, work, or other exterior indication of the **home business** shall be permitted, except for a **sign** of up to three (3) square feet;
 - (iii) No vehicle with a load capacity greater than one-ton shall be permitted to be parked outside as part of a **home business**; and
 - (iv) Food-related **uses** shall also require Fort Wayne-Allen **County Department of Health** approval.
- (c) **Home enterprise**
- (i) The **Board** may limit the number of employees;
 - (ii) The area used for outside **storage** for the **home enterprise** shall be: limited to the size of the **building** used for the workshop, up to 4,000 square feet; permitted up to eight (8) feet in height; and adequately screened; the **Board** may further limit the outside **storage** area;
 - (iii) Adequate on-site parking shall be provided for employee and client/customer parking; and
 - (iv) **Home enterprises** shall only be considered for properties previously approved for a **home workshop** or a different **home enterprise**.
- (d) **Home workshop**
- (i) The **Board** may limit the number of employees;
 - (ii) The area used for outside **storage** for the **home workshop** shall be limited to the area of the workshop, and shall be adequately screened; the **Board** may further limit the outside **storage**;
 - (iii) Except for vehicles or equipment, outside **storage** shall be limited to eight (8) feet in height; and
 - (iv) Adequate on-site parking shall be provided for employee and client/customer parking.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(e) **Manufactured home, type II**

In addition to meeting the requirements set forth in §157.503(D)(2) the **Board** shall determine that the home is:

- (i) Compatible with the existing housing pattern in the immediate area with regard to **setbacks**, placement, and orientation on the **lot**; entry location; roof pitch; and foundation type and construction; and
- (ii) Constructed of roofing and siding materials compatible with the immediate area.

(f) **Sanitary landfill**

- (i) The minimum size of a **sanitary landfill** facility shall be seventy (70) acres.
- (ii) Minimum required depth of any **front, rear** or **side yard** shall be one-hundred (100) feet, and no portion of the filling operation shall be conducted in that area. Paved roadways may be located within the front, rear or **side yards**.
- (iii) No part of a **sanitary landfill** property shall be located less than six (6) miles from a public **airport**.
- (iv) The entire landfill operation shall be enclosed with a **wall, fence**, or other approved barrier at least five (5) feet in height; facilities for after-hours acceptance of **refuse** need not be within the area enclosed by the **wall, fence**, or barrier.
- (v) A **Board**-approved site screening area at least thirty (30) feet in width shall be provided and maintained between the exterior boundaries or property lines of the project and the fencing set forth in subsection (f)(4) above. Site screening can include planting and earth berming or mounding.

(g) **Solid waste transfer station**

Any waste receptacles stored outside shall be stored on a paved surface.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(E) Variances from **Development** Standards

The **Board of Zoning Appeals** may approve variances from the **development** standards of this ordinance, pursuant to IC 36-7-4-918.5, if the **Board** makes a written determination that:

- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) The **use** and value of the area **adjacent** to the property included in the variance will not be affected in a substantially adverse manner; and
- (3) The strict application of the terms of the ordinance will result in practical difficulties in the **use** of the property.

(F) **Use** Variances

The **Board of Zoning Appeals** may approve variances of **use** pursuant to IC 36-7-4-918.4 if the **Board** makes a written determination that:

- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) The **use** and value of the area **adjacent** to the property included in the variance will not be affected in a substantially adverse manner;
- (3) The need for the variance arises from some **condition** peculiar to the property involved;
- (4) The strict application of the terms of this ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
- (5) The approval does not interfere substantially with the **Comprehensive Plan**, or any other plan duly adopted by the New Haven Common Council.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(G) Zoning Map Amendments

(1) Purpose

The following procedures, requirements, and standards are established to allow for proper **Commission** review and consideration of zoning map amendment application in conformance with the objectives and strategies of the **Comprehensive Plan**, and to comply with the provision of IC 36-7-4-600 series (Zoning Ordinance).

(2) Procedure

(a) Pre-application Discussion

Prior to the submission of an application to amend the zoning map, the applicant is encouraged to meet with the **Planning Department** staff to discuss the proposal. The purpose of this discussion is to:

- (i) Acquaint the applicant with the requirements and procedures of the rezoning process; and
- (ii) Advise the applicant of potential issues relative to the request, and how to proceed with the request.

(b) Applicant Initiation and Submission Requirements

- (i) Per I.C. 36-7-4-602(c)(1)(B), an applicant may initiate an application to amend the zoning map. The applicant for a zoning map amendment shall submit an application form and supporting information as established by the **Commission's** rules. **Planning Department** staff shall only place an application on the **Commission's** next available public hearing agenda after all submittal requirements have been received. A determination made by the **Planning Department** staff with regard to the completeness of information required for an application may be appealed to the **Commission** in accordance with the **Commission's** rules.
- (ii) The **Commission** may also initiate an application to amend the zoning map, in accordance with IC 36-7-4-602(c), and the **Commission's** rules.
- (iii) The New Haven Common Council may also initiate a proposal application to amend the zoning map, in accordance with IC 36-7-4-602(c) and the **Commission's** rules, and direct the **Commission** and **Planning Department** staff to prepare it.

(c) **Commission** Review and Recommendation

(i) Public Hearing

All proposed zoning map amendment requests shall be reviewed by the **Commission** at a scheduled public hearing. The **Commission** shall establish hearing procedures by rule.

(ii) Recommendation of **Commission**

After a public hearing on the request has been held, the **Commission** may make a recommendation on the proposed zoning map amendment at its next scheduled business meeting. The **Commission** may make a favorable recommendation, an unfavorable recommendation, or no recommendation on the request. The **Commission** shall enter written findings setting forth the reasons for its action. The **Commission** may defer action on a proposed zoning map amendment, if it

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

needs additional information or additional time for consideration of the request. If the **Commission** permits or requires a **commitment** in conjunction with its review of a proposed zoning map amendment, as set forth in §157.503(A)(5), the **Commission** may defer action on the request until the **commitment** has been executed. Any action by the **Commission** shall be taken in accordance with IC 36-7-4-605 and the **Commission's** rules. In considering a request application for a zoning map amendment, the **Commission** and Common Council shall pay reasonable regard to:

- [A] The **Comprehensive Plan**;
- [B] Current **conditions** and the character of current **structures** and **uses** in each **district**;
- [C] The most desirable **use** for which the land in each **district** is adapted;
- [D] The conservation of property values throughout the jurisdiction; and
- [E] Responsible **development** and growth.

(iii) Notice of Recommendation

Notice of the **Commission's** recommendation on a proposed zoning map amendment shall be provided as established in the **Commission's** rules.

(iv) Certification of Recommendation

The **Commission's** recommendation shall be certified to the Common Council, in accordance with IC 36-7-4-605 and IC 36-7-4-608.

(d) Common Council Consideration of **Commission** Recommendation

The Common Council shall consider and take action on the **Commission's** recommendation in accordance with its rules and procedures, and in conformance with IC 36-7-4-608.

(e) Veto by Mayor

Any proposed zoning map amendment shall be subject to veto by the Mayor as set forth in IC 36-7-4-609 and **City** Code.

(H) Zoning Text Amendments

(1) Purpose

The following procedures are established to allow for proper **Commission** review and consideration of ordinance text amendments, in conformance with objectives and strategies of the **Comprehensive Plan**, and to comply with the provisions of IC 36-7-4-600 series (Zoning Ordinance).

(2) Procedure

The **Commission** shall establish by rule procedures for the preparation, processing, review, and action on any proposal to amend or partially repeal the text of the ordinance, including notice and hearing, pursuant to IC 36-7-4-606 and IC 36-7-4-607.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.504 NONCONFORMING SITUATIONS

(A) Purpose

The purpose of this §157.504 is to set forth criteria, standards, and procedures for establishing, continuing, altering, or discontinuing **nonconforming uses, structures, lots** and situations. This section is intended to provide for the continued **use of nonconforming structures, uses, lots** and situations, along with reasonable maintenance and repairs.

(B) Nonconforming **Lots**

Any **lot** established by legally recorded **plat** or deed prior to November 9, 2020 that does not meet the minimum size or dimension requirements of this ordinance, or that subsequently becomes nonconforming as a result of an amendment to this ordinance, may still be used for any **use or structure** permitted in the **zoning district** in which the **lot** is located, but any **buildings or structures** constructed on such a **lot** shall comply with all applicable requirements for that **building or structure**. Any **lot** located within a recorded residential **plat** previously approved with lesser **yard** requirements shall be permitted to be developed for single **family** residential **use**, and any existing single **family** detached residences may be enlarged in accordance with the previously approved **setbacks**. If a single **family** detached residence on a **lot** with nonconforming **yard** requirements is damaged or destroyed, the residence shall be permitted to be rebuilt in accordance with the previously approved **yard** requirements.

(C) Nonconforming Uses

(1) Continuation

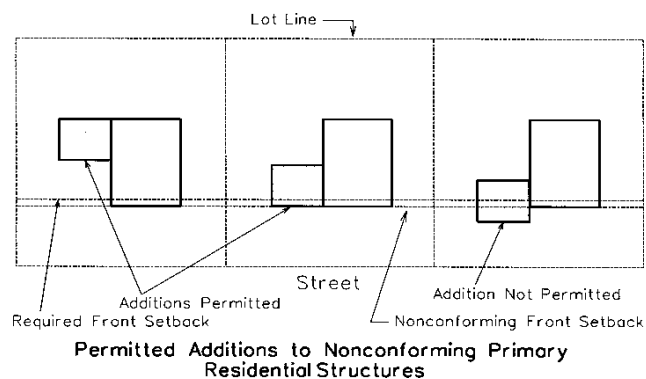
Except as otherwise provided in this section, a **use** that existed as of March 2, 1998, or that subsequently becomes nonconforming as a result of an amendment to this ordinance, may be continued.

(2) Expansion of Use

- (a) A **structure** used for a **nonconforming use** shall not be added to or enlarged in any manner unless the **use** and the **structure**, including the **addition** or enlargement, is brought into conformance with the permitted **use** and **setback** requirements of the **district** in which it is located, with the following exceptions:
 - (i) A single **family**, two **family**, or attached single **family** residential **structure**, located in a **zoning district** that does not permit **single family uses**, may be added to or enlarged, provided the **addition** conforms to all applicable residential **setback** requirements. **Residential accessory structures**, such as a **fence**, **garage**, or **shed**, shall also be permitted.
 - (ii) **Uses** located in the CC district that have become nonconforming due to reclassification or amendment to this ordinance may be added to or enlarged on (a) the property shown on the Allen **County** Assessor's Office property record card for the property at the time of the rezoning or amendment that created the nonconforming situation or (b) the **development site** where the **building** and improvements are located at the time of the rezoning or amendment that created the nonconforming situation, provided the **addition** conforms to all other applicable provisions of this ordinance.
 - (iii) For **gas station use** provisions, see §157.504(E)(6).
- (b) A **nonconforming use** may be expanded or extended into any other portion of the **structure** that existed at the time the **nonconforming use** was established.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (c) A **nonconforming use** on a part of a **lot** that is not inside a **building** shall not be expanded or extended into any other portion of such **lot**; except that an **agricultural use** that existed legally under the Allen **County** Zoning Ordinance and then was annexed into the **City** of New Haven shall be permitted to continue.
- (D) Nonconforming Buildings or Structures
- (1) Continuation
- (a) Except as otherwise provided in this section, a **nonconforming building or structure** that existed as of March 2, 1998, or that subsequently becomes nonconforming as a result of an amendment to this ordinance, shall be permitted to continue.
- (b) A detached residential **accessory building** that becomes nonconforming due to the demolition or other removal of the primary **residential building** shall be permitted to continue. However, the failure to construct a new primary **residential building** on the same **lot, tract, or development site** within twelve (12) months of the removal of the **primary building** shall be construed as intent to abandon the **accessory building or structure**. Enforcement proceedings as provided in this ordinance may be initiated after the expiration of the twelve (12) month period.
- (2) Additions or Enlargement of **Buildings** or **Structures**
- (a) A **building or structure** that does not conform to the height limitation of the **zoning district** in which it is located may be added to or enlarged, provided the **addition** or enlargement conforms to the height limitation.
- (b) A primary **residential building** that conforms to the permitted **use** requirements of this ordinance but is nonconforming with regard to front or rear **setback** requirements may be added to or enlarged, provided that the nonconforming front or **rear yard** dimension is not decreased.



- (c) A primary **nonresidential building** not located in a **CC district** that conforms to the permitted **use** requirements of this ordinance but is nonconforming with regard to front or rear **setback** requirements may be added to or enlarged on a one time basis of up to 50% of the square footage of the existing **structure**, provided that the nonconforming front or **rear yard** dimension is not decreased.
- (d) In the **CC districts**, **primary building** may be added to or enlarged provided the **addition** does not violate any minimum front, side or **rear yard setback** requirement.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (e) A detached residential **accessory building** that conforms to the permitted **use** requirements of this ordinance but is nonconforming with regard to side or rear **setback** requirements may be rebuilt on the existing foundation, added to, or enlarged, provided that the existing nonconforming **setback** is not less than 1.5 feet and the **building** is not located in a platted utility **easement**.
 - (f) In a C2 **district** that existed as of November 9, 2020, existing **buildings** that exceed the square footage limitation for new **development** permitted in that **districts** and **buildings** located on **lots** that contain multiple **buildings** as of November 9, 2020, shall be permitted to be expanded or reconstructed, provided the expansion or reconstruction conforms to the applicable **setback**, height and open space provisions in this ordinance.
 - (g) If a **lot** in a C2 **district** that existed as of November 9, 2020 did not contain multiple **buildings** as of that date, but had adequate space to accommodate multiple **buildings** as of that date, then the construction of multiple **buildings** on that **lot** shall be permitted, provided that all **buildings** conform to the applicable **setback**, height, and open space provisions in this ordinance.
- (3) Maintenance or Reconstruction
- (a) A **nonconforming building** or **structure** that legally existed as of March 2, 1998 or that becomes nonconforming as a result of an amendment to this ordinance, may be maintained and repaired, except as otherwise provided in this section.
 - (b) An undamaged **nonconforming building** or **structure** may be reconstructed if the reconstruction does not result in the removal or demolition of any exterior **wall** (unless such removal or demolition will result in that exterior **wall** meeting the requirements of the ordinance), and the reconstruction is no more than double the total value of the **nonconforming building** or **structure**.
- (E) Other Nonconforming Situations
- (1) **Fences**
- Fences** that are nonconforming with regard to location on the **lot** may be maintained and repaired as necessary. Such a **fence** may also be replaced, provided the location, style, and material of the **fence** remains the same and the height is not increased. However, in the event of a **fence** containing barbed wire, razor wire or other harmful material, the replacement of that part of the **fence** shall only be permitted in accordance with the applicable current requirements of the **zoning district** where the **fence** is located. Any **person** proposing to replace such a nonconforming **fence** shall submit adequate documentation as part of the application for the **Improvement Location Permit** for the **fence** verifying the current location, height and fencing material to **Planning Department** staff. The replacement **fence** shall conform to all other applicable provisions of this ordinance. This exclusion shall not apply to a proposal to replace any existing **fence** located within a required **front yard** unless the **fence** is in line with an existing **building** or is moved back to be in line with an existing **building**. In that instance the style and/or material of the **fence** may also be changed, provided the **fence height** is not increased.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(2) **Parking Areas**

Parking areas that do not conform to the **development**, landscaping, and/or screening and buffering standards of §157.404 (**Development Design Standards** and Requirements) or §157.408 (Screening and Buffering), may continue to be used. Any proposed expansion of such a **parking area** shall be required to conform to the applicable **development** standards in the area of that expansion. The resurfacing, restriping, or similar maintenance of existing **parking area** shall not be considered an **addition** or expansion.

(3) **Signs**

Nonconforming **signs** shall be governed by the provisions of §157.409(F)(10).

(4) **Reversion of Use**

A **building** originally designed for single or two **family use** and converted to a higher intensity residential or **nonresidential use** may be reverted to a single **family** or two **family use** if acceptable evidence can be provided to the **Planning Department** staff showing that the **building** was originally built for or was historically used for single **family** or two **family use**. A **Certificate of Use** application is required for consideration of a **building** reversion. **Buildings** reverted under this §157.504(E)(4) shall be considered to be a conforming **use**. Evidence that could be determined to be acceptable includes but is not limited to the following:

- (a) Original **building** designs or permits;
- (b) Sanborn Fire Insurance Maps;
- (c) **City** directories;
- (d) Tax or assessment records;
- (e) Affidavits.

(5) **Acquisition of Property for Public Purposes**

If a government or quasi-governmental entity acquires property for public purposes, and the result of that acquisition is to reduce **lot** area, **lot width**, property **setbacks** below the minimums required by this ordinance in the **district** where the property is located, or otherwise results in **development** on the property not complying with the requirements of this ordinance, and that deviation from the requirements of this ordinance did not exist before the acquisition of property for public purposes, then the deviation from the requirements of this ordinance created by acquisition of property for public purposes shall not be considered a non-conformity, and the applicant's rights with regard to the remaining property shall be the same as if a portion of the property had not been acquired for public purposes.

(6) **Gas Stations**

A **gas station** that was approved as a **special use** or **use** variance by the **Board** shall not be considered a **nonconforming use** subject to these provisions, and shall remain subject to any previous **Board conditions** of approval. Any **gas station** that became nonconforming as of November 9, 2020:

- (a) May be enlarged, expanded, or extended on the same **parcel** or **lot** that existed at the time the **gas station** became nonconforming, so long as such enlargement, expansion, or extension meets all **development** standards of this ordinance and an **Improvement Location Permit** and/or **Certificate of Use** is issued before such enlargement, expansion, or extension. This provision is intended to also allow for the **addition** of gas pumps and the expansion or replacement of **canopies**;

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (b) May be expanded into any **building** that existed at the time the **gas station** became nonconforming, so long as a **Certificate of Use** is issued before such expansion;
 - (c) Shall not be permitted to increase the size of the **parcel** or **lot** that the **gas station** is located on;
 - (d) Shall be subject to all other applicable Nonconforming Situations provisions in this Section, including but not limited to the **Nonconforming Buildings** or **Structures** provisions, the Maintenance or Reconstruction provisions, and the Discontinuation and Damage provisions;
 - (e) New **accessory buildings** or **structures** shall meet the **development** standards of this ordinance.
- (F) Discontinuation and Damage

(1) Discontinuation of Use

Any **nonconforming use** that has been discontinued for a period of twelve (12) consecutive months as determined by the **Zoning Administrator** shall be deemed abandoned and shall not be permitted to be reestablished. Any subsequent **use** of the **lot** shall only conform to the **use** provisions of this ordinance. In a case where a detached residential **accessory building** becomes a **nonconforming building** and **use** due to the demolition or other removal of the primary **residential building** on the same **lot** the passage of twelve (12) months after the removal of the **primary building** without the construction of a new primary **residential building** shall be deemed as intent to abandon the **accessory building and use**. Enforcement proceedings as provided in this ordinance may be initiated after the expiration of the twelve (12) month period.

(2) Restoration of Damaged Building or Structure

- (a) A damaged **nonconforming building** or **structure** may be reconstructed or restored if the cost of **restoration** or reconstruction is no more than double the total value of the **nonconforming building or structure**. A damaged **nonconforming building or structure** that costs more than double the total value of the **nonconforming building or structure** to repair shall only be repaired or rebuilt in conformance with the provisions of this ordinance. However, a nonconforming detached single **family** residential **structure** located in a **district** which does not allow new single **family** detached residential **structures** shall be permitted to be rebuilt if damaged, provided it meets the other applicable standards of this ordinance.
- (b) For purposes of this subsection, the “value of the **nonconforming structure**” shall be presumptively determined by the property **owner**’s most current property record card that is maintained by the applicable agency responsible for assessing the property for real estate taxes. The property **owner** may attempt to prove the value of **nonconforming structure** by providing the **Zoning Administrator** with an appraisal that is completed and signed by an appraiser licensed by the State of Indiana and performed in accordance with the Uniform Standards for Professional Appraisal Practice (USPAP). The **Zoning Administrator** shall determine the value of the original **nonconforming structure**,

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(3) No Expansion of Damaged **Building** or **Structure**

Any damaged **nonconforming building** or **structure** shall be reconstructed or restored within the boundaries of the footprint of the original **nonconforming building** or **structure**, and the original **nonconforming building** or **structure** shall not be expanded or enlarged.

Any **nonconforming building** or **structure** that is restored or reconstructed at more than double the total value of the **building** or **structure**, or that is expanded outside of the footprint of the original **nonconforming building** or **structure**, shall result in the **building** or **structure** losing its nonconforming status and the **building** or **structure** shall be required to meet the requirements of this ordinance.

(G) Documentation

An applicant or **owner** claiming the existence of a **nonconforming building, structure, use, lot, or site feature** shall bear the burden of supplying the **Zoning Administrator** with adequate documentation verifying that the **structure** is a **nonconforming structure** or **use**. The **Zoning Administrator** shall review the submitted information and make a determination as to the validity of the **use**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.505 ENFORCEMENT

(A) Purpose

The purpose of this section is to:

- (1) Provide for the enforcement of the provisions of this ordinance; and
- (2) Establish standards, procedures, and requirements for **violations** and penalties.

(B) Enforcement Officials

The **Plan Commission, Board of Zoning Appeals**, Executive Director, **Zoning Administrator**, any zoning enforcement officers designated by the **Zoning Administrator**, and **Planning Department** staff are designated and empowered to enforce the provisions and requirements of this ordinance. The enforcement shall be carried out as set forth in this section, the **City Code**, and by rule in accordance with the provisions of this ordinance and IC 36-7-4.

(C) Conformance

All departments, officials, and employees with the authority to issue permits or licenses within the **planning jurisdiction** of the **City** shall do so only in conformance with the applicable provisions of this ordinance. Any permit or license issued in conflict with the provisions of this ordinance shall be null and void.

(D) Violations

Each of the following shall be a **violation** of this ordinance and a common nuisance:

- (1) The erection, raising, conversion, construction, enlargement, moving or maintenance of any **building** or **structure**, or the **use** of any land or **lot**, or **building** or **structure** that is contrary to any of the provisions of this ordinance, including but not limited to:
 - (a) Constructing a **building** or **structure** without a required **Improvement Location Permit**;
 - (b) Constructing a **building** or **structure** not in conformance with an issued **Improvement Location Permit**;
 - (c) Occupying a **structure** without a **Certificate of Compliance**; or
 - (d) Operating a **use** in a **zoning district** where that **use** is not permitted.
- (2) Any **person**, whether as principal agent, **owner**, lessee, tenant, contractor, builder, architect, **engineer** or otherwise who, either individually or in concert with another, acts contrary to any provision of this ordinance or is liable under this ordinance for maintaining a common nuisance, shall be in **violation** of this ordinance.
- (3) In addition, the failure or refusal of a **developer**, or the **developer's** successor in interest, to completely install improvements in a **Development Plan** or **subdivision** in accordance with this ordinance and/or with the **developer's** plans and specifications for the **Development Plan** or **subdivision**, as approved by the **Commission**. The **owner** or occupier of such **building, structure, land, or lot**, or as to uncompleted improvements in a **Development Plan** or **Subdivision**, the **developer** or the **developer's** successor in interest, shall be in **violation** of this ordinance and held liable for maintaining a common nuisance.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(E) Enforcement Powers

Those officials and entities of the **City** of New Haven listed in §157.505(B) may enforce **violations** of this ordinance by any or all of the following means, and the **use** of one means shall not prevent those officials and entities from using a different or additional means to enforce the same **violation** unless prohibited by State law.

(1) Stop Work Order

- (a) The **Zoning Administrator**, Planning Director, the **Board of Zoning Appeals**, the **Plan Commission**, or these entities acting in conjunction with New Haven Code Enforcement, shall have the authority to issue an order for work on any **building, structure, land, lot, or development site** to be stopped, if the work is in **violation** of this ordinance, and to call upon the police Planning Director to issue a stop work order shall be appealed to the **Board of Zoning Appeals**, in accordance with the provisions of this ordinance and the **Board's** rules, or with respect to a **Development Plan** or **Subdivision**, to the **Commission**.
- (b) The stop work order shall remain in effect during the pending of any appeal, and after an appeal unless it is removed, rescinded, modified or revoked by the **Board**, or if applicable, the **Commission**.
- (c) A **violation** of a stop work order shall be considered a **violation** of this ordinance

(2) Non-Issuance of **Improvement Location Permits**

- (a) No **Improvement Location Permits** shall be issued for any improvements on **lots** or **parcels** of land that have been **subdivided** contrary to the provisions of this ordinance; provided however, that the **Zoning Administrator** or Planning Director shall be allowed to issue such permits to the applicant upon the expiration of the time period specified in §157.303(C)(2)(b) that would have applied had there been compliance with this ordinance.
- (b) In the event a **dwelling** within a **Commission** approved recorded **Subdivision Plat** is occupied prior to issuance of a **Certificate of Compliance** for that **dwelling**, and the **Certificate of Compliance** cannot be issued because all improvements serving the **dwelling** (as shown on the approved **subdivision** plans) have not been properly installed or become operational, the **Zoning Administrator** shall not issue any additional **Improvement Location Permits** for **lots** within that recorded **plat** until all previously approved **subdivision** improvements serving that **dwelling** are properly installed and operational and that **dwelling** otherwise qualifies for the issuance of a **Certificate of Compliance**.

(3) Non-Issuance of **Development Plan Project Permits**

In the event a **building** or **structure** within an approved **Development Plan** is occupied prior to issuance of a **Certificate of Compliance** for that **building** or **structure**, and the **Certificate of Compliance** cannot be issued because all improvements serving that **building** or **structure** (as shown on the approved **Development Plan**) had have not been properly installed or become operational, the **Zoning Administrator** shall not issue any additional **Improvement Location Permits** for **buildings** or **structures** within that **Development Plan** until all previously approved improvements serving that **building** or **structure** are properly installed and operational and that **building** or **structure** otherwise qualifies for the issuance of a **Certificate of Compliance**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(4) Breach of **Bond**

The Planning Director, for and on behalf of the New Haven **Plan Commission**, may enforce through legal proceedings or otherwise any breach of a **bond** executed by a **developer** and posted with the **Commission** pursuant to the provisions of §157.303(F)(6).

(5) **Violation** Prosecution

Any **person** that commits a **violation** of this ordinance, may be prosecuted as set forth in this ordinance in Allen **County** Circuit Court or Superior Court, for such a **violation**. Each calendar day of the existence of a **violation** may be considered as a separate offense.

(6) Injunctive Relief

(a) Abatement

The individual(s) or entities designated in this ordinance may bring action for an injunction in the Allen **County** Circuit or Superior Court to enjoin any **person** from violating, or continuing to violate any provision of this ordinance and to cause that **violation** to be resolved, removed, or abated. Any other aggrieved property **owner** or entity may also initiate such action.

(b) Removal of **Structure**

The individual(s) or entities designated in this ordinance may bring action in the Allen **County** Circuit or Superior Court for a mandatory injunction directing a **person** who violates, or is liable for a **violation** of, this ordinance, to remove such **building, structure, sign, fence**, and/or **addition/enlargement** to an existing **building** or **structure** erected, used, or maintained in **violation** of this ordinance.

(7) Payment of Costs

Any **person** found to be in **violation** of this ordinance in an enforcement action shall be responsible to pay all applicable attorney **fees**, court costs, and other costs and expenses incurred by the **Commission**, Planning Director, **Zoning Administrator**, **Board of Zoning Appeals** or property **owner** who is damaged in connection with the prosecution of the enforcement action.

(8) Private Covenants, Restrictions or Agreements

Private covenants, restrictions and/or agreements, whether by deed or other instrument, that impose any requirements or standards different than those established under this ordinance, shall not be construed to modify the provisions of this ordinance or impose any enforcement obligations upon the individual(s) or entities designated in this ordinance unless the **Commission** or the **Board** had accepted in writing, and had specifically accepted the responsibility for enforcement of, the terms and **conditions** of any such private covenant, restriction or agreement.

(9) Provision Affect or Modification

The provisions of this ordinance shall not be construed to be affected or modified by any State of Indiana statute or any other **City** of New Haven ordinance, whether such statute or ordinance may be more restrictive or lenient, or impose any different standards than are required under this ordinance, unless this ordinance or the law specifically provide to the contrary.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

(10) Remedies Cumulative

The remedies provided for in this section are cumulative, and not exclusive, and shall be in addition to any other remedies provided by law.

(11) Penalty

A **person** who commits a **violation** of this ordinance shall be fined an amount of not more than two thousand five hundred dollars (\$2,500.00) for each offense.

(F) Administrative Proceedings for **Violations**

- (1) This ordinance restricts and prohibits actions that are harmful to land, air, and water and the **City** wants to provide an administrative proceeding to assess fines for **violations** of this ordinance.
- (2) The **City** hereby establishes an administrative proceeding for the hearing of certain **violations** of this ordinance pursuant to I.C. §36-7-4-1013(a) and 36-1-6-9.
- (3) Pursuant to I.C. §36-1-6-9(b), the **City** hereby appoints the **City** hearing officer appointed by the **City** pursuant to I.C. §36-7-9 and §152.13 of the **City** Code, as amended from time to time, as the administrative body to hear and enforce **violations** of this ordinance.
- (4) In an administrative proceeding to enforce this ordinance:
 - (a) An attorney designated by the **Commission** shall, upon receipt of information, make an investigation of the alleged zoning **violation**, and if the acts elicited by the investigation are sufficient to establish a reasonable belief that a **violation** of this ordinance has occurred on the part of the party being investigated, the attorney designated by the **Commission** may file a complaint against the **person** and prosecute the alleged **violation** before the hearing officer designated in subsection (3) above. The complaint shall contain:
 - (i) The date of the alleged **violation**;
 - (ii) The name of the responsible **person**;
 - (iii) The address of alleged **violation**;
 - (iv) The provision(s) of this ordinance allegedly violated;
 - (v) A brief statement supporting the alleged **violation**; and
 - (vi) The amount of the civil penalty sought under this ordinance.
 - (b) The complaint shall be served by U.S. mail and by certified mail, return receipt requested, on the **owner** of the real estate at the last address shown on the property record card maintained by the Allen **County** Assessor.
 - (c) The hearing officer appointed under subsection (3) above shall provide a notice of the hearing and conduct a hearing on the complaint and the alleged **violation**, and any alleged defenses thereto, in accordance with I.C. §36-7-9 and §152.13 of the **City** Code, as amended from time to time;
 - (d) At the administrative hearing, the alleged **violation** of this ordinance must be proven by a preponderance of the evidence with the **Commission** having the burden of proof;
 - (e) If the **person** is found to have violated this ordinance, the administrative body may impose a penalty against the **person** in accordance with a schedule of penalties adopted by the **Plan Commission**; the amount not to exceed \$2,500.00.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (5) A **person** who receives a penalty from the hearing officer under this §157.505(F) may appeal the order imposing the penalty to either the Allen Superior or Allen Circuit Court, alleging that the order was arbitrary, capricious, unreasonable, or contrary to law. An appeal of an order imposing a penalty for violating this ordinance must be filed with either the Allen Superior or the Allen Circuit Court not more than sixty (60) days after the day on which the order is entered.
- (6) If a **person** is found to have violated this ordinance and has been assessed a final, non-appealable civil penalty, and the civil penalty remains unpaid for thirty (30) days after the civil penalty has been become final and non-appealable, then no applications shall be accepted, nor shall any permit be issued, for that real estate until the all of the unpaid civil penalties have been paid in full.
- (7) If a **person** is found to have violated this ordinance and has been assessed a final, non-appealable civil penalty, and the civil penalty remains unpaid for thirty (30) days after the civil penalty has been become final and non-appealable, the **Zoning Administrator** may record with the Allen **County Recorder** a notice of the unpaid civil penalty, which notice of civil penalty shall constitute a lien against the real estate.
- (8) The administrative enforcement proceedings under this §157.505(F) shall be cumulative, and not exclusive, and shall be in addition to any other enforcement remedies provided by this ordinance or law.

(G) Right of Entry

The **Zoning Administrator** may enter upon any **lot** with the approval of the property **owner** at any reasonable time to make inspections of all **buildings, structures, uses, or lot** located within the jurisdiction of this ordinance to determine compliance with the provisions of this ordinance. All inspection shall be subject to the following standards and **conditions**:

- (1) The **Zoning Administrator** shall furnish to the **owner**, tenant or occupant of the **building, structure or lot** sought to be inspected, sufficient identification and information to demonstrate that the **person** is a representative of the **Commission** and the purpose of the inspection.
- (2) The **Zoning Administrator** may apply to any court of competent jurisdiction for legal process for the purpose of securing entry to any **building, structure, or lot** if the **owner**, tenant or occupant refuses to grant entry.

(H) Action to Bring Compliance; Expenses as a Lien against Property

The **Zoning Administrator** shall be entitled to enforce the provisions of this ordinance under I.C. §36-1-6-2, including but not limited to providing a notice of the **violation**, entering upon the property to take appropriate action to bring the property into compliance with this ordinance, assessing the expenses incurred in bringing the property into compliance, and filing and recording a lien against the property. The provisions of I.C. §36-1-6-2, as amended, are incorporated herein by reference.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

[this page intentionally left blank]

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

§ 157.506 DEFINITIONS

For the purpose of this ordinance, the following rules of usage and definitions shall apply:

(A) Rules of Usage

- (1) Words used in the present tense shall also include the future tense.
- (2) The singular shall include the plural: and the plural shall include the singular.
- (3) The word "shall" is mandatory; the words "may" or "should" are permissive.
- (4) The word "used" or "occupied" as applied to any land or **buildings** shall be construed to include the words "intended, arranged or designed to be used or occupied."

(B) Defined terms

The following terms shall have the following meaning, unless a contrary meaning is required by the context or specifically otherwise prescribed:

A Zone (see Floodplain regulations - §157.412(B), Definitions)

Access Ramp

A ramp or similar **structure** that provides wheelchair or similar access to a **building**.

Accessory Building

A **building detached** from a **primary building** or **structure** and customarily used with, and clearly incidental and subordinate to, the **primary building, structure, or use**, and ordinarily located on the same **lot** with that **primary building, structure, or use**.

Accessory Dwelling Unit (ADU)

An additional **dwelling** unit with separate cooking, sleeping, and sanitation (bathroom) facilities. An **accessory dwelling unit** shall be subordinate to a primary single **family** residential **structure**. Where permitted, only one freestanding or integrated **accessory dwelling unit** shall be allowed per property. Examples of an integrated **accessory dwelling unit** shall include no separate primary entrances, no separate utility metering, or internal access between the **accessory dwelling unit** and the rest of the residence.

Accessory Living Quarters

Living quarters within an **accessory building** for the sole **use** of **persons** employed on the **lot**; such quarters having no kitchen facilities and not rented or otherwise used as a separate **dwelling**.

Accessory Structure (Appurtenant Structure) (see Floodplain regulations - §157.412(B), Definitions)

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Accessory Structure, Nonresidential

A **structure** or combination of **structures** that:

- (1) Are located on the same **lot, tract, or development site** as the primary **nonresidential building or use**;
- (2) Are clearly incidental to and customarily found in connection with a **primary building or use**; and
- (3) Are subordinate to and serving a **primary building or use**.

Accessory Structure, Residential

A **structure** or combination of **structures** that:

- (1) Are located on the same lot, tract, or **development site** as the primary residential building;
- (2) Are clearly incidental to and customarily found in connection with a **primary building or use**;
- (3) Are subordinate to and serving a **primary building or use**; and
- (4) Contribute to the comfort, convenience or necessity of the occupants in the **primary building or use**.

Accessory Use

A **use** that:

- (1) Is located on the same **lot, tract, or development site** as the **primary building or use**;
- (2) Is clearly incidental to and customarily found in connection with a **primary building or use** (including **public utility**, communication, electric, gas, water and sewer lines, their supports and incidental equipment);
- (3) Is subordinate to and serves a **primary building or use**;
- (4) Contributes to the convenience or necessity of the occupants of the **primary building or use**; and
- (5) Is a permitted use in the applicable zoning district.

Addition

Any construction that involves an extension or increase in the square footage, size, or height of an existing **building or structure**.

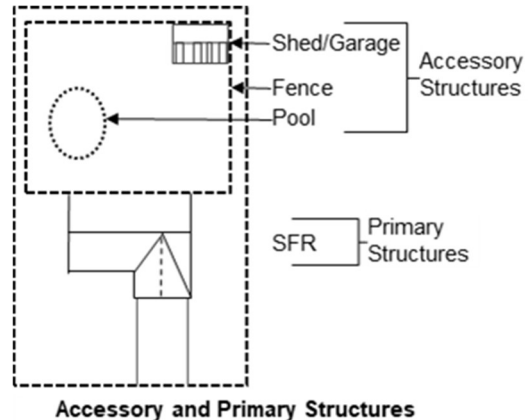
Addition (to an existing Structure) (see Floodplain regulations - §157.412(B), Definitions)

Adjacent

Two or more **lots** whose external boundaries adjoin one another. For the purposes of the landscape and **yard** requirement standards, **lots** shall also be considered **adjacent** if separated by a strip of land of less than 25 feet in width, or a **street right-of-way** of 60 feet or less. A Code P-1 landscape standard shall apply to a **parking area** separated from a **residential district** by a **street right-of-way** of less than 60 feet. For the purposes of the floodplain regulations, **adjacent** shall mean “adjoining”.

Administrative Manual

That manual adopted or amended from time to time by the **Plan Commission** containing information on the use or interpretation of this ordinance or **uses, development**, or procedures described in this ordinance, which may include but shall not be limited to application forms and requirements and formats for submission; flowcharts of procedures; public notice requirements; interpretations of terms; and rules of procedure for the **Plan Commission** or **Board of Zoning Appeals**.



NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Adult Care Center

A **building**, other than the operator's primary place of residence, where adults receive **day care** from a provider:

- (1) While unattended by a relative, legal guardian, or custodian;
- (2) For regular compensation; and
- (3) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

It is intended that **adult care centers** be classified as commercial **uses**, and be located in commercial **zoning districts**.

Adult Care Home

A residential **structure**, which is the primary residence of the adult care provider, in which more than six (6) but less than twelve (12) adults not related to the provider receive **day care** for regular compensation.

Agricultural Building or Structure

A **building** or **structure** designed primarily for agricultural purposes in which the majority of the **structure** is used for the **storage** or propagation of crops and/or materials used in the preparation of crops, or for **storage**, protection and maintenance of farm machinery and equipment, or for the housing or preparation of **domestic farm animals** for marketing, all primarily for the **use** of the **owner** or occupant.

Agricultural Fence (see "Fence, Agricultural")

Agricultural Livestock Operation

An agricultural operation where **domestic farm animals** are kept for **use** as part of a farm or raised for sale.

Agricultural Livestock Operation, High Intensity

An agricultural operation where the number of animals exceeds the maximum permitted as part of a "**low intensity livestock operation**". New **high intensity agricultural livestock operations** shall not be permitted within the **City** of New Haven.

Agricultural Livestock Operation, Low Intensity

An agricultural operation where **domestic farm animals**, excluding swine, are kept for **use** as part of an **agricultural use** or raised for sale. The maximum numbers of animals that shall be permitted per acre as part of the operation shall be as follows:

NUMBER AND TYPE OF LIVESTOCK PERMITTED PER ACRE	
Type of livestock	Number permitted (per acre)
Beef or dairy cow	2
Veal calf	6
Sheep and goats	10
Horses and llamas	2
Turkeys, ducks, geese, and or laying hens	100
Limits for livestock not specifically noted shall be determined by the Zoning Administrator	

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Agricultural Use

The primary or **accessory use** of a **tract** of land for normal agricultural activities, including farming and dairy farming, pasturage, agriculture, **apiculture**, horticulture, floriculture, viticulture, and **domestic farm animal** husbandry, and the necessary **accessory building, structures, and uses** for packing, treating, or storing the produce.

Agronomic Crop Production

The **use** of a **tract** of land for field crop production, excluding horticultural/specialty crops.

Airstrip (Private)

An area of land used for the landing and take-off of personal private aircraft, excluding receiving cargo, picking up passengers, or fueling other aircraft.

Alley

Right-of-way other than a **street**, road, crosswalk or **easement** designed for the special accommodation of the property it reaches, usually as an access to the rear or side of **lots**.

Amortization

The process of discontinuing nonconforming land **uses**.

Animal Hospital

A **medical facility** for the treatment of animals that is operated by, or in which the treatment is under the direct supervision of a veterinarian licensed to practice by the State of Indiana. A veterinarian **clinic** shall also be considered an **animal hospital**.

Animal Keeping (Small)

The keeping of small animals, excluding domestic pets (such as cats and dogs) and larger livestock animals (such as cows, chickens, goats, horses, and pigs), for either 4H or other **school/educational** purposes, on a single **family** residential property.

Animal Kennel

An establishment where dogs or cats are temporarily boarded for a fee. The term shall also include the keeping of more than five dogs, more than seven cats, or more than seven dogs and cats.

Animal Service

Uses related to the provision of medical services, treatment, boarding, and other similar services to animals, including animal grooming, **animal hospitals, animal kennels, animal obedience schools, and veterinary clinics**.

Antique Shop

An establishment that sells items such as furniture, household wares and decorations, and related articles, that have value and significance because of factors such as age, rarity, historical significance, design, and sentiment.

Apiculture

The raising and care of bees (beekeeping); this definition shall also include the on-site sale of honey.

Apparel and Accessory Store

A retail store selling **clothing** and related items.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Apparel Fabrication and Processing

An establishment used for the production and processing of **clothing** and other apparel.

Appeal (see Floodplain regulations - §157.412(B), Definitions)

Approach Slopes (see Airport Overlay District definitions)

Approach Surface (see Airport Overlay District definitions)

Aquaculture

The cultivation of aquatic animals and plants, especially fish, shellfish, and seaweed, in natural or controlled environments.

Aquaponics

A food production system that combines **aquaculture** with **hydroponics** in a constructed, recirculating system utilizing natural bacterial cycles to convert fish waste to plant nutrients.

Arbor

A shade **structure** often covered with shrubs, vines, or branches.

Arcade

A place, **lot**, establishment, or room set aside in a retail or commercial establishment in which coin operated amusement devices are located. For purposes of this definition, an amusement device is a machine or device operated by means of the insertion of a coin, token, or similar object, for the purpose of amusement or skill and for the playing of which a fee is charged. The term does not include vending machines that do not incorporate gaming or amusement features, nor coin operated mechanical music devices, nor mechanical motion picture devices.

Area of Shallow Flooding (see Floodplain regulations - §157.412(B), Definitions)

Arena

An enclosed **building** with tiers of seats around a sports field, playing court or public exhibition area. **Arenas** are typically used for sports, entertainment and other public gathering purposes, such as athletic events, concerts, conferences, conventions, and circuses.

Art Gallery

A room or series of rooms where works of art are exhibited for display or sale.

Arterial Street (see “Street, Arterial”)

Arterial, Minor (see “Street, Arterial”)

Arterial, Principal (see “Street, Arterial”)

Artist Studio

The workshop of an artist, writer, craftsperson, or photographer, but not a place where members of the public come to receive **instruction** on a more than incidental basis or to sit for photographic portraits. The sales of art produced on the **lot** shall be permitted as an **accessory use**.

Asphalt Plant

A facility that specializes in the mixing of or other related activities required for the production of asphalt.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Assembly Facility

A facility used for the general assembly or sub-assemblies of materials including agricultural implements, aircraft, appliances, **automobiles**, bicycles, boats, **electronics**, **manufactured homes**, motorcycles, motors, **recreational vehicles**.

Assembly of Finished Products Facility

An enclosed **building** where goods and products are assembled from preassembled or manufactured parts, including computers, **electronics**, and other similar products.

Assisted Living Facility

A residential establishment or institution other than a **hospital** or **nursing home** that provides living accommodations and medical services. Services like transportation, housekeeping, dietary supervision, and recreational activities may also be offered.

Athletic Fields

A permanent facility for the staging of amateur and/or professional sporting events, consisting of an open-air or enclosed fields, **arena/stadiums**, and appropriate support facilities.

Auction Hall

A place where objects of art, furniture, and other goods, not including **automobiles**, motorcycles, watercraft, and trucks are offered for sale to **persons** who bid on the object in competition with each other.

Automatic Teller Machine (ATM)

A mechanized device that provides banking and other electronic services (e.g., postage stamp sales), which is operated by a financial institution for the convenience of its customers.

Automobile

A self-propelled, free moving vehicle with wheels, usually used to transport not more than 10 passengers and licensed by the appropriate state agency as a passenger vehicle (i.e. cars, pickup trucks, and motorcycles).

Automobile Body Shop

A facility that provides painting and collision repair services, including body frame straightening or alignment, disassembly or replacement of damaged body parts, complete body painting services, welding services, complete wreck rebuilding, and frame repair services.

Automobile Detailing/Trim Shop

A facility that provides automotive-related services such as applying paint protectors, interior and exterior cleaning and polishing as well as installation of aftermarket accessories such as **automobile** alarms, headlight covers, spoilers, sunroofs, tinting, and similar items. However, engine degreasing or similar **automobile** cleaning services shall not be included under this definition.

Automobile Maintenance (Quick Service)

A facility that provides engine tune-ups and servicing of brakes, air conditioning, exhaust systems, oil change or lubrication; wheel alignment or balancing; or similar servicing, rebuilding or repairs that normally do not require **significant** disassembly of **automobiles**, or overnight **storage** of **automobiles**.

Automobile Rental

Rental of **automobiles** and light trucks (1 ton or less) only, including **storage**, detailing, and incidental maintenance, but excluding maintenance requiring pneumatic lifts.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Automobile Repair

A facility that provides general **automobile service**, rebuilding or reconstruction of engines, transmissions, or other systems, steam cleaning, or minor painting or detailing services for **automobiles**. This definition shall not include any services provided under the definition of “**automobile body shop**”.

Automobile Sales

A **lot, tract, or development site** where the **primary use** is the sale of two or more new or used **automobiles**. All **automobiles** offered for sale shall be mechanically operable and shall not be wrecked or similarly damaged. The business shall be operated out of a **primary structure**.

Automobile Service, General

Uses related to the **maintenance or repair** of **automobiles** which are more intensive than those **uses** permitted as Limited **Automobile Services**, and similar automotive-related **uses**, including **automobile body shops, automobile detailing or trim shops, automobile maintenance (quick service), automobile rental** (outdoor), **automobile repair, automobile restoration, automobile rustproofing/undercoating, automobile sales** (outdoor), **automobile washing facility, gas station, taxi service, tire sales**, and towing service.

Automobile Service, Limited

Uses related to the minor **maintenance or repair** of **automobiles**, and similar automotive-related **uses**, including **automobile accessory store; automobile rental** (indoor only), and **automobile sales** (indoor only).

Automobile Washing Facility (Full or Self-Service)

A facility for the cleaning of **automobiles**, operated by the public or by on-site employees, whether or not in conjunction with other goods or services provided to customers.

Awning

A cover that projects from a **wall** of a **building** over a **window** or entrance to provide weather protection and architectural spatial definition. The top surface of an **awning** is typically sloped. An **awning** may be fixed in place or retractable. An **awning** is completely supported by the **building**.

Bakery (Wholesale)

A facility that makes **bakery** and related items on-site and may sell these items directly at the facility provided that any sales are secondary and incidental to the primary operation of producing baked goods.

Bank

An establishment that provides retail **banking**, lending, and financial services to individuals and businesses. **Accessory uses** may include **automatic teller machines** and **drive-through facilities**. (See also “**Credit Union**” and “**Savings and Loan Association**”)

Bar

An eating/drinking establishment providing or dispensing by the drink for on-site consumption fermented malt beverages, and/or malt, special malt, vinous or spirituous liquors, and in which the sale of food products such as sandwiches and light snacks is secondary. A **bar/tavern** may include the provision of live entertainment and/or dancing; however, a **bar/tavern** shall not include any **sexually oriented business use**.

Barber Shop

A **personal services** establishment where hair is cut and other similar services are provided.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Base Flood (see Floodplain regulations - §157.412(B), Definitions)

Base Flood Elevation (BFE) (see Floodplain regulations - §157.412(B), Definitions)

Basement (see Floodplain regulations - §157.412(B), Definitions)

Beauty Shop

An establishment in which cosmetology is offered or practiced on a regular basis for compensation, and may include **barber shops**, salons, and spas.

Bed And Breakfast

A house or portion of a house where short-term (up to 10 days) lodging rooms with or without meals are provided for compensation. The operator(s) shall live on the **lot**.

Block

Property abutting on one side of a **street** and lying between the two (2) nearest intersecting or intercepting **streets**, or nearest intersecting or intercepting **street** and railroad **right-of-way** or waterway or the end of a dead end **street**.

Board

The New Haven **Board of Zoning Appeals**. This term shall not include the Allen **County Board of Commissioners** or the New Haven **Board of Public Works**. For purposes of granting a **special use**, **use** variance, or variance of **development** standards for a wireless service provider, the **Board** shall be the “permit authority” under I.C. 8-1-32.3, et seq.

Board of Public Works

The New Haven **Board of Public Works**.

Board of Zoning Appeals (see “Board”)

Boarding House

A **residential building** containing rooms for accommodating, for compensation, three or more **persons**. Lodging may include the serving of meals to the lodgers. Facilities for lodgers may include sleeping or living quarters, or individual bathrooms, but shall not include individual cooking facilities.

Bond

Any form of security, including cash, surety **bond**, or financial instrument of credit, as approved by the appropriate agency, for the purpose of guaranteeing that improvements will be made in a **subdivision** according to the standards as adopted by the **Plan Commission**.

Bottling Facility

A facility where soft drinks, juice, water, milk, alcoholic drinks, or other liquids are placed in bottles or cans for shipment. This **use** may include the combination of liquids or syrups to produce new liquids for placement in bottles or cans, the shipping and receiving of cans and bottles related to the operation, and incidental sales of bottled or canned liquids to the public, but shall not include the fabrication of bottles or cans.

Boundary River (see Floodplain regulations - §157.412(B), Definitions)

Boundary River Floodway (see Floodplain regulations - §157.412(B), Definitions)

Brewery

A facility that brews ales, beers, meads and/or similar beverages on-site.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Brewery (Micro)

An establishment where ale, beer, mead and/or similar beverages are brewed, typically in conjunction with a **bar, tavern or restaurant use**. Annual production will typically not exceed 15,000 barrels per year. A micro winery or similar use shall also be included under this definition.

Buffer (Airport) (see Airport Overlay District definitions)

Buffer Yard

For the purposes of the landscape standards, an area between a **building, structure, or use** and an **adjacent** property or **street right-of-way**. The area shall be available for berms/mounding, **fences**, plants, and/or **walls** to provide adequate screening and buffering between **buildings, structures, parking areas, driveways**, and activity areas and **adjacent uses, buildings, structures, and streets**, to promote compatibility between different land uses; conserve energy and moderate the effects of sun and wind; decrease storm water runoff and erosion; conserve or enhance property values; and improve the appearance of individual **developments**. A **buffer yard** may be located within a required front, side, or rear **yard building setback**.

Building

An enclosed **structure** (typically having a roof supported by **walls**). A **carport, deck, gazebo, open porch, tent, and recreational vehicle** shall not be considered **buildings**.

Building, Detached

A **building** having no structural connection with another **building**.

Building, Nonconforming

An existing **building** that was constructed in conformance with the applicable ordinance at the time of construction that fails to comply with the regulations set forth in this ordinance applicable to the **district** in which the **building** is located.

Building, Nonresidential

Any **building** that does not meet the definition of a **residential building**. A **mixed use development** that contains both residential and **nonresidential uses** is a **nonresidential building**. Any institutional **use**, other than a **small group residential facility**, in which patients or clients reside in the facility for purposes of receiving treatment or assistance in living activities, such as a **hospital, university, religious institution, or school**, is a **nonresidential use**.

Building, Primary

A **building** constituting the **primary use** of a **lot**. If a single primary **nonresidential building** is permitted in a nonresidential **zoning district**, then a single **multiple tenant building** shall also be permitted; where multiple primary **nonresidential buildings** are permitted in a nonresidential **zoning district**, then multiple multiple-tenant **buildings** shall also be permitted. In calculating the square footage of a residential **primary building**, all enclosed areas, including attics, basements, and attached **garages**, shall be included.

Building, Residential

A **building** in which all of the **uses** are to accommodate household living (e.g. **single family, two family, or multiple family dwelling units**) or a **small group residential facility**.

Building, Semi-Detached

A main **building** having one **wall** in common with an **adjacent main building**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Building Bay

A division within a **building façade**, created by vertical elements such as columns, pilasters, or other architectural elements/changes in planes.

Building Department

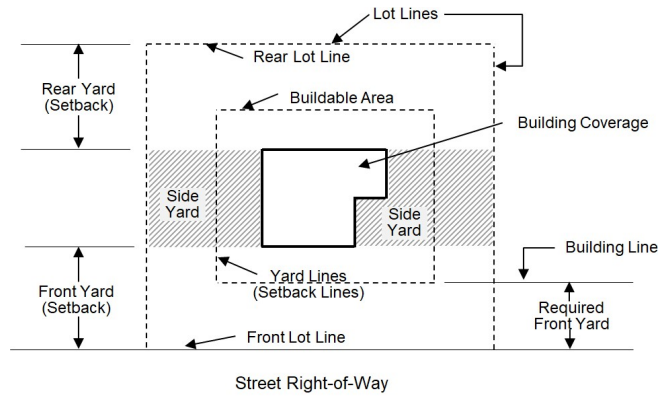
The Allen County **Building Department**.

Building Height

The vertical distance measured from the ground level immediately **adjacent** to the primary front entrance to the highest point of the roof or **structure**.

Building Line, Front

A line with a fixed location parallel to the front **street** line as determined by this ordinance or recorded deed restrictions, beyond which the foundation **wall** and/or any enclosed **porch**, vestibule, or other portion of a **building** shall not project. A **front building line** may be established by a **subdivision plat** or by the **zoning ordinance**.



Building Material Disposal Site

A **site** used for the purpose of disposing of **building** materials, including concrete, from a demolition **site** or **sites** without creating nuisances or hazards to public health, safety, or welfare.

Building Setbacks

Lines that are substantially parallel to the **lot lines** which define the minimum distances that **buildings** must be located from the **lot lines**. (See required **yards** in the **Zoning District Standards**.)

Building Surface

The total surface of a **building** face to which a **sign** is attached.

Business School

A post-secondary **school** for business **instruction** which is not publicly owned, or not owned or conducted by or under the sponsorship of a religious, charitable or non-profit organization; excluding **school** conducted as a commercial enterprise for teaching barber/beauty skills, dancing, industrial, music, or technical skills.

Business, Technology, and Industrial Park (BTI)

A **development** on a **tract** of land that contains a number of separate businesses, offices, technology and/or industrial **uses**, plus accessory and supporting **uses**, and common open space designed, planned, and constructed on an integrated and coordinated basis.

Campground

Any area or **tract** of land used or rented for occupancy by campers using tents and/or **recreational vehicles** for periods not to exceed two weeks.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Campus Housing

For purposes of parking requirements, this category includes **campus housing** (off-site), **dormitories** and **fraternity/sorority houses**, and other housing with the primary purpose of housing students of an educational or institutional campus.

Candelas

A unit of luminous intensity, which is the amount of luminous flux (total luminous power emitted from a source and expressed as **lumens**) per unit solid angle in a given direction.

Canopy

A fixed cover that projects from a **wall** of a **building** over a **window** or entrance to provide weather protection and architectural spatial definition. A **canopy** typically projects at a 90-degree (perpendicular) or similar angle. Freestanding **canopies** may also be permitted. A **canopy** may be completely supported by the **building**, or completely or partially supported by columns, poles, posts, or similar supports.

Carport

A **structure** or part of a **structure** used for the parking, **storage**, or keeping of vehicles by the **owner** or tenant of the **lot** as an **accessory use** to a permitted residential **use**, and that does not include a **wall** between the ground and the roof on at least one side that is not a vehicle entryway.

Cemetery (Private and Public)

Land used for burial of the dead and dedicated for related purposes, including **crematories**, offices and maintenance facilities, mausoleums and mortuaries when operated in conjunction with and within the boundaries of a **cemetery**.

Certificate of Compliance

A certificate issued by the **Zoning Administrator** stating that the occupancy and **use** of land or a **building** or **structure** referred to in the certificate complies with the provisions of this ordinance and any **conditions** of the **Improvement Location Permit** (if applicable).

Certificate of Occupancy

A certificate issued by the Allen **County Building Department** or successor agency, allowing the occupancy or **use** of a **building** and certifying that the **structure** or **use** has been constructed and will be used in compliance with the applicable codes and ordinances.

Certificate of Use

A certificate issued by the **Zoning Administrator** certifying that a proposed or existing **use** is a permitted **use** in the **zoning district** where the **use** is located.

Change of Use

Any **use** that is a **substantial change** from the previous **use** of a **building**, **structure**, or land.

Check Cashing

Any business that cashes checks, drafts, money orders, traveler's checks, or similar instruments, for a fee. This definition does not include: a **bank**, trust company, **savings and loan association**, **credit union**, **loan office**, or similar **use**; or a business that provides these services as an **accessory use** to a permitted **primary use**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Child Care

A service that provides for the care, health, safety, supervision and/or guidance of a child's social, emotional, and educational growth, on a regular basis, in a place other than the child's own home. The following **uses** shall not be considered as **child care** under the terms of this ordinance:

- (1) A program for children operated by the department of **education** or a public or private **school**;
- (2) A nonresidential program that provides **child care** for less than four (4) hours a day;
- (3) A recreational program for children that operates for not more than ninety (90) days in a calendar year;
- (4) A program whose primary purpose is to provide social, recreational, or religious activity for **school** age children such as scouting, boys **club**, girls **club**, sports or the arts; and
- (5) **Child care** where the provider cares for fewer than six (6) children, not including children for whom the provider is a parent, stepparent, guardian, custodian, or other relative.

Child Care Center

A **building**, other than the operator's primary place of residence, where children receive **child care** from a licensed **child care** provider:

- (1) While unattended by a parent, legal guardian, or custodian;
- (2) For regular compensation; and
- (3) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays and holidays.

Child Care Home

A residential **building**, in which at least six

(6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive **child care** from a licensed **child care** provider; the child care provider shall live on the property.

- (1) While unattended by a parent, legal guardian, or custodian;
- (2) For compensation; and
- (3) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays and holidays.

This term includes a **Class I Child Care Home** and a **Class II Child Care Home**, which are defined as follows:

- (1) **Class I Child Care Home.** A **child care home** that serves up to twelve (12) children at any time. The children may be at the home on either a part-time or a full-time basis. The provider may employ an assistant as required by State law.
- (2) **Class II Child Care Home.** A **child care home** that serves more than twelve (12) but not more than sixteen (16) children at any time. The children may be at the home on either a part-time or full-time basis. The provider may employ an assistant as required by State law.

Child Care Ministry

Child care operated by a **church** or religious ministry that is a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code.

Church (see "Religious Institution")

City

The **City** of New Haven, Indiana.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Class I Child Care Home (see “Child Care Home”)

Class II Child Care Home (see “Child Care Home”)

Clinic

A facility organized and operated for the primary purpose of providing health services for out-patient treatment and special study of human sick or injured by licensed physicians and their professional associates practicing medicine together and including laboratories and other related service facilities operated in connection with the **clinic**. A **use** that meets the definition of “**Treatment Center**” shall not be considered to be a **Clinic**.

Clothing

Commercial **uses** related to the alterations, sales, and related sales or services for **clothing** and similar items, including **apparel and accessory store**, **clothing store**, consignment **shop**, costume and **clothing rental**, diaper service facility, **dry cleaning store**, furrier, **laundromat**, shoe store/shoe repair **shop**, and tailor/alterations service.

Club, Private

An association, whether incorporated or unincorporated, organized for a common purpose to pursue common goals, interests, or activities, not including associations organized for a commercial or business purpose; a **private club** is characterized by certain membership qualifications, payment of **fees** and dues, regular meetings, and a constitution and bylaws. Any use that meets the definition of “**sexually oriented business**” as defined in Section 157.414 of this ordinance shall not be considered a **Private Club**.

Clubhouse

A **building** that provides a meeting place for a **club** as a **primary use**.

Coffee Shop

Any room, place, or **building** where the serving of coffee is the **primary use** and where tables and chairs are provided for the **use** of patrons.

Collector Street (see “Street, Collector”)

Commercial Communication Tower

A **structure** on which one or more antenna will be located that is intended for transmitting and/or receiving radio, television, telephone, wireless or microwave communications for an FCC licensed carrier, excluding those used exclusively for private radio and television reception and private citizen’s bands, amateur radio and other similar private/residential communications.

Commission

The New Haven **City Plan Commission**.

Commitment

A written instrument, prepared, adopted, and recorded in conformance with I.C. 36-7-4-1015 and the provisions of this ordinance.

Common Area

Real property and/or improvements on property, including, but not limited to, private storm drains, **streets**, sidewalks, utilities, parks, lakes and/or screening **walls**; open space; trails and/or **floodplain management** areas. **Common area** is typically shown on the face of a **subdivision plat** and is owned in fee by an **Owner's Association** for the common **use**, enjoyment, and benefit of the members of the Association.

Community (see Floodplain regulations - §157.412(B), Definitions)

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Community Facility

Buildings, structures, or facilities owned, operated, or occupied by a non-profit entity to provide a service to the public, including broadcast **studio**, **museum**, planetarium, public transportation or similar public facility, **radio station**, **television station**, or **zoo**.

Community Garden

A common property for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one **person** or **family**. If permitted in the **zoning district** in which it is located, a **community garden** may include **accessory structures**, along with water and other facilities.

Community Rating System (CRS) (see Floodplain regulations - §157.412(B), Definitions)

Comprehensive Plan

A plan for the physical **development** of the community, prepared and adopted the New Haven Common Council, pursuant to the 500 Series of State law, including any part of that plan separately adopted, any amendments to the plan separately adopted, and any other documents incorporated by reference.

Concrete Plant

A facility that specializes in the mixing or other **manufacturing** related activities required for the production of concrete.

Conditions

Any terms of approval placed upon an application by the decision-making body. For **conditions** imposed by the **Board**, a **condition** includes any greater additional **development** standard, regulation, safeguard or restriction that the **Board** finds reasonably necessary to meet the intent of this ordinance or the public health, safety, or general welfare. Whenever the **Board** imposes an additional **development** standard, regulation, safeguard or restriction on any approval that is greater than the minimum regulations of this ordinance, the greater or more restrictive **condition** safeguard or restriction shall govern.

Condominium

Real estate defined as a "**condominium**" under IC 32-25 (**Condominiums**).

Condominium Development

A project developed subject to and in accordance with IC 32-25 (**Condominiums**). This requires that undivided interests in the **common areas** and facilities be vested in the **condominium unit owners**.

Condominium Unit

An enclosed space occupying all or part of a floor or floors in a **structure**, together with the undivided interest in the common elements appertaining to that unit.

Confined Feeding

- (1) The **confined feeding** of animals for food, fur, or pleasure purposes in **lots**, pens, ponds, **sheds**, or **buildings** where:
 - (a) animals are confined, fed, and maintained for at least forty-five (45) days during any twelve (12) month period; and
 - (b) ground cover or vegetation is not sustained over at least fifty percent (50%) of the animal confinement area.
- (2) The term does not include the following:
 - (a) A livestock market:

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (i) where animals are assembled from at least two (2) sources to be publicly auctioned or privately sold on a commission basis; and
 - (ii) that is under state or federal supervision.
- (b) A livestock sale barn or auction market where animals are kept for not more than ten (10) days.
- (3) A **confined feeding operation** is not permitted by right or eligible for a **special use** under the provisions of this ordinance.

Confined Feeding Operation (CFO)

- (1) Any confined feeding of
 - (a) at least three hundred (300) cattle,
 - (b) at least six hundred (600) swine or sheep;
 - (c) at least thirty thousand (30,000) fowl; or
 - (d) at least five hundred (500) horses: or
- (2) Any animal feeding operation electing to be subject to IC 13-18-10; or
- (3) Any animal feeding operation that is causing a **violation** of
 - (a) water pollution control laws;
 - (b) any rules of the water pollution control board; or
 - (c) IC 13-18-10.
- (4) A **confined feeding operation** is not permitted by right or eligible for a **special use** under the provisions of this ordinance.

Construction Access Road

A temporary non-dedicated, unplatted **right-of-way**, other than a **street**, **alley** or **easement**, designed to provide sole ingress and egress for all **development** and construction equipment, as well as all laborers and material handlers, in connection with the improvement of a platted **subdivision** of land or a **Development Plan**, including but not limited to the construction of **dwelling**s, **buildings** and other improvements, which **right-of way** is constructed and maintained by the **developer** and **owner** at either's sole expense or their cumulative expense and continuously in the absolute ownership and/or exclusive control of the **developer** and **owner**.

Contingent Use

A **use** that could be permitted in any **zoning district** as set forth in §157.503(C), subject to specific standards and **Board of Zoning Appeals** approval.

Convenience Store

A small retail establishment designed and stocked to sell primarily food, beverages, and other household supplies to customers. A **use** which also includes gas pumps shall not be considered a **convenience store**. A **convenience store use** shall be considered a **primary use** of a property.

Convent

A **structure** used for the purpose of housing **persons** on a permanent basis who are not members of a **family** and who constitute a religious community typically consisting of nuns, priests, monks, or other similar religious personnel. For the purpose of this definition the terms **convent** and monastery are interchangeable and shall have the same meaning. Assembly for worship services may be conducted in

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

conjunction with the **convent use** but only for the residents of the **convent**. A **convent** is a permitted **accessory use** where incidental to a religious assembly **use** (**church, synagogue, temple, and mosque**).

Convention Facility

A facility specially designed to host conferences, exhibitions, events, large meetings, seminars and **training** facilities. Office, retail, accommodations, and other commercial **uses** commonly established in these facilities and related **parking structures** shall be allowed as accessory appurtenances.

Conveyance (including the word “convey”)

The transfer of title to land from one **person** to another by deed.

Corner Lot (see “Lot, Corner”)

Corner Visibility Area

The following areas, in which no **fence, retaining wall, hedge, or other planting, building, or structure** that would impede vision between a height of three (3) and eight (8) feet shall be located, except that this restriction shall not apply to **buildings** in the CC **district**:

- (1) For a **corner lot**, the area bounded by the edges of intersecting roadways and a line intersecting those edge lines at points 40 feet distant from the intersection of the edge or roadway lines extended.
- (2) For a **lot** at the intersection of an **alley**, the area bounded by the edge of the roadway and the edge of the intersecting **alley** and a line intersecting those edge lines at points 90 feet distant on the roadway and 15 feet distant on the **alley** from the intersection of those edge lines extended.

Corporate Campus

A **building or buildings** in close proximity to each other, either **adjacent** or connected with centralized amenities, parking, support, and other internal functions. The **buildings** are intended to have quality architectural and site design features.

Correctional Institution

A place of confinement, including places requiring overnight stays only, for **persons** who have broken the law, are awaiting trial, and/or have been convicted of criminal offenses. This definition shall not include a **correctional services facility** or a **residential facility for a court-ordered re-entry program**.

Correctional Services Facility

A facility providing services other than confinement for **persons** who have broken the law, are awaiting trial, and/or have been convicted of criminal offenses.

Country Club

An establishment typically associated with a **golf course** that is intended as a place of social and recreational gatherings for members of a **private club**.

County

Allen **County**, Indiana.

Credit Union

An establishment that provides retail **banking**, lending, and financial services to individuals and businesses. **Accessory uses** may include **automatic teller machines** and **drive-through facilities**.

Crematory

A facility containing furnaces for the reduction of dead bodies to ashes by fire.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Critical Facility (see Floodplain regulations - §157.412(B), Definitions)

Customer Service Facility

A facility, other than a retail store, operated by a public or **private utility**, at which customers of the utility may make bill payments, obtain product or service information, or conduct similar business.

Dance Hall

An enclosed **structure** used for dancing or similar social gatherings. Any **use** that falls under the definition of **sexually oriented business** shall not be included under this definition.

Dance Studio

Any **school** of dancing or any place in which dancing of any type of style shall be taught.

Dating Service

Any business that offers to provide or does provide an introduction between two **persons** for a period of companionship for which service a fee is charged, levied, or otherwise imposed.

Day Care (see Day Care, Child)

Day Care, Adult (see Day Care, Child)

Day Care, Child

A service that provides for the care, health, safety, and supervision of an individual, not related to the provider, on a regular basis, in a residential **structure** other than the individual's own home, as an **accessory use** to a single **family** residence. The provision of **day care** shall be a permitted **use** in all **residential zoning districts** if the following **conditions** are met:

- (1) The home shall be the primary residence of the **day care** provider; and
- (2) Services shall be provided for fewer than six (6) adults or children not related to the provider; and
- (3) Care is provided for less than 24 hours per day.

Deck

An unroofed platform, either freestanding or attached to a **building**, which is supported by pillars or posts.

Department of Health

The Allen County Department of Health.

Department of Planning (Planning Department)

The department established by, and providing planning and permitting services to, the **City** of New Haven. For purposes of reviewing the completeness of zoning applications, and granting an **Improvement Location Permit, Certificate of Compliance, or Certificate of Use** for a wireless service provider, the **Planning Department** shall be the "permit authority" under I.C. 8-1-32.3, et seq.

Department Store

An establishment primarily engaged in general merchandise retail **use** with no one merchandise line predominating. Merchandise lines are normally arranged in separate departments, with or without central customer checkout facilities.

Design Standards

A set of standards that are parameters for site and/or **building** design and **development**, adopted by the New Haven **Plan Commission** in accordance with a **development** strategy or plan adopted by New

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Haven Common Council. **Design standards** may include requirements and recommendations; required **design standards** shall also be adopted by Common Council as an amendment to this ordinance.

Developer

Any **person** who **subdivides** land or erects or alters **buildings** or improvements on land.

Development

Any change or improvement to land brought about by human activity.

Development Site

Land used or proposed to be used for **development**, consisting of either a single **lot** or multiple contiguous **lots**. The **Zoning Administrator** may also determine other property configurations to be a **development site**.

Developmental Disability

A severe, chronic disability of an individual that:

- (1) Is attributable to a mental or physical impairment, or a combination of mental and physical impairment (other than a sole diagnosis of **mental illness**);
- (2) Is manifested before the individual is 22 years of age;
- (3) Is likely to continue indefinitely;
- (4) Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated; and
- (5) Results in substantial limitation in at least three of the following:
 - (a) self-care;
 - (b) receptive and expressive language;
 - (c) learning;
 - (d) mobility;
 - (e) self-direction;
 - (f) capacity for independent living; and
 - (g) economic self-sufficiency.

Developmentally Disabled Individual

An individual who has a **developmental disability**.

Distillery

A facility where distilling, typically of alcoholic liquors, is done.

Distillery (Micro)

A small **distillery** established to produce beverage grade alcohol in relatively small quantities, such as a specialty single malt whiskey or bourbon, either as a stand-alone facility or in conjunction with a **brewery** or winery. Annual production will typically not exceed 10,000 barrels per year.

Distribution Facility

The intake of goods and merchandise, individually or in bulk, the short-term holding or **storage** of those goods or merchandise, and/or the breaking up into **lots** or **parcels** and subsequent shipment off-site of such goods and merchandise. Distribution may be provided to an entity with an identity of interest with the **distribution facility** or to businesses and individuals unrelated to the distributor. The term "**distribution facility**" shall also include a transshipment facility for the temporary holding, **storage** and shipment of goods or vehicles.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

District

A part, zone, or geographic area within the **planning jurisdiction** of the **City** of New Haven, within which certain zoning and/or **development** regulations apply. Also referred to as a “**zoning district**.”

Doctor Office

The private offices of physicians, dentists, or similar professionals, where **persons** are examined or treated on an outpatient basis only. **Laboratory** tests shall be permitted as an **accessory use**.

Domestic Farm Animal

Calves, cattle, emus, goats, horses, llamas, ostriches, poultry (including chickens and quail), sheep, and similar animals (pigeons shall not be considered to be **domestic farm animals**).

Dormitory

A **building** used as group living quarters for a student body or religious order as an **accessory use** for a college, university, boarding **school**, **convent**, monastery or other similar institutional **use**.

Double Frontage Lot

A **lot** having **frontage** on two separate parallel or approximately parallel dedicated **streets**. Also known as a “**through lot**”.

Drive-Through Facility

Building or **structure** used to provide or dispense products or services, through an attendant, a **window** or an automated machine, to **persons** remaining in vehicles in a designated stacking aisle. A **drive-through facility** may be in combination with other **uses**, such as **banks**, **credit unions**, loan associations, automated teller machines (ATM's), dry cleaners, drug stores, pharmacies, **restaurants** or similar **uses**. A **drive-through facility** does not include a car wash, **automobile maintenance** facility (**quick service**), or **gas station**.

Driveway

An unobstructed paved or unpaved strip providing access to a vehicle **parking space**, loading space, or maneuvering facility.

Dry Cleaning Store

An establishment where laundry or dry cleaning is dropped off by customers or picked up by customers but not including any on-site cleaning or dry cleaning activities.

Dwelling

Any **building** that is wholly or partly used or intended to be used for a residence by human occupants, including but not limited to the **use** of living, sleeping, cooking, and eating.

Dwelling, Multiple Family

A **building** or portion of a **building** used for occupancy by three (3) or more **families** living independently of each other. For purposes of this ordinance, a **condominium structure** containing three (3) or more individual **dwelling** units shall be defined as a **multiple family dwelling** unit.

Dwelling, Single Family (Detached)

A **residential building** used for occupancy by one household, including **Type I manufactured homes**, which is not attached to any other **dwelling** unit through shared side or rear **walls**, floors or ceilings, or corner points. Temporary housing such as **bed and breakfasts**, **boarding houses**, **hotels**, **motels**, **nursing homes**, tents, and **recreational vehicles**, shall not be regarded as **single family dwellings**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Dwelling, Single Family (Attached)

A single **residential building** consisting of two **single family dwellings** on two individual **lots**, attached on a common **lot line**, intended for occupancy by one household per unit. Each **dwelling** unit may be attached to no more than one other **dwelling** unit.

Dwelling, Townhouse

A **single family dwelling** unit with two (2) or more floors located on a separate **lot** or **development site**, with a private entrance and direct ground level access to the outdoors and a totally exposed front and rear **wall** to be used for access, light, and ventilation, and attached to one or more similar units. **Townhouse dwellings** are typically part of a **structure** whose **dwelling** units are attached in a linear arrangement with no other **dwelling** or **use**, or portion of another **dwelling** or **use** directly above or below the unit, and separated from adjoining unit(s) by a continuous **wall**.

Dwelling, Two Family

A detached residential **structure**, used for occupancy by two households living independently of each other, including but not limited to **structures** in which the two units are connected to allow assistance in daily living activities between the two households. Each **dwelling** shall have a minimum of 600 square feet of **gross floor area**, not including attached **garage** space.

Dwelling Unit, Residential

One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the **dwelling** unit for the exclusive **use** of a single **family** maintaining a household.

Dwelling Unit, Efficiency

A **dwelling** unit consisting of not more than one habitable room together with a kitchen or kitchenette and sanitary facilities.

Dwelling, Zero Lot Line

A **single family detached dwelling** unit placed on the **lot** so that it is positioned along one or more **lot lines**.

Easement

A recorded grant by a property **owner** to a third party, the general public, **public utility** or utilities, or a governmental or quasi-governmental entity permitting the **use** of land for a specifically stated purpose or purposes.

Easement, Roadway

A roadway, approved by the **Commission** over private property, that permits a specific and limited **use** of that thoroughfare to the grantee of the **easement**.

Easement, Utility and Service

A portion or strip of land that is part of a **lot** or **parcel** but that has been reserved for the specific purpose of utilities and related services.

Educational Institution

Public, non-public, **parochial**, or other post-secondary **school**, junior college, college or university, other than a **business school**; the **use** may also include recreational **uses**, living quarters, dining rooms, heating plants and other incidental facilities for students, teachers and employees.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Electronics

Commercial **uses** related to the sales, repair, and related services for consumer electronic equipment, including computer sales and service; computer software store; consumer **electronics** sales and service; and telephone sales and service.

Elevated Structure (see Floodplain regulations - §157.412(B), Definitions)

Elevation Certificate (see Floodplain regulations - §157.412(B), Definitions)

Emergency Program (see Floodplain regulations - §157.412(B), Definitions)

Emergency Response Facility

A **building** used for police, fire, and/or medical equipment and personnel.

Emergency Shelter

A facility that provides temporary housing without charge for persons:

- (1) Whose regular residence has become uninhabitable due to fire, flood, or Act of God, while that residence can be repaired or replaced, or until other permanent housing arrangements can be made, but not to exceed a period of six months, or
- (2) Persons who have no regular residence that could be endangered during periods of weather and health events where lack of shelter would create a significant risk to their health.

Employment Agency

An agency that specializes in matching individuals' skill sets to particular jobs or finds jobs for unemployed individuals.

Engine Repair

A facility used for the repair of small engines or motors.

Engineer (see "Professional Engineer")

Entertainment Facility

A facility that offers indoor or outdoor entertainment **uses**, including performing arts **theaters**, cinemas, concert venues, or circus/festivals, but does not include any **sexually oriented business use**.

Equipment Rental, General

The rental of supplies and large equipment primarily for intended for use by construction, general, landscaping, or industrial contractors, including, including but not limited to hoists, lifts, forklifts, and commercial capacity generators and compressors, but not including car or truck rentals.

Equipment Rental, Limited

The rental of supplies and equipment primarily intended for homeowner **use** and minor residential gardening and construction projects, but not including car or truck rentals. All maintenance of equipment shall be conducted within an enclosed **building**. This **use** type does not include the rental, **storage**, or maintenance of large construction or other commercial heavy equipment.

Equipment Supply Facility

A facility that supplies equipment such as but not limited to air purification, electrical, electric wire & cable, fire protection, food service, HVAC, industrial, maintenance, mechanical, medical, power transmission, radio/communication, **restaurant**, telecommunication, trade show/exhibit, truck, water softening/purification, and welding equipment.

Exempt Division of Land

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

A division of a **parcel** of land into two (2) or more **tracts** that qualifies as an **exempt division of land** pursuant to §157.303(C)(2).

Exhibit Hall

An area or space either outside or within a **building** for the display of topic-specific goods or information.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Existing Manufactured Home Park or Subdivision (see Floodplain regulations - §157.412(B), Definitions)

Expansion to an Existing Manufactured Home Park or Subdivision (see Floodplain regulations - §157.412(B), Definitions)

Expressway - Freeway

Any **expressway - freeway** that operates at a high service level, consists of limited land access, carries region-wide traffic, and is generally classified as part of the interstate system.

Exterminator

An establishment that specializes in the eradication of household pests, weeds, or common household and/or **yard** nuisances and associated operations.

FAA FAR Par 77 Surfaces (see Airport Overlay District definitions)

Façade

A particular face of a **building**. A rectangular **building** will have four **façades**.

Façade, Primary

Any face of a **building** that has **frontage** on a **public street**. **Buildings** on **corner lots** will have two or more **primary façades** according to the number of **public streets** fronted.

Façade Renovation, Major

Replacement of existing features with new features that are different in terms of material, type, size, or color, excluding painting of typically painted or previously painted materials or surfaces, including substantive exterior alterations that result in a change in design, materials, or general appearance. This definition shall not include interior alterations or routine maintenance that does not affect exterior appearance.

Façade Renovation, Minor

Replacement of existing features in kind or routine maintenance of features including painting of typically painted or previously painted materials or surfaces.

Façade, Secondary

The side and rear **façades** of a **structure**. **Secondary façades** will have no **frontage** on **public streets**, but may have **frontage** on public **alleys**.

Fairground

An open area for holding fairs, exhibitions, circuses, or other large gathering, and that contain a combination of indoor display/exhibition areas and **outdoor display/staging** areas.

Family

One or more **persons** occupying a single **dwelling** unit and living as a single housekeeping unit (as distinguished from a group occupying a **boarding house**, **club**, **hotel**, **nursing home**, rooming house, **fraternity** or **sorority house**, off-site **campus housing**, **residential facility** serving individuals under a court-ordered re-entry program, **residential facility for homeless individuals**, or similar living situation), where all the **persons** are related by blood, marriage or adoption. If all of the **persons** occupying a single **dwelling** unit are not related by blood, marriage, or adoption, then no more than eight (8) **persons** may occupy a single **dwelling** unit. If all of the members of a household are not related by blood, marriage, or adoption, then a **use** with more than eight (8) **persons** occupying a single **dwelling** unit shall not be considered a **single family use**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Farmers Market

An area, which may or may not be in a completely enclosed **building**, where on designated days and times, growers and producers of horticultural and agricultural products may sell those products and/or other incidental items directly to the public.

Federal Aviation Administration (FAA) (see **Airport Overlay District definitions**)

Federal Aviation Regulations (FAR) (see **Airport Overlay District definitions**)

Fee

The charge for an application or other service as established by the **New Haven Plan Commission** or other entities of New Haven duly authorized to establish **fees**.

Feed Store

An establishment for the selling of food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery. **Outdoor display** of goods may or may not be allowed depending on the **zoning district**.

FEMA (see **Floodplain regulations - §157.412(B), Definitions**)

Fence

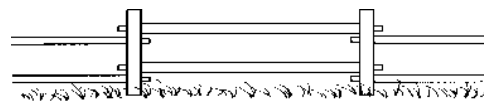
A free-standing, vertical barrier, constructed of any material other than vegetation, resting on or partially buried in the ground and rising above ground level, which supports no load other than its own weight, and is used for confinement, enclosure, partition, privacy, protection, or screening; excluding a single strand of rope, wire, or similar material between no more than two posts; parking **lot** wheel stops; and similar barriers/partitions that are less than 12 inches high. The posts, concrete for the posts and attachment of the **fence** to the posts shall be contained within the **lot** where the **fence** is located. This definition shall include a **freestanding wall**.

Fence, Agricultural

A **fence** erected for and used in conjunction with land, which is zoned or otherwise designated as agricultural land, or used for growing crops or raising livestock. An **agricultural fence** may use a single strand of barbed wire or a single strand of electrically charged material

Fence, Open

A **fence** that is less than 50% opaque when viewed perpendicularly to its vertical surface.



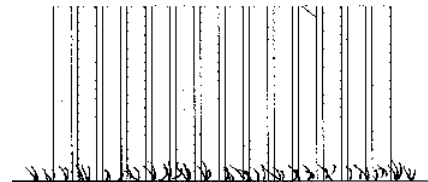
Open Fence

Fence, Ornamental

An **open fence** intended to partition or enclose a property or a portion of a property. **Ornamental fences** shall include, but not be limited to split rail, picket, wrought iron, and similar style **open fences**. Chain link fencing is not an ornamental fencing material.

Fence, Solid

A **fence** erected or constructed to prevent views across the **fence** line. For the purposes of the landscape standards, wood or vinyl panels shall be acceptable solid fencing materials. Chain link fencing with privacy slats shall not be an acceptable solid fencing material.



Solid Fence

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Fence or Wall Height

The height of a **fence** or **wall** shall be measured as the vertical distance between finished grade on the highest side of the **fence** or **wall** to the top of the **fence** or **wall**.

Fill

Any organic material including but not limited to earth, clay, sand, wood chips, bark, or other organic material of any kind that is placed or stored upon the surface of the ground resulting in an increase in the natural surface elevation.

Financial Planning Service

An establishment that provides services to help determine a **person's** or firm's financial needs or goals for the future and the means to achieve them by deciding what investments or activities would be most appropriate under both personal and broader economic circumstances.

Flood (see Floodplain regulations - §157.412(B), Definitions)

Flood Boundary and Floodway Map (FBFM) (see Floodplain regulations - §157.412(B), Definitions)

Flood Insurance Rate Map (FIRM) (see Floodplain regulations - §157.412(B), Definitions)

Flood Insurance Study (FIS) (see Floodplain regulations - §157.412(B), Definitions)

Flood Prone Area (see Floodplain regulations - §157.412(B), Definitions)

Flood Protection Grade (see Floodplain regulations - §157.412(B), Definitions)

Floodplain (see Floodplain regulations - §157.412(B), Definitions)

Floodplain Management (see Floodplain regulations - §157.412(B), Definitions)

Floodplain Management Regulations (see Floodplain regulations - §157.412(B), Definitions)

Floodproofing (Dry Floodproofing) (see Floodplain regulations - §157.412(B), Definitions)

Floodproofing Certificate (see Floodplain regulations - §157.412(B), Definitions)

Floodway (see Floodplain regulations - §157.412(B), Definitions)

Food and Beverage Service

Commercial **uses** related to the sales, preparation, and related services for food and/or beverage items for consumption on or off the **lot**, including **bakery** goods; **bar** or **tavern**; caterer; **club** (private); **coffee shop**; confectionery, ice cream, or candy store; **convenience store**; delicatessen; **farmers market** (including outdoor sales); fruit and/or vegetable store (indoor); **grocery store** or **supermarket**; meat or fish market; micro or mini-brewery/brewpub; package liquor store; reception/banquet hall (indoor); **restaurant**, including **drive-through facilities**; sandwich **shop**; and tea room.

Fraternal Organization

A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings and formal written membership requirements.

Fraternity House

A **building**, rented, occupied, or owned by a national or local chapter of an organized college fraternity or sorority that is officially recognized by a college, university, or other **educational institution**.

Freeboard (see Floodplain regulations - §157.412(B), Definitions)

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Freight Service

Loading, unloading, packing or unpacking of freight, including handling services provided for freight in special containers or for non-containerized freight, services provided by a container freight terminal, or other freight terminal, for all modes of transport services incidental to freight.

Fringe (see Floodplain regulations - §157.412(B), Definitions)

Frontage

The length of the property line of any **parcel** along each **street** that it borders.

Full Cutoff

For purposes of lighting standards, a light fixture that prevents distribution of light above a horizontal lane through the lowest point of the bulb or lens, diffuser, reflective passing enclosure, or other parts intended to distribute light.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Funeral Home

A **building** used for the preparation of the deceased for burial, the display of the deceased and rituals connected therewith before burial or cremation. **Accessory uses** may include:

- (1) Embalming, cremation and the performance of other services used in preparation of the dead for burial;
- (2) The performance of autopsies and other similar surgical procedures;
- (3) The **storage** of caskets, funeral urns, and other related funeral supplies;
- (4) The **storage** of funeral vehicles; and
- (5) A funeral chapel.

Furniture Production

A facility that specializes in the assembly, fabrication or production of finished or unfinished furniture, store displays, cabinets, and related items.

Furniture Store

An establishment that specializes in the sale of any or all of the following: new, used, finished or unfinished furniture including kitchen cabinets and related items.

Garage (see “Garage, Residential”)

Garage, Residential

A detached **accessory structure** or portion of a **primary building** used for personal **storage**, the **storage** of **motor vehicles** and other similar accessory residential **uses**.

Garage Sale (see “Yard Sale”)

Garbage

Animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food; or other business or household waste materials.

Garden Equipment Supply

An establishment that specializes in the retail of nursery plants or related items, which may include plants that have been grown on the property or imported, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

Gas Pump Embellishment

Letters, figures, characters or representatives in irregular forms that used as a supplement to permitted gas pump signage.

Gas Station

A facility where fuel is sold, which may also include a **convenience store**. A **gas station use** shall be considered a **primary use** of a property.

Gateway

A point along a roadway at which a motorist or pedestrian gains a sense of having entered the **City** or a particular part of the **City**. This impression can be imparted through such things as **signs**, **monuments**, landscaping, a change in **development** character, or a natural feature.

Gazebo

A freestanding, roofed, usually open-sided **structure** providing seating or an area for gathering.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Glare

A situation created when illumination sources shine with visibly harsh, uncomfortably bright light that: causes discomfort; distracts attention; or leads to reduction or loss of visibility or visual performances (up to and including situations of blinding **glare**, as defined in the Illuminating Engineering Society of North America's current Lighting Handbook). These situations are typically caused by insufficiently shielded light sources, or high luminance (luminance that is sufficiently greater than the luminance to which the eyes are adapted).

Golf Course

A **tract** of land typically laid out for playing the game of golf that may include a **clubhouse**, dining and snack **bars**, pro **shop**, and practice facilities.

Golf Course (Miniature)

A **recreational facility**, typically comprised of small putting greens, each with a "cup" or "hole," where patrons in groups pay a fee to move in consecutive order from the first hole to the last.

Golf Driving Range

A **tract** of land devoted as a practice range for practicing golf shots.

Government Facility

An institution operated by a federal, state, **county**, town, township or **city** government, or by a special purpose **district**.

Greenhouse

An establishment, including a **building**, part of a **building** or open space, for the growth, display and/or sale of plants, trees, and other materials used in indoor or outdoor planting for retail and wholesale sales.

Grocery Store

A retail sales establishment selling primarily food and beverages for off-site preparation and consumption that maintains a sizable inventory of fresh fruits, vegetables, fresh-cut meats, or fresh seafood or specialize in the sale of one type of food item. This **use** may also include sales of personal convenience and small household goods.

Gross Floor Area

The total floor area of all stories of a **building** or **buildings**, measured by taking the outside dimensions of the **building** at each floor level intended for occupancy or **storage** (including basements), but not including any uncovered or unenclosed **porches**, **patios**, or **decks**.

Ground Floor Area

The **gross floor area** of a **building** exclusive of basements and floors above the ground floor.

Group Residential Facility (Large)

A facility providing housing for over eight (8) unrelated individuals, with or without supervisory staff. This definition shall include a **residential facility** for individuals who are **developmentally disabled** or **mentally ill**, or other similar **residential facility** if the facility houses more than eight (8) individuals (excluding supervisory staff, counselors, or resident managers). This definition shall not include a facility that serves individuals under a court-ordered re-entry program or homeless individuals. A large **group residential facility for mentally ill individuals** shall be located at least 3,000 feet from any other **group residential facility for mentally ill individuals**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Group Residential Facility (Small)

A facility providing housing for up to eight (8) unrelated individuals, with or without supervisory staff. This definition shall include a **residential facility** for individuals who are **developmentally disabled** or **mentally ill** or any **other residential facility** that houses up to eight (8) individuals (excluding supervisory staff, counselors, or resident managers) who are members of a **protected class** as set forth under the federal Fair Housing Act. This definition shall not include a facility that serves individuals under a court-ordered re-entry program or homeless individuals. A **residential facility for mentally ill individuals** shall be located at least 3,000 feet from any **other residential facility for mentally ill individuals**.

Growth (see Airport Overlay District definitions)

Hardship (see Floodplain regulations - §157.412(B), Definitions)

Hazard Marking and Lighting (see Airport Overlay District definitions)

Hazardous Waste

Solid waste or a combination of **solid wastes** that, because of quantity, concentration, or physical, chemical, or infectious characteristics, may:

- (1) Cause or significantly contribute to an increase in mortality or increase in serious irreversible or incapacitating reversible illness; or
- (2) Pose a substantial present or potential hazard when improperly treated, stored, transported, disposed of, or otherwise managed.

This includes but is not limited to toxic chemicals, explosives, pathological wastes, radioactive materials, materials likely to cause fires, liquids, semi-liquids, sludge, pesticides, pesticide containers, raw animal manure, **on-site sewage system** tank pumping, and raw or digested sewage sludge.

Hazardous Waste Disposal Area

The outermost perimeter of the area within a **hazardous waste** disposal facility that is permitted to receive **hazardous waste** for disposal.

Hazardous Waste Treatment, Storage and/or Disposal Facility

A **solid waste** disposal facility designed to treat, store and/or dispose of **hazardous waste** regulated by 329 IAC 3.1 or any subsequent applicable revisions. The facility shall be constructed and operated in accordance with a permit issued by the appropriate government agency authorized by or under the Resource Conservation and Recovery Act (40 CFR 260 - 40 CFR 270, 42 U.S.C. 6901, et seq., and IC 13-7-8.5, as may be amended).

Health Care Facility

A facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental or physical conditions.

Health Club

A non-medical service establishment intended to maintain or improve the physical condition of **persons** which contains exercise and game equipment and facilities, steam baths and saunas, or similar equipment and facilities.

Hedge

A linear arrangement of plants grown closely together to create the effect of a solid, continuous barrier that divides one space from another.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Heliport

An area either at ground level or elevated on a **structure**, licensed by the federal government or appropriate state agency and approved for the loading, landing, and takeoff of helicopters. This shall include accessory facilities and **uses** such as public **parking areas**, waiting rooms, fueling, and maintenance equipment or facilities.

Heliport (Private)

An area of land used for the landing and take-off of personal private helicopters, excluding discharging or receiving cargo, picking up passengers or fueling other aircraft or helicopters.

Highest Adjacent Grade (see Floodplain regulations - §157.412(B), Definitions)

Historic District

Any site, **building**, **structure**, object, landscape (or collection of sites, **buildings**, **structures**, objects, or landscapes) which has obtained official historic status through local designation by the New Haven Common Council.

Historic Site

Any site which has obtained official historic status through local, State, or National Register designation

Historic Structure (see Floodplain regulations - §157.412(B), Definitions)

Holiday Decorations

Ornamental materials that are incidental and commonly associated with any national, local or religious holiday.

Home Business

An **accessory use** of a **dwelling** unit, or a **use** of a **structure** accessory to a **dwelling** unit, where business activities are conducted which do not change the residential character of the **structure** or property, or adversely impact **adjacent** properties. A **home business** would typically be more intensive than a **home occupation**, due to factors such as outside employees working at the **dwelling** unit, clients or customers coming to the **dwelling** unit, or on-site retail sales. To allow for possible mixing of **uses** in rural and residential areas, outside employees shall be permitted; however, only one (1) outside employee shall be permitted to work at the home. Clients or customers shall be permitted to come to the home, and on-site sales of items either produced or value-added on the property, along with accessory retail sales, shall be permitted. A **home business** shall be permitted in conjunction with a single **family** or **two family dwelling** unit where the business **owner** lives, and shall be conducted entirely within a primary or **accessory structure**. If conducted within the **dwelling** unit (**primary structure**), the gross square floor area used for the **home business** shall be less than 50% of the area of the **primary structure**. If conducted out of an **accessory structure**, the area used for the **home business** shall not exceed the square footage of the **primary structure**. Permitted **home businesses** shall include, but not be limited to, **professional offices**, **personal service uses** such as **barber shops** and beauty/nail salons, and instruction/teaching/tutoring/music lessons.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Home Enterprise

A **use** of a single **family** property, where business activities are conducted. **Home enterprises** are intended to permit higher intensity **uses**, including **uses** which produce or repair a product, but which do not adversely impact **adjacent** properties. **Home enterprises** may include assembly, contracting, fabricating, **manufacturing**, processing, or repair activities (excluding **automobile repair**). A **home enterprise** shall be permitted in conjunction with a **single family dwelling** unit where the business **owner** lives. The **gross floor area** of the **home enterprise** shall not exceed eight thousand (8,000) square feet. To allow for the mixing of **uses** in rural areas, outside employees shall be permitted to work at the **home enterprise**, clients or customers shall be permitted to come to the property, and on-site retail sales of items either produced or value-added on the property, along with accessory retail sales, shall be permitted.

Home Improvement Store

A **retail facility** engaged in the retail sale of various basic hardware lines, such as tools, builders hardware, lumber, paint and glass; house wares; household appliances; lawn supplies; garden supplies; and landscape materials. A home improvement center may also include separate enclosed areas devoted to the rental of light equipment used in conjunction with home improvement projects.

Home Occupation

An **accessory use** of a **dwelling** unit, or a **use** of an attached **structure** accessory to a **dwelling** unit, where business activities are conducted which do not change the residential character of the **structure** or property, or adversely impact **adjacent** properties. Clients or customers shall not come to the home, and on-site retail sales shall not be permitted. No outside employees may be permitted. A **home occupation** shall be permitted in conjunction with a single **family**, two **family**, or **multiple family dwelling** unit where the business **owner** lives, and shall be operated entirely within a primary or attached **accessory structure**.

Home Workshop

A **use** of a single **family** property, where business activities are conducted. **Home workshops** are intended to permit **uses** which are more intensive than a **home business**, including **uses** which produce or repair a product, but which do not adversely impact **adjacent** properties. **Home workshops** may include limited assembly, fabricating, **manufacturing**, processing, or repair activities (excluding **automobile repair**). A **home workshop** shall be permitted in conjunction with a **single family dwelling** unit where the business **owner** lives, and shall be conducted entirely within a primary or **accessory structure**. The **gross floor area** of the workshop shall not exceed two thousand (2,000) square feet. To allow for the mixing of **uses** in rural areas, outside employees shall be permitted to work at the **home workshop**, clients or customers shall be permitted to come to the property, and on-site sales of items either produced or value-added on the property, along with accessory retail sales, shall be permitted.

Homeless Shelter

A supervised private facility that provides temporary living accommodations, and that may provide additional support services, for homeless individuals. A homeless shelter may be a primary or accessory use of a lot. **Hospice Care Center**

A facility providing in-patient care for individuals suffering from a terminal illness; overnight patient stays shall be permitted as part of this **use**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Hospital

An institution providing primary health services and medical or surgical care to **persons**, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, **training** facilities, **medical offices**, and staff residences. Overnight patient stays shall be permitted as part of this **use**.

Hotel

A **building** providing, for compensation, sleeping accommodations and customary lodging services where guests enter through a main lobby of the **building** to get to each rental unit. Related ancillary **uses** may include but shall not be limited to conference and meeting rooms, **restaurants**, **bars**, and **recreational facilities**. An extended stay **hotel** is included in this definition.

Hydroponics

The cultivation of plants by placing the roots in liquid nutrient solutions rather than in soil, or similar soilless growth of plants.

Imaginary Surface (FAA FAR Part 77.25) (see Airport Overlay District definitions)

Improvement Location Permit (ILP)

A permit issued by the **Zoning Administrator** stating that the proposed erection, construction, enlargement or moving of the **building** or **structure** referred to in the permit application complies with the provisions of this ordinance.

Infrastructure

For the purposes of this ordinance, the community public works and facilities determined to be necessary in relation to proposed **development**, including, but not limited to; access drives, landscaping, parking facilities, sanitary sewers, site and **street** lighting, storm drainage facilities, **street** facilities, traffic control facilities, and water facilities.

Instruction/Training/Education

An establishment, other than an elementary or junior high **school**, senior high **school**, or college/university, offering **instruction** or **training** in a trade, art, skill, or occupation, including art **instruction**, barber/beauty school, business **training**, computer **training**, craft **instruction**, dance **instruction**, driving **instruction**, educational institution, gymnastics **instruction**, martial arts **training**, medical **training**, music **instruction**, photography **training**, and yoga/Pilates **instruction**.

Instrument Landing Procedure (see Airport Overlay District definitions)

Interior Lot (see “Lot, Interior”)

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Junk Material

Materials, including but not limited to the following:

- (1) **automobile** or machinery equipment or parts, including used **automobile** tires;
- (2) **building/infrastructure** construction materials;
- (3) cloth and **clothing**;
- (4) construction materials;
- (5) **electronics** or furniture;
- (6) **garbage, refuse, trash**, or debris;
- (7) manufactured clay and porcelain products;
- (8) manufactured plastic products;
- (9) manufactured rubber products;
- (10) **motor vehicles**, or **motor vehicle** equipment or parts;
- (11) paper and paper products;
- (12) recyclable products of all kinds;
- (13) scrap metal;
- (14) wood and wood products; and
- (15) wrecked and/or dismantled **automobiles** and machinery.

Junk Yard

A **lot, parcel, development site, structure**, or business operation that is primarily used for storing or selling **junk material**.

Laboratory

A facility for conducting medical or scientific research, investigation, testing, or experimentation; however, this does not include facilities for the manufacture or sale of products, except as incidental to the main purpose of the **laboratory**. This definition includes electronic and telecommunications laboratories, including assembly.

Land Surveyor

A surveyor who is licensed in compliance with the laws of the State of Indiana.

Landing Field, Private

A **landing field** used solely for the convenience of the **owner** or lessee of the property, utilizing a sod landing strip, having hangar facilities for not more than two (2) aircraft, with no commercial sales or service establishments located on the property, as an **accessory use** to a permitted **single family use**. A private **landing field** shall not be considered an **airstrip**.

Landscape Buffer

A landscaped area intended to separate and partially obstruct the view of two **adjacent land uses** or properties from one another.

Landscape Elements

Annual plants, benches, chairs, perennial plants, planters, shrubs, statuary, trees, **yard** ornaments, and similar elements.

Landscape Planting Area

An area designed for landscape plantings that meets all applicable width and/or square footage requirements as set forth in this ordinance.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Landscape Screening

The method by which a view onto one site from another site is shielded, concealed, or hidden. Screening techniques include **fences, walls, hedges**, mounding, or other features.

Large Satellite Dish (see “Satellite Dish, Large”)

Laundromat

An establishment providing washing, drying, or dry cleaning machines on the **lot** for rental **use** to the general public. This definition includes automatic, self-service only, or hand laundries.

Letter of Final Determination (LFD) (see Floodplain regulations - §157.412(B), Definitions)

Letter of Map Amendment (LOMA) (see Floodplain regulations - §157.412(B), Definitions)

Letter of Map Change (LOMC) (see Floodplain regulations - §157.412(B), Definitions)

Letter of Map Revision (LOMR) (see Floodplain regulations - §157.412(B), Definitions)

Letter of Map Revision Based on Fill (LOMR-F) (see Floodplain regulations - §157.412(B), Definitions)

Library

A facility for storing and loaning books, periodicals, reference materials, audio and video media, and other similar media. A **library** may also include meeting rooms, offices for **library** personnel, and similar support facilities.

Limited Assembly and Fabrication

Facilities used for the limited fabrication and assembly of products including bio-medical, orthopedic, communication and computation equipment, industrial controls, optical instruments, scientific and precision instruments, service industry machines and specialty equipment.

Limited Equipment Rental (see “Equipment Rental, Limited”)

Live-Work Unit

A **dwelling** unit containing a living and working space that is intended to function as business workspace with a residential **use** occupied by the business **owner** or operator. The unit typically has workspace on the main floor of the unit and the majority of the residence located either on the upper floor if there are two floors, or to the back of the unit if there is only one floor.

Loan Office

A facility primarily engaged in making loans to individuals that does not meet the definition of a **bank** and where the primary activity is not a **check cashing**, pay-day loan, or cash advance business.

Lot

A piece of land of specific shape and dimension; it may be a single **platted lot** or a single **parcel**. The word “**lot**” shall include the words “**lot**, platted” and “**parcel**.”

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Lot, Corner

A **lot** at the junction of and abutting two or more intersecting **streets**, or a **lot** that borders the **corner lot** that has frontage on the same two **streets**.

Lot, Flag

A **lot** that does not meet the minimum **frontage** requirements and where access to the public road is by a narrow, private **right-of-way** or **driveway**.

Lot, Front (Nonresidential)

That part of an **interior** or **through** lot that abuts a **street**. On a **corner lot**, the **Zoning Administrator** shall determine the front of the **lot**, based on the following:

- (1) The location, **setbacks**, and orientation of existing **structure(s)**;
- (2) The size and functional usage of the existing front, side, and **rear yards**;
- (3) Previously approved site and/or **Development Plans**, and
- (4) Conforming **building setbacks**.

Lot, Front (Residential)

That part of an interior or **through** lot that abuts a **street**. On a **corner lot**, the front shall be that part of the **lot** having the least amount of footage abutting the **street**, with the exception that if the **lot** is laid out so that the longer dimension is less than 1.6 times the narrower dimension, then the **Zoning Administrator** shall determine the front of the **lot**, based on the following:

- (1) The location and orientation of existing **structure(s)**;
- (2) The size and functional usage of the existing front, side, and **rear yards**; and
- (3) Platted **building** lines and restrictive covenants.

Lot, Interior

Any **lot** other than a corner or **through** lot.

Lot, Platted

An individual piece of land as shown on a **subdivision plat** recorded in the Allen County Recorder's office and in compliance with the **subdivision** regulations in effect at the time of the recording.

Lot, Through

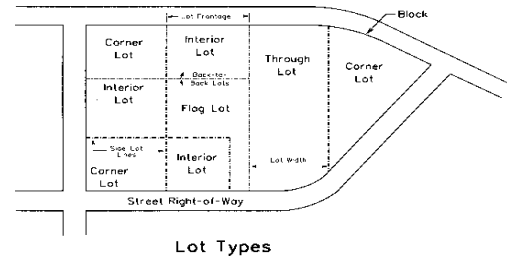
An **interior lot** that has legal direct access onto two (2) or more parallel **streets** or roads, including **private streets**.

Lot Area, Net

The total horizontal area included within the area defined by the rear, side, and **front lot** or proposed front **street** line. No **alley**, public way, public land, or area proposed for a future **street** purpose is included in the net area of a **lot**.

Lot Coverage

That portion of a **lot** that is covered by **buildings**.



Lot Types

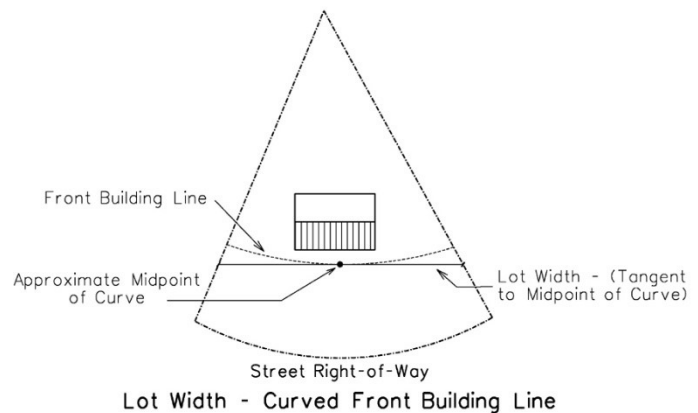
NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Lot Depth

The average horizontal distance between the **front** and **rear lot lines**.

Lot Width

The dimension of a **lot**, measured between **side lot lines** on the **building line**. For **lots** with curved **front building lines**, the **lot width** shall be the dimension of the **lot** as measured along a straight line that is tangent to the midpoint or approximate midpoint of the curve of the **building line**. The **lot width** for other **lots** with irregularly shaped **front building lines** shall be as determined by the **Zoning Administrator**.



Lot Width, Minimum

The least permissible width of a **lot** measured horizontally along either the **front building line** or the **front lot line**, as set forth in the applicable **development** standards table.

Lot Line

Lines bounding a **lot**, as further described in the definitions in this ordinance.

Lot Line, Front

The line running along the front of the **lot**, typically located along the **street right-of-way**. The **front lot line** is also referred to as the front **street** line. In a **through lot** both **lot lines** abutting the **streets** shall be deemed **front lot lines**. Flag lots or lots that do not have frontage on a street shall have two (2) required front yards; one as measured roughly parallel with the street, and one as measured roughly parallel with the closest internal lot line as shown below. For other situations, the **Zoning Administrator** shall determine the **front lot line**.

Lot Line, Rear

The **lot line** generally opposite or parallel to the front **street** line, except in a **through lot**. If a **rear lot line** is less than ten (10) feet long or the **lot** comes to a point at the rear, that **rear lot line** is assumed to be a line at least ten (10) feet long, lying wholly within the **lot**, parallel to the front **street** line or, parallel to the chord of the arc of the front **street** line.

Lot Line, Side

Any **lot line** other than a front **street** line or a **rear lot line**. A **side lot line** separating the **lot** from a **street** is a "side **street** line."

Lowest Adjacent Grade (see Floodplain regulations - §157.412(B), Definitions)

Lowest Floor (see Floodplain regulations - §157.412(B), Definitions)

Lumens

The luminous flux emitted per unit solid angle from a uniform point source whose luminous intensity is 1 **candela**.

Machine Tool Shop

A workshop where power-driven tools are used for making, finishing, or repairing machines or machine parts.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Manufactured Home (see Floodplain regulations - §157.412(B), Definitions)

Manufactured Home Park

A **parcel** of land designed for **use** by more than one (1) **Type II** or **Type III manufactured homes** that provides the **infrastructure** and utilities necessary for single **family** occupancy of those homes.

Manufactured Home Park or Subdivision, Existing (see Floodplain regulations - §157.412(B), Definitions)

Manufactured Home, Type I

A **structure**, fabricated in an off-site **manufacturing** facility for installation or assembly at a **building** site, that is designed for **use** as a **dwelling**, either by itself or in conjunction with other similar units. Typically, a **modular home** would fall under this definition. To be considered a **Type I manufactured home**, the **structure** must:

- (1) Be constructed in conformance with the Indiana One and **Two Family Dwelling** Code;
- (2) Consist of two or more sections;
- (3) Be placed on a continuous, permanent under floor foundation that is not pierced, except for required ventilation and access;
- (4) Have siding and roofing material of a type customarily used on **dwellings** constructed on-site;
- (5) Not be constructed with an integral chassis or permanent/detachable hitch; or wheels, axles, or other device allowing transportation; and
- (6) Be designed to be transported by a trailer or other similar carrier that is not designed to be permanently attached to the **dwelling** or remain with it after the **structure** is placed on its foundation.

Manufactured Home, Type II

A **structure**, fabricated in an off-site **manufacturing** facility for installation or assembly at a **building** site, bearing a seal certifying that it is built in compliance with the Federal **Manufactured Home Construction and Safety Standards Act** (42 USC Section 5401, et. Seq.) or IC 22-15-4-1, as may be amended, (as opposed to a **Type I manufactured home** that is built in conformance with the Indiana One and **Two Family Dwelling** Code). To be considered a **Type II manufactured home**, the **structure** must:

- (1) Contain at least seven hundred 700 square feet of **occupied space** per **dwelling** unit;
- (2) Be a double or multiple section unit;
- (3) Be placed on a permanent under-floor foundation installed in conformance with the Indiana One and **Two Family Dwelling** Code and according to the manufacturer's installation specifications;
- (4) Be placed onto a permanent perimeter enclosure in conformance with the Indiana One and **Two Family Dwelling** Code;
- (5) Have the wheels, axles, and hitch mechanisms removed;
- (6) Have siding and roofing material of a type customarily used on **dwellings** constructed on-site;
- (7) Be connected to all the utilities necessary for the occupancy of the unit, in conformance with the Indiana One and **Two Family Dwelling** Code; and
- (8) Have been constructed after January 1, 1981.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Manufactured Home, Type III

A **structure**, fabricated in an off-site **manufacturing** facility, which is transportable in one or more sections and is designed for **use** as a **single family dwelling**. A **mobile home** would meet this definition. To be considered a **Type III manufactured home**, the **structure** must:

- (1) Be properly connected to all utilities necessary for the occupancy of the unit; and
- (2) Be set on piers and properly skirted, with wheels and axles removed, in a **manufactured home park**.

Manufacturing

Establishments involved in the **manufacturing**, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on-site, but if so, they are a subordinate part of sales. Relatively few customers come to the **manufacturing** site. This **use** includes but is not limited to the processing of adhesive/glue, agricultural implements, aircraft, animal feed, appliances, **automobiles**, bicycles, boats, carbon steel pipe & tubing, concrete, concrete products, **electronics**, insulation, **manufactured homes**, modular **buildings**, motorcycles, motors, paper/paper products, **recreational vehicles**, spas, stainless steel, steel, tile, tires, and valves.

Market Value (see Floodplain regulations - §157.412(B), Definitions)

Massage Therapy Establishment

Any establishment having a source of income or compensation derived from the practice of massage that complies with and is licensed by the appropriate authorities.

Master Sign Plan

A plan submitted to the **Plan Commission** as part of a request for an overall **sign** program of a consistent architectural **design** for either a larger scale **development** (such as a large retail or **shopping center**, industrial park, medical campus, etc.) on a **lot**, **development site**, or combination of **lots/development sites**; for multiple **signs** as part of an individual **development** project; or for a request for a **waiver** on a site where the **Plan Commission** has previously approved a **Development Plan**.

Medical Office

A facility for the medical examination and treatment of human outpatients, including audiologist, blood bank, blood or plasma donor facility, chiropractor, **clinic**, dentist, diagnostic center, dialysis center, doctor, health center, ophthalmologist, optician, optometrist, physical therapy facility, podiatrist, sleep disorder facility, and surgery center..

Meeting Hall

A facility designed for public or private assembly.

Mental Illness

A psychiatric disorder that:

- (1) Substantially disturbs an individual's thinking, feeling, or behavior; and
- (2) Impairs the individual's ability to function.

The term includes alcoholism, and addiction to narcotics or dangerous drugs.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Mentally Ill Individual

An individual who:

- (1) Has a psychiatric disorder that substantially impairs the individual's mental health; and
- (2) Requires care, treatment, **training** or detention:
 - (a) Because of the psychiatric disorder; or
 - (b) For the welfare of the community in which the individual resides.

Minimum Building Elevation

The lowest opening on any **building** or **structure** as determined by the stormwater authority based on local stormwater management requirements specific to a **Development Plan** or **Subdivision Plat**.

Mirrored Glass

Glass with a high exterior light reflectance level (typically over 50%).

Mitigation

The avoidance, elimination, minimization, reduction, or compensation for the adverse effects of a proposed action.

Mixed Use Building

A **building** containing more than one type of **use**, such as governmental, institutional, office, **personal service**, retail, and residential; including a mix of residential and **nonresidential uses**.

Mixed Use Development

The practice of allowing more than one type of **use** in a **building** or set of **buildings**.

Mobile Food Service Unit

A vehicle, typically a van, truck, towed trailer, or pushcart, from which food and beverages are sold.

Mobile Home (see "Manufactured Home, Type III")

Mobile Home Park (see "Manufactured Home Park")

Model Home

A **single family (attached)**, **single family (detached)**, or **two family dwelling** unit used for a temporary period of time for display purposes as an example of **dwelling** units available or to be available for sale or rental in an approved Major or Minor **Subdivision** or other residential **development**. **Model homes** may also include sales or rental offices.

Model Unit

A **multiple family** (apartment or **condominium**) **dwelling** unit used for a temporary period of time for display purposes as an example of **dwelling** units available or to be available for sale or rental in a **multiple family dwelling** or complex. **Model units** may also include sales or rental offices.

Modular Home (see "Manufactured Home, Type I")

Monument

A permanent marker, used to identify the boundary lines of any **lot**, **parcel**, **tract**, **street** lines, or survey control points.

Mosque (see "Religious Institution")

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Motel

A **building** or series of **buildings**, typically one or two stories, in which sleeping accommodations are offered for compensation, and that is distinguished from a **hotel** primarily by providing independent exterior access to, and adjoining parking for, each rental unit.

Motor Vehicle

A boat/watercraft, bus, golf cart, lawn mower, lawn implements, truck, tractor, trailers, semi-trailer, **recreational vehicle**, or similar vehicle drawn or propelled by mechanical power, and farm implements whether self-propelled or designed to be pulled, pushed or carried by another **motor vehicle** or **automobile**.

Motor Vehicle, Inoperable

An **automobile** or **motor vehicle** which cannot be driven on a **public street** for reasons including, but not limited to, being abandoned, wrecked, in a state of disrepair, or otherwise incapable of moving under its own power.

Motor Vehicle Repair

A facility that provides general **motor vehicle** service, rebuilding or reconstruction of engines, transmissions, or other systems, steam cleaning, or minor painting or detailing services for **motor vehicles**. This definition shall not include any services provided under the definition of “**automobile body shop**”.

Motor Vehicle Storage Yard

A **lot**, **tract**, or **development site** used for the temporary, short-term (up to 90 days) **outdoor storage** of **automobiles** or **motor vehicles** not used for transportation purposes on an active, regular or continuing basis, whether or not the **motor vehicle** is titled, licensed, or operable, either as a **primary use** or **accessory use**. **Junk** and **salvage yards** shall not be included under this definition.

Mounting Height, Light

The **mounting height** of a light fixture shall be defined as the vertical distance between the **adjacent** grade and the top of the lighting fixture (luminaire).

Multiple Family Complex

A grouping of two (2) or more **multiple family structures**; also, a project with three or more single **family structures**, or two or more two **family structures**, on a single **lot**.

Multiple Family Complex, High Rise

A grouping of two (2) or more multiple **family structures** of five (5) or more stories.

Mural

A work of art, including a hand-painted, hand-tiled, or printed image on an exterior **wall** of a **building** that does not contain a message advertising a business conducted, service rendered, event scheduled, political issue, goods produced or sold, or other commercial message. A display or surface treatment that meets this definition is not a **sign**.

Museum

A facility open to the public, with or without charge, for the collection and display of paintings, sculpture, textiles, antiquities, other works of art, or similar items.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Name Plate

An accessory **sign** containing only the name of the occupant of a **dwelling** and an occupation permitted in that **zoning district**.

National Flood Insurance Program (NFIP) (see Floodplain regulations - §157.412(B), Definitions)

National Geodetic Vertical Datum (NGVD) of 1929 as corrected in 1929 (see Floodplain regulations - §157.412(B), Definitions)

Nature Preserve

An area intended to remain in a predominantly natural or undeveloped state to provide resource protection and passive recreational opportunities.

Navigation Aids (NAVAID) (see Airport Overlay District definitions)

Navigable Airspace (see Airport Overlay District definitions)

Neighborhood Center

A facility operated by a recognized neighborhood association and typically includes administrative office activities for the association as well as low intensity community services. Activities shall not include commercial or **uses** that create land **use** conflicts within a residential neighborhood.

Neighborhood Facility

A facility intended to serve or accommodate the needs of a specific segment of a community or area. Neighborhood facilities shall include, but not be limited to, playgrounds, non-platted subdivision amenities, and similar **uses**.

New Construction (see Floodplain regulations - §157.412(B), Definitions)

New Manufactured Home Park or Subdivision (see Floodplain regulations - §157.412(B), Definitions)

Newspaper Publishing Facility

An enclosed facility for the printing and distribution of newspapers, newsletters, and other similar media that is printed on newsprint-type paper for sale and general circulation.

Nightclub

An establishment dispensing liquor and meals in which music, dancing, or entertainment is provided. Any establishment that meets the definition of **sexually oriented business** is not included under this definition.

Nits

A **nit** is a photometric unit equivalent to one cd/m² (**candela** per square meter).

Noise Impact (see Airport Overlay District definitions)

Non-Boundary River Floodway (see Floodplain regulations - §157.412(B), Definitions)

Nonconforming Building/Structure

An existing **building** or **structure** that was constructed in conformance with the applicable ordinance at the time of construction that fails to comply with the requirements set forth in this ordinance applicable to the **district** in which the **building** or **structure** is located.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Nonconforming Use

A **use** of land, or of a **building** or **structure**, that lawfully existed prior to the effective date of this ordinance that fails to comply with the requirements set forth in this ordinance applicable to the **district** in which the **use** is located.

Nonresidential District

The C1, C2, NC, SC, C3, C4, CC, **BTI**, I1, I2, I3 and I4 **zoning districts**.

North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993 (see Floodplain regulations - §157.412(B), Definitions)

Nursery School (see “Preschool”)

Nursing Home

A facility licensed by the State Board of Health that provides nursing services on a continuing basis; admits the majority of the occupants upon the advice of physicians as ill or infirm **persons** requiring nursing services; provides for licensed physicians services or supervision; and maintains medical records; overnight patient stays shall be permitted as part of this **use**. A convalescent home, health and rehabilitation center, and rest home, if meeting the above criteria, shall also be included under this definition.

Object (see Airport Overlay District definitions)

Object of Natural Growth (see Airport Overlay District definitions)

Obstruction (see Airport Overlay District definitions)

Obstruction (see Floodplain regulations - §157.412(B), Definitions)

Occupied Space

The total area of earth horizontally covered by a **manufactured home**, excluding accessory appendages such as but not limited to **garages**, **patios**, breezeways, and **porches**.

Office, Professional

Facilities that are characterized by activities generally focusing on business, professional, insurance, or financial services. **Accessory uses** may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or **building**.

One-Percent Annual Chance Flood (see Floodplain regulations - §157.412(B), Definitions)

On-Site Sewage System

All equipment and devices used for conduction, collection, **storage**, treatment, and on-site disposal of sewage using a soil absorption field or Permitted Discharge System, for a property not served by a sanitary sewerage system. The term shall include conventional, alternative, and experimental **on-site sewage system** technologies and components, and privies approved by the Indiana State **Department of Health** for use in the state. An **on-site sewage system** shall also include a private septic system.

On-Site Sewage System Suitability Zone

An area of land delineated on a survey, supplemental document or plot plan, determined under the review of the **Department of Health**, provided in effort to protect soil most suitable for the installation and operation of a private **on-site sewage system**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Open Fence (see “Fence, Open”)

Open Use of Land

An outdoor **use** that is operated with no **primary buildings** or **structures**, excluding a quarry operation.

Ornamental Fence (see “Fence, Ornamental”)

Outdoor Activity Area

The **use** of an area for outside activities by a **nonresidential use**. **Drive-through** areas, dumpsters, eating/drinking/smoking areas, loading areas, and **storage** areas shall be considered **outdoor activity areas**. Gardens, front-facing **automobile service** bays and similar **uses** shall not be considered **outdoor activity areas**.

Outdoor Display

The placement of goods, equipment or materials for sale, rental or lease in a location not enclosed by a **structure** consisting of **walls** and a roof. **Outdoor display** shall not mean **yard sales** as defined in this ordinance.

Outdoor Sales, Permanent

The **use** of a portion of a property for the accessory **storage** and sales of items such as ice, magazines, newspapers, propane, vending machine sales, and videos.

Outdoor Storage

The keeping of goods, materials or equipment in a location not enclosed by **walls** and a roof.

Outlot

A **building** site available for retail or other nonresidential **development**, typically part of a larger commercial **development** or site.

Owner

Any **person** having record title.

Painted Graphics

Any advertisement painted directly onto the **wall** of a **building**.

Parcel

An individual unplatted piece of land, that was either: created by a deed recorded prior to April 3, 2014 in compliance with the **Subdivision** Control Ordinance in effect at the time of recordation; created as an **exempt division of land**/excluded **conveyance** by a deed recorded after September 1, 2007, in compliance with the **Subdivision** Control Ordinance in effect at the time of recording; or created by a **Plan Commission**-approved **Development** Plan. When a piece of land is titled in the name of the same landowner, but is divided by an improved public **right-of-way**, waters of the United States, or **waters of the State** of Indiana, then that piece of land shall be deemed to be more than one **parcel**.

Park or Recreation Area (Private)

A natural, landscaped, or developed area, which may include **buildings**, **structures**, or **athletic fields**, owned or controlled and used by private or semi-public **persons**, entities, or groups for active and/or passive recreational purposes.

Park or Recreation Area (Public)

A natural, landscaped, or developed area, which may include **buildings**, **structures**, or **athletic fields**, provided by a unit of government to meet the active and/or passive recreational needs of the public.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Parking Area

A public or private area designed and used for the temporary parking of **automobiles** or **motor vehicles**, including parking **lots** and **driveways**.

Parking Area (Off-Site)

A **parking area** for a **religious institution** or **school** which is located directly across an **alley right-of-way** from that **religious institution** or **school** (see “Universally Permitted Use”).

Parking Space (Off-Street)

A space other than on a **street**, passageway, or **alley** designed for **use** or used for the temporary parking of a **motor vehicle**, including **driveways** and **garages** on private residential property.

Parking Structure

A **structure** designed to accommodate vehicular **parking spaces** that are fully or partially enclosed or located on the **deck** surface of a **building**, including parking **garages** and **deck** parking.

Patio

A slab on grade located in the **front**, **rear**, or **side yard** of a property.

Pawn Shop

A place where money is loaned on security of personal property left in pawn and pledged as collateral for the loan and where that property may be redeemed by the seller in a fixed period of time or sold to the general public.

Pedestrian Friendly (see “Pedestrian Oriented”)

Pedestrian Oriented

Areas that accommodate pedestrians in a manner that is safe, functional, and aesthetically pleasing.

Pedestrian oriented areas generally separate pedestrian and **automobile** traffic, as well as offer designs that are more human scaled.

Person

An individual, firm, company, corporation, limited liability company, partnership, limited partnership, joint venture, trust, or any other incorporated or unincorporated associations or organizations, including the respective agents of such **persons**.

Personal Services

An establishment that primarily engages in providing services generally involving the care of the **person** or his or her personal goods or apparel, including adoption service, **adult care center**, bankruptcy service, **barber shop**, **beauty shop**, bookkeeping service, **child care center**, **clothing** alterations, collection agency, consulting service, **correctional services facility**, copy/duplicating service, counseling service, credit service, **customer service facility**, **dating service**, **day care**, day spa, embroidery, **employment agency**, finance agency, **financial planning service**, fitness center, **funeral home**, **health club**, investment service, legal service, **massage therapy**, nail salon, nutrition service, security service, social service agency, tailor, tanning salon, **travel** agency, tutoring service, wedding consultant, and weight loss service.

Pet Store

A retail establishment offering small animals, fish, or birds for sale as pets and where all creatures for sale are housed within the **building**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Photography Studio

An establishment that specializes in offering professional images or photographs by means of shooting, processing, and printing images of the subject. This **use** may include the developing of film to produce images and the sales of images produced by the establishment.

Physical Map Revision (PMR) (see Floodplain regulations - §157.412(B), Definitions)

Plan Commission

The New Haven City Plan Commission.

Planning Jurisdiction

That land lying within the incorporated boundaries of New Haven and any additional areas where extra-territorial **planning jurisdiction** has been granted by the Allen County Commissioners.

Planning Staff

The personnel of the Land Use division of the New Haven **Planning Department**.

Plant Nursery

A place where plants are propagated and grown to usable size or otherwise kept for sale, including retail and wholesale nurseries, and the sale of related items, along with any **buildings** and **structures** necessary for the operation of the facility.

Plat

The drawing on which a plan of **subdivision** is presented to the **Plan Commission** (or an approved committee of the **Commission**) for approval, showing the length, width, and size of each **lot**, and public ways or places. A **plat** must be properly approved and recorded to be of effect.

Plat, Major

A **subdivision** of a **parcel** of land that is reviewed and approved in accordance with the **Subdivision** regulations, and is intended to be filed with the Allen County Recorder's office; excluding an **exempt division of land** under §157.303(C)(2) and a **minor plat**. All **lots** in a **major plat** shall be served by a public sanitary sewer system. **Major Plats** shall only be permitted in R, MH, C, or I **zoning districts**. No further **subdivision** of a recorded **major plat** shall be permitted unless the **plat** is replatted.

Plat, Minor

A **subdivision** of a **parcel** of land, that creates no more than six (6) **lots**, and that is reviewed and approved in accordance with this ordinance. No further **subdivision** of a platted and recorded **minor plat** shall be permitted unless the **minor plat** is replatted in accordance with this ordinance.

Plat Committee

A group of officials appointed by the **Plan Commission** to hold hearings on and dispose of **subdivision** applications on behalf of the **Commission**.

Play Equipment

Accessory structures and **uses**, used for **recreation** and play, including jungle gyms, playhouses, play sets/**structures**/equipment, skateboard halfpipes, swing sets, trampolines, tree houses, and sandboxes, but excluding materials that meet the definition of **junk** as set forth herein.

Police Station

Any **building** or part of a **building** that is designated by a chief of police or sheriff to be used as a police or sheriff's station or substation and at which duly authorized officers perform law enforcement functions.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Porch, Open

A roofed **structure** attached to a **building** and open on two (2) or more sides. A screened in **porch** shall not be considered open.

Portable Storage Container

A semi-trailer, truck box or other similar container placed on a property for **use** as accessory **storage**. Dumpsters or roll-off containers used for the temporary **storage** of **solid waste** shall not be included under this definition.

Preschool

A **school** for children primarily between the ages of three and five, providing preparation for elementary **school**.

Primary Building (see “Building, Primary”)

Primary Surface (see Airport Overlay District definitions)

Printing Services

A retail establishment that includes a quick print **shop** or the operation of offset printing and other related equipment, such as, but not limited to, paper cutters, collating machines, multi-colored press equipment, plate burners, digital services, publishing, binding and **photographic** developing equipment.

Professional Engineer

An **engineer** who is licensed in compliance with the laws of the State of Indiana.

Professional Office/Business Service

An establishment where the business of a commercial/professional organization or a professional **person** is conducted, or which engages in providing services to such an organization or **person**, including accountant, advertising, answering service, appraiser, architect, attorney, auction service, **bank**, bookkeeping, broker, **credit union**, data processing facility, data storage facility, **engineer**, foundation office, graphic design service, insurance agency, interior design service, internet/web site service, **land surveyor**, **loan office**, marketing agency, mortgage service, planner, realtor, **savings and loan**, stock and **bond** broker, tax consulting, and title company.

Protected Class

The federal Fair Housing Act, which is the federal law governing housing discrimination, includes the following seven **protected classes**: race, color, religion, national origin, sex, disability, and familial status.

Public Park (see “Park or Recreation Area, Public”)

Public Safety and Nuisance (see Floodplain regulations - §157.412(B), Definitions)

Public Sewer Facility

A sewage or storm water collection and disposal/dispersal system operated by an entity regulated by the Indiana Utility Regulatory **Commission** (IURC). This shall not include a package treatment or similar private sewer facility.

Public Utility

A firm, corporation, municipal department or **board** duly authorized to furnish, or furnishing under regulation to the public, electricity, gas, steam, communication, transportation, drainage, sewer and/or water.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Public Water Facility

A water supply system designed to serve a **district**, community, municipality or individual **development**, or portions thereof by public or quasi-**public utility**.

Public Works Use, Temporary

The **temporary use** of a **structure** or **parcel** of land for purposes of preparing for or completing a public construction project, or for storing materials or equipment related to the construction project inside or outside an enclosed **building**.

Radio Station

A **building** or portion of a **building** used as a place to stage, record and broadcast music and other related media.

Radio Tower (Amateur)

A tower or other **structure** to support a transmitting/receiving antenna for an amateur radio activity.

Reception Hall

A facility in which the primary function is hosting special occasion events at which food and beverages are served to groups of people, with facilities for the refrigeration and heating of food.

Recorder

The **Recorder** of Allen County, Indiana.

Recreation Area

Private or non-profit **outdoor recreation uses**. **Structures** are typically required by or are part of the **primary use** of the **use**. **Recreation areas** shall include athletic/recreation fields, **golf courses**, **swimming pools**, swimming beaches, volleyball or **tennis courts**, and similar **uses**. This **use** shall not include **public parks** or **public recreation areas**.

Recreation Facility

A private or non-profit indoor establishment that is maintained or operated for the amusement, patronage, or **recreation** of the general public, members, or paying customers, including bowling alleys, tennis **clubs**, skating rinks, **swimming pools**, and other similar **uses**.

Recreation, General

A commercial **use** that provides indoor or outdoor amusement, entertainment, recreation, or sport for consumers, including amusement park, **athletic field**, **arena**, batting cages, betting or other gambling facility, **country club**, **entertainment facility**, **golf course (miniature)**, **golf driving range**, go-kart facility, haunted house, **recreation uses**, **riding stable**, skating rink, **stadium/race track**, swim **club**, tennis **club**, and **theater**

Recreation/Tourism, Limited

A commercial **use** that provides indoor amusement, entertainment, recreation, or sport for consumers, including **arcade**, billiard or pool hall, bingo establishment, bowling alley, dinner **theater**, **entertainment facility**, haunted house, **hotel**, **motel**, skating rink, swim **club**, tennis **club**, and **theater**.

Recreation Uses, Outdoor

Outdoor recreation uses may include **athletic fields**, **riding stables**, **swimming pools**, **tennis courts**, and similar **uses**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Recreational Vehicle (see Floodplain regulations - §157.412(B), Definitions)

Recycling Collection Point

An **accessory use, structure**, or enclosed area that serves as a neighborhood drop-off point for **temporary storage** of recyclable materials. A **recycling collection point** may also include a facility for the temporary collection of used **clothing** and household goods.

Recycling Processing Facility

A recycling facility that receives distinct and recognizable **solid waste** items such as newspapers, magazines, books, and other paper products, glass, metal cans, and other similar products are recycled, reprocessed, and treated in order to return those products to a condition where they may be again be used in new products. Based on a calendar quarter, a **recycling processing facility** must have not more than ten percent (10%) by volume of the **solid waste** that passes through the facility ultimately taken for final disposal.

Refinery

A production facility composed of a group of chemical engineering unit processes and unit operations refining certain materials or converting raw material into products of value.

Refuse

All waste solids (except body wastes), including **garbage**, rubbish, ashes, and dead animals.

Regular Program (see Floodplain regulations - §157.412(B), Definitions)

Regulatory Flood (see Floodplain regulations - §157.412(B), Definitions)

Rehabilitation Facility

An inpatient facility which provides skilled nursing care and intensive rehabilitative services. Overnight patient stays shall be permitted as part of this **use**.

Rehabilitation/Renovation

The act or process of improving a **structure's** condition through repair and alterations while respecting those features **significant** to its architectural, historic or cultural value.

Religious Institution

A **structure** or place in which worship, ceremonies, rituals, and **education** pertaining to a particular system of beliefs are held, together with its **accessory buildings and uses** (including **buildings** used for educational and recreational activities), operated, maintained, and controlled under the direction of a religious group. **Accessory buildings, structures, or uses** may include athletic/recreation fields (non-illuminated); assembly **buildings** (including gymnasiums); **clothing** or food banks; **convents**/parsonage/rectories or similar residences; **day care**; counseling or **education**; **school** facilities; parking; or caretaker's housing. Examples include **churches, mosques, synagogues, temples**, or other places of worship.

Rental and Leasing Store

A retail establishment that rents to the general public merchandise, such as furniture, appliances, and similar goods, that are housed inside a **building**.

Repetitive Loss (see Floodplain regulations - §157.412(B), Definitions)

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Research and Development Facility

A facility including research, synthesis, analysis, **development** and testing laboratories, including the fabrication, assembly, mixing and preparation of equipment and components incidental, convenient or necessary to the conduct of those activities.

Research and Scientific Laboratory

A facility or area for conducting scientific research, investigation, testing, or experimentation, but not including facilities for the manufacture or sale of products, except as incidental to the main purpose of the **laboratory**.

Residential Condominium Development

A residential **development** created as a horizontal property regime (pursuant to IC 32-25 et. seq., as may be amended) where each **dwelling** unit is owned or financed by the occupant or occupant's lessor, but in which the **common areas**, facilities, and underlying land is owned jointly by all the **owners** on a proportional, undivided basis.

Residential District

The A1, R1, R2, R3, R4, RP, MHS, and MHP **zoning districts**.

Residential Facility, General

Higher intensity residential **uses** other than single family and **two family dwellings**, including but not limited to:

- (1) **Assisted living facility;**
- (2) **Boarding house;**
- (3) **Dormitory/campus housing** (off-site);
- (4) **Fraternity house;**
- (5) **Group residential facility (large);**
- (6) **Live-work unit;**
- (7) **Model unit;**
- (8) **Multiple family complex;**
- (9) **Multiple family dwelling;**
- (10) **Nursing home;**
- (11) **Residential dwelling unit** (above, to the rear of, or attached to a permitted **nonresidential use**);
- (12) **Retirement facility;**
- (13) **Sorority house;** and
- (14) **Townhouse complex.**

Residential Facility, Limited

Low-intensity residential **uses** other than single **family**, two **family** and **multiple family dwellings**, including but not limited to:

- (1) **Adult care home** (in an existing single **family** detached residence only);
- (2) **Child care home (class I or class II;** in an existing single **family** detached residence only);
- (3) **Group residential facility** (small; in an existing **single family detached residence** only).

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Residential Facility for a Court-ordered Re-entry Program

A facility providing housing for individuals under a program authorized by a local, State, or Federal court. This **use** shall include overnight stays; this **use** shall not be considered to be a **correctional services facility** or a **correctional institution**.

Residential Facility for Developmentally Disabled Individuals

A type of Small **Group Residential Facility** providing housing for up to than eight (8) **developmentally disabled individuals** (exclusive of supervisory staff, councilors or resident managers); operated under a program authorized and licensed by the State.

Residential Facility for Homeless Individuals

A facility providing housing for up to eight (8) homeless individuals (exclusive of supervisory staff, counselors, or resident managers).

Residential Facility for Mentally Ill Individuals

A type of Small **Group Residential Facility** providing housing for up to eight (8) **mentally ill individuals** (exclusive of supervisory staff, counselors, or resident managers).

Residential Facility (Other)

A facility providing housing for up to eight (8) individuals (excluding supervisory staff, counselors, or resident managers) who are members of a **protected class** as set forth under the Fair Housing Act.

Residential Zoning District (see “Residential District”)

Restaurant

An establishment primarily for the sale of food and drink that is prepared, served, and consumed for the most part within the principal **building**, with or without **drive-through facilities**.

Restoration

The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the **restoration** period. The limited upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a **restoration** project.

Retail/Service, General

A facility or area for the indoor or outdoor retail sale of items, merchandise, or products to the general public. This **use** includes agricultural equipment sales, agricultural equipment service, agricultural supply sales, air conditioning service, **auction hall**, **automobile** auction, boat/watercraft sales, **check cashing**, **engine repair**, **equipment rental (limited)**, equipment service, **exhibit hall**, **exterminator**, **feed store**, fireworks sales, flea market, fruit and vegetable sales, furniture refinishing/repair, **garage**, **garden equipment supply**, **greenhouse**, gun sales, heating service, **home improvement store**, **manufactured home** sales, **motor vehicle** auction, **motor vehicle** rental, **motor vehicle repair**, **motor vehicle** sales, **pawn shop**, pest control, **plant nursery**, plumbing sales, plumbing service, pottery sales, seasonal sales, propane/bottled gas sales and service, **shooting range** (indoor only), **storage shed** sales, taxidermist, trade show facility, **truck fueling station**, **truck stop**, **warehouse/storage facility**, and **window** repair.

Retail Facility, Multiple Tenant

A single multiple tenant retail **building** located on a **development site** or **shopping center outlot**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Retail Facility, Single Tenant

A stand-alone, **single tenant retail facility** on its own **development site**. Accessory space may be rented or leased within the **building** provided a separate outdoor entrance is not provided. This definition shall not include home improvement centers.

Retail, Limited

A facility or area for the retail sale of certain items, merchandise, or products to the general public. This **use** includes air conditioning sales, appliance store, **antique shop**, artist material and supply store, **art gallery**, bicycle sales and repair **shop**, book store, card and stationary store, catalog showroom, cigarette/tobacco/cigar store, clock, watch, and jewelry sales/repair, coin **shop**, consignment **shop**, cosmetic store, craft gallery, craft supply store, **department store**, drug store, fabric **shop**, **farmers market**, fireworks sales (indoor), flea market (indoor), floor covering store, florist, **furniture store**, gift **shop**, glass cutting/glazing **shop**, hardware store, home improvement business, home repair, household appliance store, heating sales, hobby **shop**, interior decorating store, leather goods or luggage store, medical supply sales, movie and game sales/rental, music store, musical instrument store, paint store, **pet store**, pharmacy, photographic supply store, picture framing facility, pottery sales, **rental and/or leasing store** (including furniture, office equipment, or party supplies), **sign sales store**, sporting goods sales and rentals, toy store, variety store, and **window** sales.

Retaining Wall

Any **fence** or **wall** built or designed to retain or restrain lateral forces of soil or other materials.

Retirement Facility

An independent living facility designed to meet the needs of **persons** fifty-five (55) years of age or over. Typically, the facility consists of independent living apartments along with **common areas** for meals, social gatherings, and recreation. Services such as transportation, housekeeping, dietary supervision, recreational activities, and coordination for home health care may also be offered. However, the primary purpose of the facility is not to provide medical services for its residents.

Riding Stable, Nonresidential

Any **lot** or portions of a **lot** on which horses or other similar animals are maintained for the public to ride in return for monetary remuneration or other forms of compensation. Nonresidential stables may be located on a **parcel** with no **primary structure**.

Riding Stable, Private

Any **lot** or portions of a **lot**, on which a **private club**, association, or other private organization maintains horses or other similar animals to be ridden exclusively by its membership and guests of the membership.

Riding Stable, Residential

An area for riding or housing/boarding horses, used as an **accessory use** and located on a property with a single-family residence.

Right-of-Way

A dedicated strip of land that may be occupied or may be intended to be occupied by transportation facilities, **public utilities**, or other public **uses**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Root Parcel of Land

Any separate and distinct quantity of land located within a registered **metes and bounds subdivision** created by virtue of a legally recorded deed. For purposes of determining the duration of existence of a **root parcel**, a quantity of land shall not lose its character as a **root parcel** because of later **conveyances** of land from that **parcel**; provided, however, that any **parcel** legally created from a **root parcel of land** by **conveyance** within a registered nonconforming **metes and bounds subdivision** shall, after the expiration of twelve (12) months from the recordation of the deed evidencing that **conveyance**, be construed as a new **root parcel**.

Runway (see Airport Overlay District definitions)

Runway Protection Zone (RPZ) (see Airport Overlay District definitions)

Sales Yard

An outdoor area for the sale of **building** materials, lumber, sand, gravel, stone, and similar materials used in construction projects.

Salvage Yard

A **lot, parcel, development site, structure**, or business operation that is primarily used for sales of, processing, or dismantling **junk, building/infrastructure** construction material, or similar material.

Sanitary Landfill

A **solid waste** disposal facility designed to accommodate and dispose of certain types of **solid waste** as defined and described in 329 IAC 10-2 (excluding **hazardous waste** regulated by 329 IAC 3.1). The facility shall be operated by spreading the waste in layers, compacting to the smallest practical volume, and covering with material at the end of each operating day. The facility shall be operated under permits issued by the appropriate government agencies.

Satellite Dish, Large

A parabolic (dish shaped) **structure** with an antennae or similar apparatus or device designed for the purpose of receiving radio, television or similar communications which is more than two (2) feet in diameter.

Satellite Dish, Small

A parabolic (dish shaped) **structure** with an antennae or similar apparatus or device designed for the purpose of receiving radio, television or similar communications which is not more than two (2) feet in diameter.

Savings and Loan

An establishment that provides lending and financial services to individuals and businesses. **Accessory uses** may include **automatic teller machines** and **drive-through facilities**.

Sawmill

A mill for sawing timber or logs into boards or lumber.

School

Facility used for educational purpose including public or private primary or secondary **schools**; elementary, junior or senior high, including charter or vocational **schools**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Seasonal Outdoor Retail Sales

Any business or **use (primary or accessory)**, that is conducted primarily out of doors, which may include but not be limited to: retail sales of garden supplies and equipment; roadside stands for the sale of fruits and vegetables, plants, flowers, Christmas trees, fireworks; and other similar businesses or **uses**.

Secondary Approval

Approval, or approval with **conditions**, granted to an application for a **Development Plan** or **Major or Minor Subdivision**, certifying that the application reflects all terms, **conditions**, and **commitments** required by the **Plan Commission**, or the **Plat Committee** acting in its behalf.

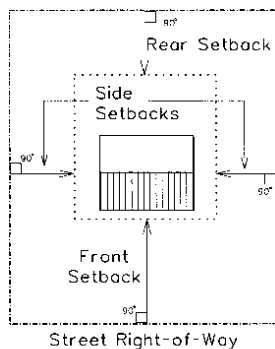
Section 1316 (see Floodplain regulations - §157.412(B), Definitions)

Self-Service Storage (Mini-Warehouse) Facility

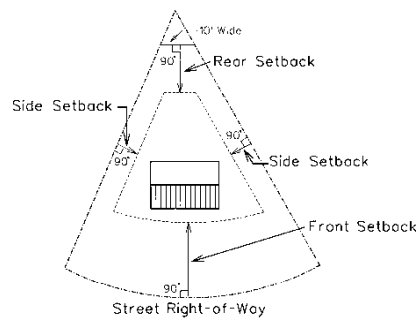
A **building** or group of **buildings** consisting of individual, self-contained units that are leased to individuals, organizations, or businesses for **self-service storage** of personal property.

Setback

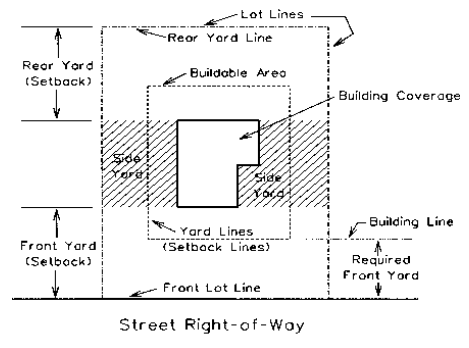
The distance on a **lot** measured from the edge of a **right-of-way** that must remain open, unoccupied and unobstructed by **structures**, except as otherwise provided or permitted in the ordinance.



Examples of Setbacks



Examples of Setbacks



Sexually Oriented Business

An establishment that meets the definition of “**sexually oriented business**” as defined in Chapter 118.02 of the Municipal Code of the City of New Haven, which definition is incorporated herein by reference.

Shed

An outbuilding or other **structure** that is accessory to a principal **use** on the same **lot**.

Shooting Range

An area or facility to be used for firearm target practice, competitions, or similar **uses**, including but not limited to archery, skeet, trap, paintball, and similar shooting activities, and including both indoor and outdoor facilities.

Shop

A place where merchandise is offered for sale; a store.

Shopping Center

A **development** that includes more than one **multiple tenant** or **single tenant retail facility**, or other retail **use** located on a **development site** or combination of **development sites**.

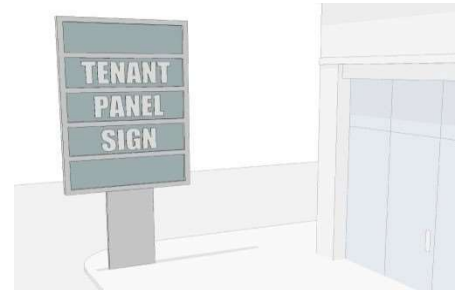
NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Sign

Any identification, description, illustration, device, light projection, or surface treatment, that is in view of the general public and that directs attention to a **person**, place, commodity, activity, institution, organization or business. **Signs** include but are not limited to wind wavers, banners, **building** and equipment wraps, painted tops of **buildings**, mannequins displayed outdoors, **outdoor displays** of goods not for sale, **window signs**, and portable **signs**. **Signs** do not include architectural elements or details; clocks; thermometers; vending machines; newspaper racks; decorative illumination including **façade** illumination, neon accent lighting, and backlit **awnings** that do not attract attention to a product or service; art, **murals**, and other similar painted displays that do not attract attention to a product or service; **signs** where the message is either not legible from outside the **building** or intended to only be seen from inside the **building**.

Sign, Additional Entrance

A **freestanding sign** located at the entrance to a property containing multiple tenants or facilities on a single property or on multiple properties that share that access. An **additional entrance sign** includes but is not limited to a tenant panel **sign** for a **shopping center**, commercial facility, or industrial park, or a single **sign** containing the names of the multiple tenants or facilities that share the access where the **sign** is located, but does not include a **subdivision entrance sign**.



Sign, Auction

A **temporary sign** that announces the date, time and other information relative to an auction on a property.

Sign, Awning

A **sign** affixed flat to or painted upon the surface of an **awning**.



Sign, Blade

A **sign** affixed to a **building wall** that projects from the **building** face, generally at right angles to the **building**. **Blade signs** are primarily oriented toward vehicular traffic and located in higher traffic volume areas. The height of a **blade sign** shall be at least 1.5 times the **sign** width.

Sign, Canopy

A **sign** affixed to a **canopy**.

Sign, Changeable Copy

A **sign** or portion of a **sign** that allows for frequent changes in **sign** messages by manual, electronic, or mechanical means.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

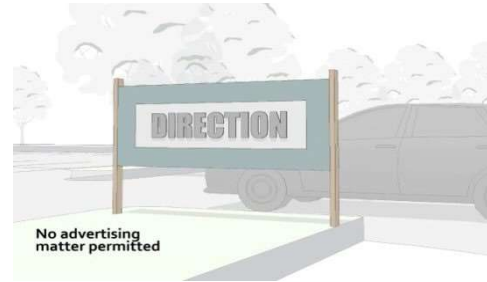
Sign, Construction

Any **sign** announcing the names of architects, **engineers**, contractors, or other individuals or firms involved with the construction, alteration, or repair of a **building** project or announcing the character of the **building** enterprise or the purpose for which the project is intended.



Sign, Direction

A small auxiliary **sign** typically used to provide information such as directions on or to a property, parking locations and limitations, traffic information, address identification, and other similar information. **Direction signs** may include logos or other proprietary symbols.



Sign, Directory

A **sign** that provides a list or directions to multiple facilities or tenants within a single **building** or complex of **buildings**.

Sign, Drive-Through

A **sign**, as defined herein, erected for and used in conjunction with a commercial **use** which conducts business exchanges with clients who drive up to a **window** and remain in their **automobiles**. **Drive-through signs** shall include menu boards and other signage relating to services available at the service **window(s)**.

Sign, Entrance

A **sign** is used to identify a planned **district** or platted **subdivision** with the intention of providing knowledge about the complete project and not a single entity or unit.



Sign, Expired

A **sign** displayed on a property after the conclusion of the event the **sign** was placed in association with; or a **sign** with a message that has been rendered no longer operative, valid, or timely by a cessation or abandonment of a land **use** or occupancy, a cessation or completion of events, or the passage of time. Examples of **expired signs** shall include a **sign** for a business no longer in operation, an empty **sign** cabinet that does not display any message, a **yard sale sign** displayed after the conclusion of the sale, a **noncommercial opinion sign** displayed more than the permitted number of days after the date of the applicable election, a **real estate sign** displayed more than the permitted number of days after the closing of the sale, or a **construction sign** displayed more than the permitted number of days after the completion of construction.

Sign, Flashing

Any **sign** that flashes or appears to flash by a powered light source at intervals of less than 6 seconds.

Sign, Freestanding

A **sign** that is completely or principally self-supported and erected on a frame, mast or pole that is not attached to a **building**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Sign, Ground-Mounted

A **freestanding sign** supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles with no clearance between the bottom of the **sign** and the ground below, and designed to include a continuous or nearly continuous central base.



Sign, Incidental

Any accessory **sign** that advertises goods, services or facilities that are available on the premises where the **sign** is located. Any **sign** required by law shall not be counted as an **incidental sign**.

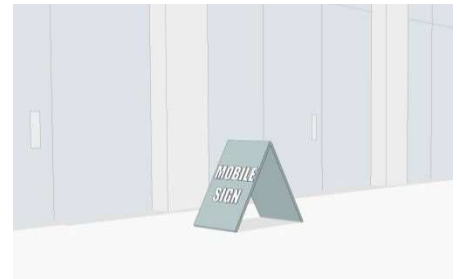
Sign, Marquee

A **sign** displayed, erected or supported upon an overhanging **marquee** or other similar cover or shelter.

Sign, Master Plan (see “Master Sign Plan”)

Sign, Mobile

A **sign** that is designed to be moved from one location to another, and is not permanently affixed to the ground or to a **structure** that is permanently affixed to the ground (including **signs** affixed to a truck or trailer that is parked temporarily on a **lot** or **parcel**). A vehicle associated with and parked within 40 feet of a permitted or approved **special use** is not a **mobile sign**.



Sign, Multi-Faced

Any **sign** in a three-dimensional configuration, including but not limited to cubes, spheres and cylinders.

Sign, Noncommercial Opinion

A **sign** that expresses an opinion or other point of view, and does not contain information or advertising for any business, product, good, service, entertainment, or other commodity. A **sign** that meets the definition of “**sign**”, including an **on-premise sign** or and **off-premise sign**, shall not be considered a **noncommercial opinion sign**. A **political sign** shall be considered to be a **noncommercial opinion sign**.

Sign, Off-Premise

Any **sign** that identifies or directs attention to a product, service, or activity or business not conducted on the premises on which the **sign** is located. Also includes signs which direct persons to a different location from where the sign is installed.

Sign, On-Premise

Any **sign** identifying or advertising a business, **person**, activity, good, product or service located on the premises where the **sign** is installed.

Sign, Political

Any **temporary sign** pertaining to an election or a referendum or carrying the picture or name of a **person** seeking election or appointment to a public office.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Sign, Projecting

A **sign** other than a **wall sign**, that is affixed to any **building**, **wall** or **structure** and extends greater than eighteen (18) inches beyond the **building wall** or parts of the **building wall**, generally at a right angle to the **building**, so that the **sign** is designed to be viewed from a position generally perpendicular to the **building**. **Projecting signs** shall not project above the **wall** of a **building**, including cornice **walls**. A **sign** which is suspended from a **building** or part of a **building** shall also be considered a **projecting sign**. The height of a **projecting sign** shall be less than 1.5 times the **sign** width.



Sign, Public Information

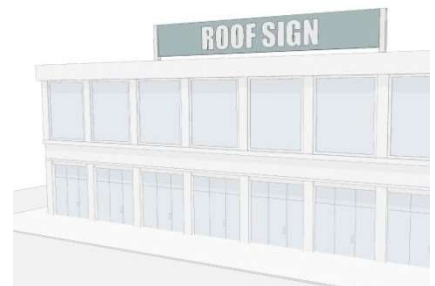
Signs of a public, noncommercial nature to include safety **signs**, trespassing **signs**, traffic **signs**, **signs** indicating scenic or historical points of interest, memorial plaques and the like, and all **signs** erected by or on order of a public office in the performance of a public duty.

Sign, Real Estate

An **on-premise sign** pertaining to the sale, construction, rental or lease of the property upon which it is located.

Sign, Roof

A **sign** erected upon or above a **roof** or parapet of a **building**.



Sign, Temporary

A **sign** not permanently installed or not intended or designed for permanent display. This includes all **signs** constructed of cloth, canvas, light fabric, cardboard, or other light material. Easily removed **signs** attached to **windows** shall be considered **temporary signs**.

Sign, Wall

A **sign** attached to the face of a **building**, or attached to a mansard or similar style of **roof**, so that the **sign** is designed to be viewed from a position generally parallel to the **building**. **Signs** parallel to and attached to sloping **walls** or mansard or similar style **roofs** to allow the **sign** display surface to remain perpendicular to the ground shall also be considered **wall signs**. **Wall signs** shall not project above the **wall**, cornice line, or **top roof line** of a **building**.



Sign, Window

Any **sign** painted or otherwise permanently affixed onto a glass area or installed behind a **window** for viewing from outside the **building**, excluding **temporary signs**.

Sign Area

The area in square feet of the smallest, simplest, single geometric figure that encloses the area that forms the outside shape of the **sign** face. Permitted **changeable copy** areas are to be included in the calculation of **sign area**, not allowed in addition to otherwise permitted **sign area**.



Sign Brightness

The maximum brightness of a video display or electronic graphic display **sign**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Sign Fabricating Shop

An establishment where the **primary use** is the fabrication of freestanding, **wall**, identification, or other signage for off-site installation. The maintenance and installation of **signs** shall also be permitted as part of this **use**.

Sign Height

The distance between the lowest grade level within two (2) feet of either side of a **sign**, and the highest part of the **sign** or its supporting **structure**.

Sign Sales Store

An establishment where the **primary use** is the retail sale of **signs**, banners, or similar items. Limited on-site fabrication or creation of signage may be permitted.

Sign Separation from Districts, Uses, or Features

Where **signs** are required to be separated from specified **zoning districts**, land **uses**, or other features, the distance shall be measured radially starting from the center of the **sign** base at grade, and shall extend outward in a circular manner for the distance specified.

Significant Natural Features

Noteworthy elements of the natural environment include rock outcroppings, ravines, **streams**, irrigation ditches, stands of more than 100 mature trees, and identified historical or archeological sites.

Single Family Dwelling (Detached) (see “Dwelling, Single Family, Detached”)

Site Area, Gross

The entire land area within the boundaries of a site, including all existing and proposed public and private **rights-of-way**.

Site Area, Net

The entire land area within the boundaries of a site, excluding all the area of any existing and proposed public and private **rights-of-way**.

Slaughter House

A facility for the slaughtering and processing of **domestic farm animals** or deer, and the refining of their byproducts.

Small Satellite Dish (see “Satellite Dish, Small”)

Solar Panel (ground-mounted)

A single panel or combination of panels or elements that does or will use direct sunlight as a source of energy for purposes such as heating or cooling of a **structure**, heating or pumping of water, and generating electricity. **Solar panels** include both photovoltaic and hot water devices.

Solid Waste

Any **garbage**, **refuse**, sludge from a wastewater treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material as described in 329 IAC 10-2-174(A)(6). However, the term “**solid waste**” does not include the following:

- (1) Solid or dissolved material in domestic sewage, solid or dissolved materials in irrigation return flows, or industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act Amendments (33 U.S.C. 1342 as may be amended) and under chapter 51 of the **City Code**;

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

- (2) Source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014 et seq.);
- (3) Manures or crop residues returned to the soil at the point of generation as fertilizers or soil conditioners as part of a total farm operation; or
- (4) Vegetative matter at composting facilities registered under IC 13-7-35 (as may be amended).

Solid Waste Transfer Station

A facility at which **solid waste**, as defined in 329 IAC 10-2, is transferred from a vehicle or container to another vehicle or container for transportation from one mode of transportation to another including the transfer of a trailer, container, or waste from rail to road transportation. The following may also be located at a transfer station as **accessory uses**: **solid waste** baler, **solid waste** shredder, composting facility or **garbage** grinding facility. The **storage** or transfer of **hazardous waste** as regulated under 329 IAC 3.1(as may be amended) shall not be permitted at the facility. This term does not include the following:

- (1) Collection containers for **solid waste**;
- (2) The transfer of **solid waste** at the point of generation;
- (3) A **recycling processing facility** that receives distinct and recognizable **solid waste** items that fall under the definition of “**recycling processing facility**”;
- (4) Curbside satellite collection vehicles used for collecting residential waste, which are small motorized vehicles, or the equivalent, with bins or containers that once full are deposited into larger **solid waste** collection vehicles or containers; or
- (5) A facility that generates **solid waste**.

Sorority House

A **building**, rented, occupied or owned by a national or local chapter of an organized college **fraternity** or **sorority** that is officially recognized by a college, university, or other **educational institution**.

Special Event

Events connected to a **universally permitted use**, including but not limited to fairs, carnivals, or festivals.

Special Flood Hazard Area (SFHA) (see Floodplain regulations - §157.412(B), Definitions)

Special Use

A land **use** listed in this ordinance as a **special use** for the **zoning districts** in which the property is located and that requires review and approval pursuant to §157.503(D) and the other applicable provisions of this ordinance prior to commencing the **use**.

Stadium/Racetrack

Any **structure** with tiers of seats rising around an unenclosed sports field, playing court, or public exhibition area. **Stadium/racetracks** are primarily used for sports and athletic events. Entertainment and other public gathering purposes, such as concerts and conferences may be permitted as an **accessory use** of a **stadium/racetrack**.

Start of Construction (see Floodplain regulations - §157.412(B), Definitions)

Steeple

A conical, pyramidal, or similar **structure** on the top of a tower or roof of a **religious institution**.

Stoop

A small set of stairs ending in a platform leading to the entrance of a **building**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Storage

The keeping of goods, materials, equipment or vehicles on a property.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Storage Building

Structures used for the **storage** or warehousing of goods, but not including **temporary storage** containers such as portable on-demand units or tractor trailers used for **storage**.

Storage Shed

An **accessory structure** to a single **family** or two **family** residential **use** used for the **storage** of household recreational or **yard** equipment, gardening materials, tools, and household similar items, but excluding **portable storage containers**, shipping containers, truck bodies, and other abandoned vehicles or portions of vehicles.

Story

That portion of a **building** included between the surface of any floor and the surface of the floor next above, or if there is no floor above it, then the space between any floor and the ceiling next above it; also any portion of a **building** used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a **story** unless the height of the surface of the first floor above the average elevation of the finished **lot** grade at the front of the **building** exceeds four (4) feet.

Story-Half

A **story** under a gable, hip or gambrel roof, the **wall** plates of which on at least two (2) opposite exterior **walls** are not more than two (2) feet above the floor of that **story**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Street, Arterial

A **street** system typically designed to carry high volumes of traffic, generally interconnecting with **expressways** and **freeways**, and providing a continuous high mobility network that primarily services regional traffic. The following classifications shall also be included under this definition:

(1) Principal Arterial

A **public street** that provides high volume **travel** between major points or serves the major centers of activity and designated as a **principal arterial** on the map contained in the latest Transportation Plan adopted by the New Haven Common Council. A **principal arterial** carries most of the trips entering and leaving the urban area as well as most through movements and intra-area **travel**. The **street** serves primarily through traffic and provides access to abutting properties as a secondary function.

(2) Minor Arterial

A **street** system that interconnects with and supports the **principal arterial** system and designated as a **minor arterial** on the latest Transportation Plan adopted by the New Haven Common Council. The system carries trips to geographic areas smaller than that identified with higher classifications. Those arterials not classified as **principal arterials** shall be classified as **minor arterials**.

Street, Collector

A **public street** that provides moderate volume traffic circulation and property access. The **street** may penetrate residential, commercial, and industrial areas distributing trips from arterials through the area to **local streets** or final destinations. The system also links neighborhoods or areas of homogeneous land use with arterials. The following classifications shall also be included under this definition:

(1) Street, Minor Collector

A **minor collector street** serves as a connecting link between **collector streets** and **local streets**, primarily serving internally to residential communities.

(2) Street, Sub-Collector

A **street** that functions to conduct traffic between major traffic arterials and/or activity centers. It is a principal traffic artery within a residential area and carries a relatively high volume of traffic.

Street, Cul-De-Sac

A dead-end **street** that terminates in a circular **right-of-way** and does not provide more than one access point onto another **street**, nor act as a collector, or means of access to **lots** not fronting that **street**.

Street, Local

A **public street** that provides for low volume traffic circulation and direct access to abutting properties (residential, commercial, and industrial). Through-traffic movement is usually deliberately discouraged.

Street, Private

An improved area other than a **driveway**, which is located on private property, used primarily for purposes of vehicular **travel**, and has not been dedicated or otherwise accepted as a public **right-of-way** by an appropriate governmental entity.

Street, Public

A dedicated public **right-of-way** used primarily for purposes of vehicular **travel**, including the pavement, median, curb and/or shoulder, that has been dedicated to or otherwise accepted by the appropriate governmental entity.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Structure

Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, **structures** include **arbors, awnings, off-premise signs, buildings, canopies, carports** (including framed canvas or plastic covered **carports**), **decks, fences, gazebos**, loading docks, **manufactured homes, porches**, portable **storage** units, **storage** tanks, **satellite dishes, swimming pools**, and **walls**. The term does not include construction or features such as **driveways**; earth berms or mounds; on grade **patios; parking areas**; ponds or detention areas; sidewalks; sanitary or **hazardous waste** landfill disposal areas; sand, gravel, stone, or other similar natural material extraction overburden mounds; tents or **recreational vehicles**; vegetation; or similar natural features and/or man-made construction.

Structure, Primary (see Building, Primary)

Structure, Temporary

A trailer, mobile unit, or other **structure** intended to be placed on a **lot, tract**, or **development site** for a limited period of time.

Studio

An area or facility used for the production/creation of or **instruction** in art, crafts, music, painting, photography, sculpture, or similar activities.

Subdivision (including the word "subdivide")

The division of a single **parcel** of land, or part of that **parcel**, into two or more **lots** or **parcels** of land for the purpose, whether immediate or future, of transfer of ownership, unless it qualifies as an **exempt division of land** pursuant to §157.303(C)(2). The following classifications shall also be included under this definition:

(1) Subdivision, Major

A **subdivision** of land meeting the definition of a **Major Subdivision** in §157.303(C)(4).

(2) Subdivision, Minor

A **subdivision** of land meeting the definition of a **Minor Subdivision** in §157.303(C)(3).

Substantial Change

For the purposes of plan review and approval, a change in or to: access point numbers or **significant** change in location; the number of **buildings**; the number or size of **lots/parcels** (however, for a single **family** subdivision, an increase of up to 5% of the number of **platted lots** shall be permitted); or an increase in the height or the square footage of the proposed **buildings** relative to the previously submitted application or approved plan. For the purposes of Board of Zoning Appeals reconsideration of a request, the term shall include a change in the use that was previously denied.

Substantial Damage (see Floodplain regulations - §157.412(B), Definitions)

Substantial Improvement (see Floodplain regulations - §157.412(B), Definitions)

Supermarket (See "Grocery Store")

Suspension (see Floodplain regulations - §157.412(B), Definitions)

Swimming Pool

Any constructed or portable **structure** designed or constructed to be filled with water and intended to be used for swimming or similar purposes, which is both over twenty-four (24) inches in depth and over two hundred fifty (250) square feet in size regardless of whether the **structure** currently contains water or is empty.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Synagogue (see “Religious Institution”)

Tavern (see “Bar”)

Television Station

A **building** or portion of a **building** used as a place to stage, record and broadcast music, videos, television, and other related media.

Temple (see “Religious Institution”)

Tennis Court

An indoor or outdoor facility designed with courts specifically for the recreational **use** of tennis, squash, handball and/or other similar court games.

Theater

A facility with fixed seats for the viewing of movies or live presentations of musicians or other performing artists.

Tire Sales

An establishment engaged in selling **automobile**, truck, bus, and other tires for **motor vehicles**. **Accessory uses** may include the sales of other automotive accessories and the mounting, balancing, and repair of tires.

Top Roof Line

The principal top edge of the roof of a **building**.

Townhouse Complex

A grouping of at least two (2) freestanding **townhouse structures**.

Townhouse Structure

A **structure** containing three (3) or more **townhouse dwelling** units.

Tract

An area, **parcel**, site, piece of land, or property.

Trail, Multi-use

A trail or path, either within a public **right-of-way** or an **easement** on private property, which is physically separated from vehicular traffic by an open space or barrier.

Transition

For purposes of **sign** regulation, a visual effect used on a **changeable copy sign** to change from one message to another.

Transitional Use

A **use** that is intended to serve as a low-intensity intermediate **use** between existing residential land **uses** (especially single **family**) and higher-intensity **nonresidential uses**, as an area changes from residential **use** to **nonresidential use**. A **transitional use** shall only be permitted to be considered as a **special use** on **lots** which adjoin an arterial roadway.

Trash

Combustible waste materials, excluding **garbage**, but including the residue from the burning of coal, coke, wood, and other combustible materials; boxes, cans, cartons, crockery, excelsior, glass, leather, metals, mineral matter, paper, rags, rubber, tires, vegetative matter, wood, and other similar materials.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Travel

For purposes of **sign** regulation, a mode of message **transition** on a **changeable copy sign** where the message appears to move horizontally across the display surface.

Treatment Center

A facility for the on-site drug, mental health, or psychiatric treatment, therapy, or counseling of individuals. Overnight patient stays shall not be permitted as part of this **use**.

Trellis

A **structure** of open latticework, typically used as a support for vines and other plants.

Truck Depot/Terminal

A facility in which goods shipped by truck are loaded, unloaded, or transferred between trucks for shipping or distribution, together with incidental truck **storage**, maintenance, and administrative offices.

Truck Fueling Station

A facility where gas and other supplies are sold, where the gas dispensing facilities are designed to primarily service semi-trailer or tractor trailer truck vehicles. A **truck fueling station** would not offer **accessory uses** such as overnight accommodations, shower facilities, or **restaurant** facilities. A **truck fueling station** may include a **convenience store**. For the purposes of determining permitted **uses**, a compressed natural gas fueling station shall be considered a **truck fueling station**.

Truck Stop

An establishment engaged primarily in the fueling, servicing, repair or parking of tractor trucks and similar heavy commercial vehicles, including the sale of accessories and equipment for those vehicles. A **truck stop** may also include overnight accommodations, showers and **restaurant** facilities primarily for the **use** of truck crews.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Universally Permitted Use

Universally permitted uses are land **uses** that are permitted in any **zoning district** within New Haven's **planning jurisdiction**. These **uses** shall include, but not be limited to the following **primary uses**, and related **accessory uses** except as noted:

- (1) a **community garden** (including an **open fence** of up to four (4) feet in height, which shall meet the front primary and **corner lot street side yard building setbacks**, or an **ornamental fence** subject to the standards herein);
- (2) an **open fence** of up to four (4) feet in height, which shall meet the front **primary building setback** and **corner lot street side yard building setbacks**, or an **ornamental fence** subject to the standards herein, in conjunction with a vacant **lot**, or an existing proposed **primary use parking area**;
- (3) a fire station, **police station**, other similar public safety **use**, or other publicly-owned **building** supported by municipal or county taxes, such as a community center or **library**;
- (4) a **nature preserve** (private non-profit), excluding **parking areas** or **structures** available for public **use**;
- (5) an **off-site parking area** for a **religious institution** or a **school**, if located directly across an **alley right-of-way** from that **primary use**;
- (6) a **park or recreation area** (public county, municipal, state, or township), including **parking areas**, and **structures**;
- (7) a private garden (including an **open fence** of up to four (4) feet in height, which shall meet the front primary and **corner lot street side yard building setbacks**, or an **ornamental fence** subject to the standards herein);
- (8) a **religious institution**; and
- (9) a **school** (public or private elementary, junior, or senior high, including charter or vocational **school**); including certain **accessory structures** and facilities used by the **school**, and those **accessory uses** associated with the **school use**, as determined by the **Zoning Administrator**.

Unlicensed Motor Vehicles

A **motor vehicle** without proper, current license plates, registration and/or inspection certificate to be lawfully operated on public ways.

Unplatted Land

A piece of land with a metes and bounds legal description, created by a legally recorded deed.

Unrelated Persons

Two (2) or more **persons** occupying a **single dwelling unit** who are not related by blood, marriage or adoption.

Use

The purpose or activity for which land or **buildings** are designed, arranged, or intended or for which land or **buildings** are occupied or maintained.

Use, Nonconforming (see "Nonconforming Use")

Use, Nonresidential

A commercial, industrial, or institutional **use**, including educational and **religious institutions**, as opposed to a **single family**, **two family**, multiple **family**, or other residential **use**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Use, Primary

The predominant **use** of any **lot, tract, development site, building, or structure** permitted as a matter of right under the applicable **zoning district**, or by the approval of a **special use**, conditional **use**, or by **use** variance. Unless otherwise prohibited by this chapter more than one **primary use** may exist on or within **building(s)** or **structure(s)** or on a **lot, tract, or development site** provided there is compliance with all other applicable ordinance provisions.

Use, Single Family

A residential **use** which consists of occupancy by one **family** as a single housekeeping unit. To be considered a **single family use** the **dwelling** unit must have one primary entrance, a single primary kitchen, and all individuals must have full **use** of the entire residence (excluding individual bedrooms). Except for residential facilities for the **developmentally disabled** or **mentally ill**, or a **residential facility (other)**, services shall not be provided to residents. A **fraternity** or **sorority house** shall not be considered a **single family use**.

Utility Facility, Private

Buildings, structures, or other facilities used or intended to be used by any **private utility** other than telecommunications facilities. This category includes **buildings** or **structures** that house or contain facilities for the operation of water, wastewater, waste disposal, or electricity services. This **use** also includes water **storage** tanks; electric or gas substations, water or wastewater pumping stations, or similar **structures** used as an intermediary switching, boosting, distribution, or transfer station of electricity, natural gas, water, or wastewater. This category includes passageways, including **easements**, for the express purpose of transmitting or transporting electricity, gas, water, sewage, or other similar services on a local level. Additionally, a **private utility facility** means any energy device and/or system that generates energy from renewable energy resources including biofuels, geothermal, or similar sources. **Accessory uses** may include control, monitoring, data, or transmission equipment.

Utility Fixture (see “Utility Fixture, Accessory”)

Utility Fixture, Accessory

An accessory fixture or **use** of **building** or **lot** for utility purposes, including heating units, air conditioning units, back-up generators, heat pumps, meter propane/oil tanks, **on-site sewage system** or septic tank covers, pumps, inspection pipes, **solar panels (building mounted)**, utility connection enclosure boxes, or well heads.

Utility Runway (see Airport Overlay District definitions)

Variance (see Floodplain regulations - §157.412(B), Definitions)

Veterinary Clinic (see “Animal Hospital”)

Violation

The failure of a **structure** or other **development** to be fully compliant with this ordinance.

Waiver

An adjustment to an ordinance standard or a complete removal of an ordinance requirement

Wall

The vertical exterior surface of a **building** or **structure**.

Wall, Freestanding (see “Fence”)

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Warehouse/Storage Facility

A facility for the **storage** of products, supplies, and equipment, including a **self-service storage (mini-warehouse) facility**.

Waste Management and Remediation Facility

A facility used for the temporary **storage** (not to exceed ten (10) days) and/or treatment of certain hazardous and non-hazardous waste.

Watercourse (see Floodplain regulations - §157.412(B), Definitions)

Waters of the State

A lake, marsh, reservoir, waterway, or other water under public ownership, jurisdiction, or lease.

Wetlands

Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. “**Wetlands**” generally include swamps, marshes, bogs and similar areas and may be determined from the following sources: National **Wetlands** Inventory maps published by the U.S. Department of the Interior, Fish and Wildlife Service; areas designated as “marsh” in the Hydrologic Investigations Atlas published by the U.S. Department of the Interior, Geologic Survey; as “poorly drained” and “very poorly drained” and verified by the Soil Conservation Service.

Wholesale Facility

An establishment primarily engaged in selling and/or distributing merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Examples include, without limitation: feed mills, granaries, and elevators; household moving and general freight **storage**; cold **storage** plants, including frozen food lockers; **storage** of weapons and ammunition; major wholesale distribution centers; logistics and supply chain facility; truck, or air freight **terminals**; bus barns; **parcel** services; major post offices; grain **terminals**; and the stockpiling of sand, gravel, or other aggregate materials.

Wildlife Attractants (see Airport Overlay District definitions)

Wind Energy Conversion System (WECS)

The equipment that converts and then stores or transfers energy from the wind into usable forms of energy, including any base, blade, foundation, generator, nacelle, rotor, transformer, turbine, vane, **wind tower**, wire, or other component used in the system. In the case of multiple **wind energy conversion systems**, this shall also include the collection, transmission lines, and any related **accessory use, building, or structure**.

Wind Energy Conversion System, Large

A **wind energy conversion system** which has a nameplate capacity (manufacturer’s rating) of more than 50 kilowatts per system, a total system height of more than 60 feet, or a swept area of more than 40 feet. Any **wind energy conversion system** meeting one or more of these criteria shall be considered a large wind system. **Large wind energy conversion systems** are not permitted by right or eligible for a **special use** under the provisions of this ordinance.

Wind Energy Conversion System, Micro

A building-mounted wind system which has a nameplate capacity (manufacturer’s rating) of 10 kilowatts or less, and projects no more than twelve (12) feet above the highest point of the roof.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Wind Energy Conversion System, Standard

A **wind energy conversion system** that has a nameplate capacity (manufacturer's rating) between 10 and 50 kilowatts per system, a total system height of 60 feet or less, and a swept area of 40 feet or less.

Wind Energy Conversion System Swept Area

The diameter of the smallest circle encompassing the blades of a **wind energy conversion system**.

Wind Energy Conversion System Height

The distance measured from the ground level at the base of the tower to the highest extension of the blade or rotor.

Wind Tower

A freestanding **structure** that supports the energy capture, conversion, **storage** and transfer components of a **wind energy conversion system**.

Window

An opening constructed in a **building wall** that functions to admit light or air, typically framed and spanned in glass.

X Zone (see Floodplain regulations - §157.412(B), Definitions)

Yard

A space on the same **lot** with a main **building**, open, unoccupied and unobstructed by **structures**, except as otherwise provided in this ordinance.

Yard, Front

A **yard** extending across the full width of the **lot**, the depth of which is the least distance between the **street right-of-way** line and the **building** line.

Yard, Internal Side

On a **corner lot**, the **side yard** that does not abut a **street right-of-way**.

Yard Light

A fixture intended to provide illumination to a certain area or a portion of a **lot**.

Yard, Rear

A **yard** extending across the full width of the **lot** between the rear of the **primary building** or **structure** and the **rear lot line**, the depth of which is the least distance between the **rear lot line** and the rear of the **primary building** or **structure**. If the **rear lot line** is less than ten (10) feet long, or the **lot** comes to a point at the rear, the required **rear yard** shall be measured from a line where the rear of the **lot** is ten (10) feet wide and parallel or tangent to the front **street** line.

Yard, Side

A **yard** between the **primary building** or **structure** and the **side lot line**, extending from the **front yard** or **front lot line** where no **front yard** is required, to the **rear yard**. The width of the required **side yard** is measured horizontally, at ninety (90) degrees with the **side lot line**, from the nearest point of the **side lot line** to the nearest part of the **primary building** or **structure**.

NEW HAVEN UNIFIED DEVELOPMENT ORDINANCE

Yard Sale

A sale of personal property to the general public on any portion of a residential property, including properties in nonresidential **zoning districts** that are used for residential purposes. This definition shall also include all sales entitled **garage, patio, carport, basement, porch, driveway**, rummage, estate, moving and the like.

Zone (see Floodplain regulations - §157.412(B), Definitions)

Zone A (see Floodplain regulations - §157.412(B), Definitions)

Zone B, C, and X (see Floodplain regulations - §157.412(B), Definitions)

Zoning Administrator

The **person** appointed by the New Haven **Plan Commission** to enforce and administer the provisions of this ordinance.

Zoning District

Delineated areas within the **planning jurisdiction** of the **City** of New Haven, as shown on the adopted zoning maps, in which the regulations of this ordinance apply.

Zoo

A facility where animals are kept for indoor or outdoor viewing by the public. Office, retail, and other commercial **uses** commonly established in these facilities and related **parking structures** shall be allowed as accessory appurtenances.