

**ZONING ORDINANCE TEXT AND MAP AMENDMENTS
ESTABLISHING A NEW SECTION 59 AND AN OVERLAY DISTRICT AFFECTING PROPERTIES
WITHIN THE BUSINESS A DISTRICT ON WHALLEY AVENUE BETWEEN ELLA T. GRASSO
BOULEVARD AND SHERMAN AVENUE**

TITLE VI, VOLUME III OF THE CODE OF ORDINANCES

ORDER OF THE BOARD OF ALDERMEN APPROVING AMENDMENTS TO TITLE VI, VOLUME III,
NEW HAVEN ZONING ORDINANCE, OF THE CODE OF ORDINANCES.

WHEREAS: the City of New Haven recognizes the character and vitality of the city is dependent on a high quality of building design and site development; and

WHEREAS: the new Comprehensive Plan of Development strives for this high quality of product in keeping with the city's overall sense of place; and

WHEREAS: Whalley Avenue is a distinctive boulevard and a viable commercial corridor; and

WHEREAS: the unique qualities of Whalley Avenue, including the traditional building line, commercial storefronts and pedestrian-friendly sidewalks, is in part a product of tradition; and

WHEREAS: the underlying Business A zoning is more permissive from a design and site development perspective which often compromises the unique qualities and sense of place unique to Whalley Avenue; and

WHEREAS: there are several vacant and/or underused sites along Whalley Avenue which – if developed appropriately – will make positive contributions to the revitalization of the corridor; and

WHEREAS: the Whalley Avenue Special Services District, the City Plan Department, the Whalley Beaver Hills Community Management Team and local alderpersons all are committed to the revitalization of Whalley Avenue; and

WHEREAS: the proposed overlay zone is intended to encourage the revitalization of Whalley Avenue as a viable commercial corridor with appropriate transitions to the abutting residential neighborhoods; and

WHEREAS: the proposed amendments serve a substantial government interest, are in the public interest and promote the health, safety and general welfare of the community without unreasonable limits on land use; and

NOW THEREFORE, BE IT ORDAINED by the Board of Aldermen of the City of New Haven that the Zoning Ordinance of the City of New Haven are hereby amended, as follows:

1. Establish a new Section 59 – Whalley Avenue Overlay District, to read as follows.

Section 59. Whalley Avenue Overlay District

- (a) *Description and Purpose.* This district exists to encourage the revitalization of specific portions of Whalley Avenue, to reinforce Whalley Avenue's role as a viable commercial corridor, and to provide for an appropriate transition to residential neighborhoods located to the north and to the south of the Overlay District.
- (b) *Extent of District.* The District includes all properties within the Business A District fronting on Whalley Avenue between Ella T. Grasso Boulevard and Sherman Avenue.
- (c) *Uses Permitted.* Uses permitted in Table 3 of Section 42 in the underlying Business A District are allowed in the Overlay District with the following modifications:
- (1) Poultry markets with slaughtering are not allowed;
 - (2) Pawn Shops are not allowed;
 - (3) Auto Racing Clubs are not allowed;
 - (4) Drive-in services, to include theaters, restaurants and pharmacies (but not to include banks) are not allowed;
 - (5) Motels are not allowed;
 - (6) Repair of automobiles, automobile trailers, and trucks, no full body paint spraying or body and fender work except replacement requires Special Permit approval.
 - (7) Rental of automobiles, automobile trailers, and trucks with inventory requires Special Permit approval.
 - (8) Sale or rental of automobiles, automobile trailers or trucks with no inventory of such vehicles kept on premises, but with incidental show models and demonstrator vehicles permitted in case of sales requires Special Permit approval.
 - (9) Specialty Home Goods and Skilled Trades with a combination of on premises fabrication and sales are allowed under Site Plan approval.
 - (10) Drug paraphernalia centers are not allowed.
 - (11) Dance Halls are not allowed.
- (d) *Application Procedures.* The following procedures shall apply to uses within the Overlay Zone:
- (1) Applications requiring Special Permit and Special Exception approval shall be administered by the City Plan Commission. The applicable procedures and standards of Section 63 shall apply to the processing of Special Exceptions by the City Plan Commission, and the applicable procedures and standards of Section 64 shall apply to the processing of Special Permits by the City Plan Commission.
 - (2) All uses permitted As-of-Right shall also require Site Plan Approval.
 - (3) All uses requiring Special Permit or Special Exception approval shall also require Site Plan approval.
 - (4) Site Plan Approval may be waived when a proposed building expansion is less than 500 square feet and / or there are no changes to the façade of the building.
- (e) *Special Standards:* Proposed development within the Overlay District shall observe the following standards:
- (1) Where development is proposed that involves new construction or substantial reconstruction, there shall be no parking in the front yard. This requirement may be waived when the Commission finds that the lot and/or the building configuration do not allow for alternative parking areas,
 - (2) When a proposed development is to be a mixed use complex, (first floor retail, upper floors residential), a FAR of 2.5 may be allowed.
 - (3) Any proposed new construction in excess of 1500 square feet shall require a Special Permit approval.

- (4) New buildings in the Overlay District shall have a zero set back from the prevailing building line.
 - (5) New buildings, where the lot has frontage greater than 50 feet, shall be designed to cover 75% of the lot frontage.
- (f) *Design Guidelines.* The following guidelines shall, to the greatest extent possible, be incorporated into the design of new buildings and the renovation of existing structures. Guidelines shall apply when there are proposed modifications to a building façade to include replacement of windows, replacement of façade materials, or additions to or extensions of a façade.
- (1) **General Design Principles:** Emphasis should be on a pedestrian-scaled environment. Buildings should harmoniously blend in and balance each other. All materials, colors, and architectural details used on the exterior of a building should be compatible with the building style, and with each other. A building designed of an architectural style that normally includes certain integral materials, colors, and/ or details should incorporate such into its design. Plans should reflect an attention to detail, the use of quality materials, and good craftsmanship. Bare cinder block construction is not permitted. Drivet may be used providing that not more than 20% of the façade is covered with this material.
 - (2) **Scale, Mass and Continuity:** Buildings shall generally relate in scale and design to the surrounding buildings where such buildings represent quality construction and design associated with historical development of the area. Buildings shall reflect a continuity of treatment the following ways:
 - a. Maintain, when appropriate, the building mass and scale of adjacent buildings.
 - b. Maintain front yard build-to lines.
 - c. Maintain cornice and transition lines in buildings of the same height.
 - d. Primary horizontal and vertical lines in the architectural composition should remain visible or be incorporated into the design.
 - (3) **Building Entrances:** All entrances to a building should be defined and articulated by architectural elements of the building. Any such element utilized shall be architecturally compatible with the style, materials, colors, and details of the building as a whole.
 - (4) **Fenestration:** The arrangement and design of windows and doors in a building shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned wherever possible. To the extent possible, upper story windows shall be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows. All windows shall be stylistically consistent with the building.
 - (5) **Roofs:** Roof types shall be appropriate to a buildings architectural type. Embellishments such as dormers, belvederes, masonry chimneys, cupolas, clock towers and other such embellishments are encouraged if appropriate to the building vernacular. Repairs to existing construction shall conform to the building vernacular.
 - (6) **Buildings on Corner Lots:** Buildings on corner lots shall be considered important structures because they contain more than one façade that is exposed to the street. These buildings should be enhanced with appropriate architectural embellishments.
 - (7) **Facades:** The architectural treatment of the front façade shall be continued, in its major features, around all visibly exposed sides of a building. All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors, and details. Deteriorated materials should be patched if possible, and if not possible, should be replaced with similar materials that have the same form and surface characteristics without visually changing the façade's character. New buildings shall, at street level, have clear glass windows sufficiently transparent to provide views into the interior of the building.
 - (8) **Storefront Facades:** Storefronts shall be integrally designed as part of the entire façade. Buildings with multiple storefronts shall be architecturally uniform throughout and shall be unified through the use of architecturally compatible materials, colors, details, awnings, canopies and marquees, signage and lighting fixtures. Attachments and/or fixtures should complement the architectural design of the façade and should be appropriate in scale to

the ornamentation and the design elements of the building. Fixtures and attachments should not obscure historically significant materials, architectural features or decorative details.

- (9) Signage: Signage shall be architecturally compatible with style, materials, color and details of the building.
- (10) Awnings, Canopies and Marquees: Awnings, canopies and marquees are permitted at ground level. Such treatments shall be designed to complement the building and shall be compatible with the materials, colors, and details of the building. In buildings with multiple storefronts compatible awnings, canopies and marquees should be used as a means to unify the building. Solid, lighted awnings and canopies are not permitted.
- (11) Light Fixtures: Light fixtures shall be architecturally compatible with style, materials, color and details of the building.
- (12) Security Applications: Solid metal security gates or solid roll-down metal windows shall not be permitted. Link or grill type security devices shall be permitted. If installed on the outside, the coil boss shall be recessed and concealed behind the building wall.

2. Apply the Whalley Avenue Overlay District on the Zoning Maps of the City of New Haven to the all of the properties along Whalley Avenue between Ella T. Grasso Boulevard and Sherman Avenue and which are zoned Business A as listed below and illustrated on the map provided in Attachment #1.

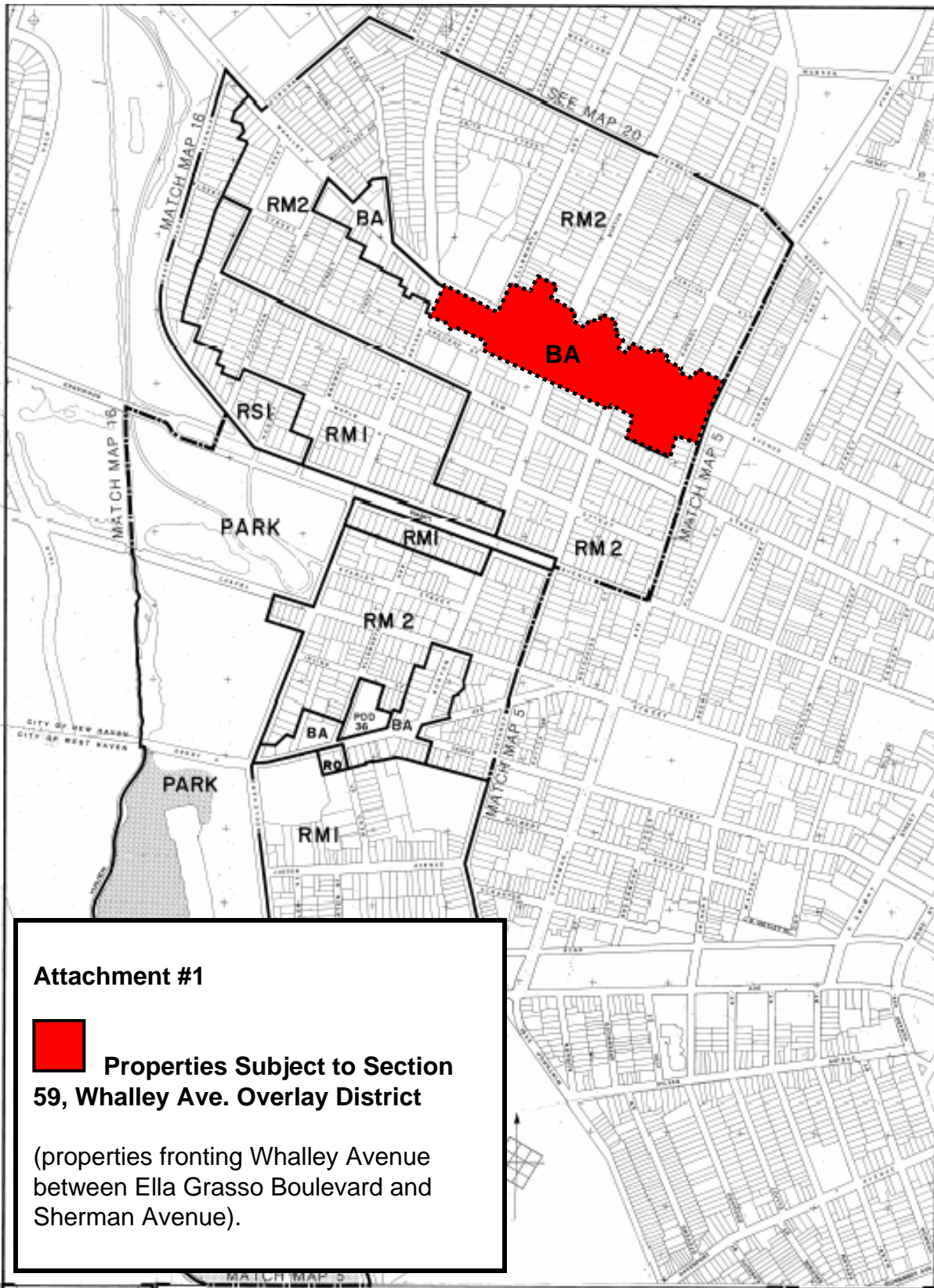
Address	Assessor's Map / Block / Parcel
413 WHALLEY AV	333 0294 05800
423 WHALLEY AV	333 0294 00100
468 WHALLEY AV	335 0277 00100
454 WHALLEY AV	335 0277 00200
399 WHALLEY AV	333 0294 05600
395 WHALLEY AV	333 0294 05500
379 WHALLEY AV	332 0295 06500
365 WHALLEY AV	332 0295 06400
436 WHALLEY AV	335 0277 00400
424 WHALLEY AV	335 0278 00100
383 WHALLEY AV	332 0295 00100
416 WHALLEY AV	335 0278 00200
412 WHALLEY AV	335 0278 00300
408 WHALLEY AV	335 0278 00400
400 WHALLEY AV	335 0278 00500
357 WHALLEY AV	332 0295 06300
396 WHALLEY AV	335 0278 00600
388 WHALLEY AV	335 0278 00800
249 ELLSWORTH AV	335 0278 02000
463 WINTHROP AV	332 0296 00200
335 WHALLEY AV	332 0296 03000
355 WHALLEY AV	332 0295 06200
345 WHALLEY AV	332 0296 03200

339	WHALLEY AV	332 0296 03100
347	WHALLEY AV	332 0296 00100
376	WHALLEY AV	335 0279 00101
327	WHALLEY AV	332 0296 02900
374	WHALLEY AV	335 0279 00200
226	NORTON ST	335 0278 00900
323	WHALLEY AV	332 0296 02800
372	WHALLEY AV	335 0279 00300
366	WHALLEY AV	335 0279 00400
352	WHALLEY AV	335 0279 00500
320	SHERMAN AV	332 0297 02700
311	WHALLEY AV	332 0297 00100
229	NORTON ST	335 0279 02300
305	WHALLEY AV	332 0297 02900
422	WINTHROP AV	335 0279 00600
299	WHALLEY AV	332 0297 02800
346	WHALLEY AV	319 0280 00100
336	WHALLEY AV	319 0280 00200
332	WHALLEY AV	319 0280 00300
420	WINTHROP AV	335 0279 00700
320	WHALLEY AV	319 0280 00400
425	WINTHROP AV	319 0280 02800
312	WHALLEY AV	319 0280 00502
292	WHALLEY AV	319 0280 00600
	WHALLEY AV	319 0280 00501


If any section, subsection, sentence, or portion of this amendment is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining sections of this amendment.

Except as amended herein the Code of Ordinances of the City of New Haven shall remain in full force and effect.

BE IT FURTHER ORDAINED that said text amendments shall take immediate effect upon passage, subject to the requirements of Section 41 of the Charter of the City of New Haven.



Attachment #1

 **Properties Subject to Section 59, Whalley Ave. Overlay District**

(properties fronting Whalley Avenue between Ella Grasso Boulevard and Sherman Avenue).



CORRECTED TO: FEBRUARY 1, 1992  TIDAL WETLANDS

NEW HAVEN ZONING MAPS

THIS INFORMATION IS FOR CONVENIENCE ONLY. THE OFFICIAL ZONING MAP IS ON FILE AT THE CITY PLAN DEPARTMENT.

