

## **Chapter 515 Zoning**

### **Article XI GBD General Business Downtown District**

#### **§515-45 Intent**

The GBD General Business Downtown District is intended to encourage development of a traditional downtown, with mixed land uses, minimal front setback requirements, wider pedestrian ways, on-street parking, and architectural and facade design consistent with downtown development. The area identified on the Zoning Map as the GBD District is a unique resource for the Village of New Haven.

In order to maintain the viability and preserve the character of this district, specific development regulations are provided to accomplish the objectives of the adopted Village Master Plan and Zoning Ordinance. The regulations in the GBD District are intended to permit flexibility in regulation of land development, encourage innovation in land use and variety in design, layout and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy and the providing of public services and utilities; encourage useful open space; and provide better housing, employment and shopping opportunities particularly suited to the needs of the surrounding area; improve economic development potential; and enhance New Haven's identity through attractive streetscape, site and architectural design; and safe pedestrian-oriented design.

#### **§ 515-46 Principal permitted uses.**

In the GBD District, no building or land shall be used and no building shall be erected except for one or more of the following uses:

- A. Generally recognized retail businesses which supply goods on the premises, including, but not limited to, grocery or appliance, pop and alcoholic beverage stores, delicatessens, drug, dry goods, meat, hardware, gift, clothing, jewelry, music, paint, sporting goods and variety stores.
- B. Banks, savings and loan, and credit unions, excluding drive-through window facilities.
- C. Cocktail lounges, bars and restaurants, excluding drive-in or drive-through window facilities.
- D. General, service, sales, and professional offices.
- E. Laboratories.
- F. Medical and dental offices, including walk-in clinics and ambulatory care centers but excluding twenty-four-hour clinics and hospitals.
- G. Micro-business (§ 515-169).
- H. Personal service shops, such as tailor, beauty parlor, barbershop, photographer, photo dropoff with or without on-site processing, instant or quick printing shop, shoe repair, laundromats and dry cleaning establishments (excluding dry cleaning plants), and similar uses.
- I. Private clubs, lodge halls and similar uses.
- J. Public buildings without outdoor storage yards, including community centers, libraries, museums and post offices.
- K. Public parks.
- L. Off-street parking lots.
- M. Single-family residential, two-family residential, and multiple-family residential development.

- N. Theaters (excluding drive-ins).
- O. Antique, thrift and resale shops.
- P. Veterinarian offices, excluding kennels.
- Q. Accessory uses and structures incidental to the principal use.

#### § 515-47 Special land uses.

The following special land uses may be permitted only after review and approval by the Planning Commission, subject to the requirements and standards of Article XX and the submission of a site plan conforming with the requirements of § 515-100:

- A. Accessory apartments (§ 515-123).
- B. Bed-and-breakfast establishments (§ 515-125).
- C. Commercial indoor recreation (§ 515-132).
- D. Convalescent or rest home (§ 515-135).
- E. Educational facilities (§ 515-137).
- F. Funeral homes (§ 515-141).
- G. Hotels and motels (§ 515-144).
- H. Nursery schools and child-care centers (§ 515-149).
- I. Outdoor cafe, when incidental to a permitted bar, restaurant, coffee shop, delicatessen, ice cream parlor, or similar use (§ 515-150).
- J. Places of worship (§ 515-153).
- K. Small-Scale Manufacturing (§ 515-169).
- L. Utility structures (§ 515-159).
- M. Uses which, in the opinion of the Planning Commission based on findings of fact, are similar to the above permitted uses.

#### § 515-48 Accessory structures and uses.

Accessory buildings, structures and uses shall be permitted in accordance with § 515-78. In addition, the following accessory structures and uses may also be permitted only when conducted within a completely enclosed building, subject to the following:

- A. Garages shall be used exclusively for the storage of passenger motor vehicles and/or commercial vehicles of less than one-ton capacity, which are to be used in connection with a business permitted and located in the GBD District.
- B. Sidewalk sales shall be permitted only as provided hereunder:
  - (1) No person, firm, corporation or merchant shall vend, sell, dispose of or display any goods, wares, merchandise or produce on any public street or sidewalk or anywhere else outside a building without full compliance with this section for the period of said sidewalk sale.

- (2) Sidewalk sales shall be permitted for no more than three days. No more than two such sidewalk sales shall be permitted on a site to any person, firm, corporation or merchant in a single calendar year.
- (3) Sale of the merchandise under this subsection shall be limited to merchandise usually sold on the premises. No new merchandise shall be brought in to vend, sell, dispose of or display at the sidewalk sale.
- (4) All merchandise offered for sale hereunder must be displayed on private property. Merchandise shall be securely and adequately placed so that it will not endanger passersby or fall or extend into the public right-of-way. Such sales shall not be operated in any manner which would cause a nuisance or create a fire hazard or obstruct ingress and egress to premises.

**§ 515-49 Development regulations.**

- A. Pedestrian orientation. Proposed uses shall create a significant pedestrian orientation in keeping with the intent of the district. Whenever a building has frontage upon a public road, it shall have at least one pedestrian access point fronting the public right-of-way, unless the Planning Commission finds that there are unique circumstances associated with the use, building or parcel that would make the access requirement unreasonable. The site plan shall show sidewalks along all public road frontage, placed one foot inside the road right-of-way or in other appropriate locations, as determined by the Planning Commission. The width and appearance of the sidewalk shall be determined by the Planning Commission, after reviewing adjacent parcels and appropriate provisions of the Village Master Plan. In addition, no off-street parking shall be permitted between the property line and the front of any principal building.
- B. For buildings occupying a full block, a maximum of 50% of the total ground floor frontage may be occupied by a single business entity.
- C. Building materials and design:
  - (1) To encourage pedestrian circulation in the district, whenever a building fronts upon Main Street or a public park, ground floor facades that face public streets or parks shall have display windows, entry areas, or other such features along no less than fifty percent (50%) of the façade area of the ground floor façade unless the Planning Commission finds that unique circumstances exist.
  - (2) A building facade facing a public street and/or a park shall include building entries, wall offsets, cornices, awnings, or complementary building materials to break up the mass of a façade Building Entrance. A principal building shall have clearly defined, highly visible entrances with awnings, and decorative architectural details facing the public street. Garage doors shall not be permitted on a front façade with the exception that the Planning Commission may permit garage doors if the garage is used for outdoor dining or sales.
  - (3) Exterior walls of any principal or accessory building shall be composed of the same or complementary architectural building facade materials. Exterior building facades shall be

primarily brick or stone, which may be augmented by complementary materials. When facade materials other than brick or stone are proposed for a building within the GBD District, the Planning Commission may permit such alternative facade materials, provided it finds that all of the following are satisfied:

- (a) The selected facade materials and material combinations will be consistent with and enhance the building design concept.
  - (b) The selected facade materials and material combinations will be complementary to existing or proposed buildings within the site and surrounding area.
  - (c) The use of selected facade materials and material combinations will not detract from future development in the district of buildings of stone or brick, augmented by complementary materials.
  - (d) The request is accompanied by facade material samples, detailed elevation drawings, and a brief statement of how the proposal is consistent with the standards in this section.
- (4) It is not intended that contrasts in design and facade materials are to be discouraged; rather, care should be taken so that any such contrasts will not be so out of character with existing and planned development so as to create an adverse effect on the stability and value of the surrounding area.
- (5) **Pedestrian orientation.** At least one pedestrian door shall front a public right-of-way, unless the Planning Commission finds that there are unique circumstances associated with the use, building or parcel that would make the access requirement unreasonable.
- C. All uses shall be retail or service establishments (except residential uses) dealing directly with customers. All retail goods produced on the premises shall be sold on the premises.
- D. All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building, unless otherwise permitted through special land use approval. All accessory buildings shall be similar in architectural design and materials to the principal building. Waste materials of any sort shall be screened from public view by a masonry wall and shall be consolidated in a defined trash receptacle area in conformance with § 515-91K(1).
- E. Loading areas shall be placed at the rear of buildings so as to minimize visibility from public roadways an interference with vehicular and pedestrian traffic. In the case of certain uses, such as offices and other businesses that have a very infrequent incidence of deliveries, and when so approved by the Planning Commission, the off-street loading space may be utilized for off-street parking, but it shall not diminish the number of off-street parking spaces otherwise required.
- F. **Site and Landscape Design.**
- (1) **Pedestrian Access.**

- (a) Sidewalks shall be required along all street frontages and minimally allow for clear two-direction pedestrian passage and physical separation from the street curb.
  - (b) A pedestrian connection shall provide a clear, publicly-accessible connection between the primary street upon which the building fronts and the building.
  - (c) A dedicated pedestrian walkway shall be provided from rear and side yard parking areas to the building.
- (2) Streetscape furnishings, including street trees, tree grates, special concrete finishing, decorative lighting, and street furniture shall be considered along all frontages to the satisfaction of the Planning Commission.
- (3) Landscape areas adjacent to public rights-of-way, parks and residential uses shall have underground irrigation unless waived by the Planning Commission.
- F. Exterior site lighting shall be in accordance with § 515-90G. In addition, where a building wall faces an abutting residential district there shall be no floodlighting of such facade. This shall not preclude the lighting of doorways on such facades.
- G. All uses in this district require site plan review and approval. Site plans shall be prepared in accordance with the requirements of § 515-100 of this chapter and shall be reviewed and approved by the Planning Commission prior to issuance of a building permit.
- H. See Article XVIII, General Provisions, relating to off-street parking, off-street parking layout, landscaping and screening requirements and other sections of the article as they relate to uses permitted in the district.
- I. Except where otherwise regulated in this article, refer to Article XVII, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the minimum yard setback requirements and development options.<sup>[1]</sup>
- [1] Editor's Note: The Schedule of District Regulations is included at the end of this chapter.
- J. No required front yard space in the GBD District shall be used for the storage or parking of vehicles or any other materials or equipment.
- K. Prohibited use of open areas: No machinery, equipment, vehicles or other materials shall be stored or parked unless in full accordance with the Village of New Haven Nuisance Ordinance.
- L. Where the standards of this Section conflict with other sections of the Zoning Ordinance, the standards of this Section shall take precedence.