

ARTICLE 1: GENERAL PROVISIONS

SECTION 1: GENERAL PROVISIONS

1.1 AUTHORITY

This Regulation is adopted in accordance with the provisions of Chapter 124 Zoning, Section 8-2 Regulations of the General Statutes of the State of Connecticut,

1.2 PURPOSES

The purposes of the City of West Haven, Connecticut Zoning Regulations are to:

- 1.2.1 Promote the health, safety, morals and general welfare of the community; and
- 1.2.2 Lessen congestion in the streets; and
- 1.2.3 Prevent overcrowding of land and avoid undue concentration of population; and
- 1.2.4 Facilitate adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and
- 1.2.5 Conserve the value of buildings and encourage the most appropriate use of the land throughout the city; and
- 1.2.6 Provide for public health, comfort, and general welfare in living and working conditions; and
- 1.2.7 Regulate and restrict the location of trades and industries and the location of buildings designed for specified uses; and
- 1.2.8 Regulate and limit the height and bulk of building hereafter erected; and
- 1.2.9 Provide aesthetic standards for new buildings and dwellings to be built in the City of West Haven; and
- 1.2.10 Regulate and determine the area of yards, courts and other open spaces; and
- 1.2.11 Regulate and restrict the location of trades and industries; and
- 1.2.12 Regulate the location of buildings designed for specific uses within the city, and
- 1.2.13 Divide the city into use categories commonly known as zoning districts or zones.

1.3 TITLE, ESTABLISHMENT AND SCOPE OF CONTROLS

1.3.1 TITLE

This document shall be known and cited as the City of West Haven Zoning Regulation.

1.3.2 ESTABLISHMENT AND SCOPE OF CONTROLS

In all Districts, after the effective date of this Regulation, any new buildings or other structures or any tract of land shall be used, constructed or developed only in accordance with the use, bulk, and all other applicable standards of this Regulation.

Except as otherwise provided in Sections 80-81 - Non-Conforming Uses, Lots or Structures:

- 1. The use of any existing building or other structure shall be not be changed or extended.
- 2. The use of any existing tract of land shall not be changed, or enlarged, or
- 3. Any existing building or other structure shall be enlarged, altered, converted, reconstructed, or relocated only in accordance with the use, bulk, and all other applicable standards of this Regulation.

1.4 ESTABLISHMENT OF DISTRICTS

In order to carry out the purpose and provisions of this Regulation the following Districts are hereby established:

RESIDENCE DISTRICTS

- R-1** Single Family Detached Residence
- R-2** Single Family Detached Residence
- R-3** One-Two-Three Family Residence
- R-4** Multi-Family Residence
- R-5** Multi-Family Residence

COMMERCIAL DISTRICTS

- NB** Neighborhood Business
- RB** Regional Business
- CBD** Central Business District
- SCR** Shoreline Commercial Retail

INDUSTRIAL DISTRICTS

- LM** Light Manufacturing
- IPD** Industrial Development

DESIGN DISTRICTS

- RPD** Residential Design
- RCPD** Residential – Commercial Design
- CD** Commercial Design
- SRR** Shoreline Retail/Residential Design
- PRD** Planned Research and Development
- TOD** Transit Oriented Design
- WD** Waterfront Design

OTHER DISTRICTS

- OS** Open Space
- PF** Public Facilities
- PVD** Planned Village District
- CAM** Coastal Area Management (On Separate Map)
- FLOOD** FEMA Flood Prevention (On Separate Map)

1.5 INCORPORATION OF MAPS

The location and boundaries of the Districts established by these Regulations are shown upon zoning maps, which are hereby incorporated into the provisions of these Regulations. The zoning maps in their entirety, including all amendments thereto, shall be as much a part of this Regulation as if fully set forth and described herein.

1.6 INTERPRETATION OF PROVISIONS

In interpreting and applying the provisions of these Regulations, such provisions shall be considered as the minimum requirements:

- 1.6.1 To promote and protect public health, safety, and general welfare, as set forth in this Article and in the statements of legislative intent for the respective districts and other regulations, and
- 1.6.2 To provide a gradual remedy for existing conditions which are detrimental thereto.

1.7 WHEN PROVISIONS CONFLICT

Whenever any provisions of these Regulations and any other provisions of law, whether set forth in this or in any other law, ordinance, or resolution of any kind, impose overlapping of contradictory regulations over the use of the land, or over the use or bulk of buildings or other structures, or contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern. In addition, in those instances where two or more provisions appear to apply, that which is more specific shall control that which is more general in nature.

1.8 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

1.8.1 Unless otherwise indicated the zoning district boundary lines are the centerlines of streets, the middle of the channel of waterways, the centerline of main tracks of railroad lines, or the centerlines of utility rights-of-way. Zoning Districts shall include land under rivers, streams, lakes, ponds or tidewaters, lying within them or within any extension or addition by natural or artificial means, to the shoreline adjacent thereto.

1.8.2 In addition, the boundary of a zoning district shall be interpreted as following property lines existing at the time of adoption of the zoning map, or any amendment thereto. Where such an interpretation of the map would create an unreasonable distortion of the district, the boundary shall follow a line which is most consistent with adjoining lines.

1.9 LOTS IN MORE THAN ONE ZONE

Where a *lot* of record of less than two acres at the time of passage of this Regulation or any amendment thereto is mapped into two or more zoning districts, the district that incorporates the majority of the *lot area* shall be deemed to be the controlling zoning district. If a *lot* is two or more acres, each portion shall be considered as a separate *lot* for the purposes of zoning.

1.10 PRE-EXISTING LOTS AND STRUCTURES

In all residential districts, no building permit shall be issued with respect to any pre-existing residential *lot* without first obtaining a signoff from the Commissioner of Planning, who shall only approve such a permit upon making all of the following findings:

- 1.10.1 There is currently a *principal building* located on the *lot* which use is either **conforming** or legally **non-conforming**;
- 1.10.2 The request does not create a new **non-conforming use** nor increase any existing non-conformity;
- 1.10.3 The *lot* and *structure* either comply or were previously complying;
- 1.10.4 If the permit requests an expansion or addition to the existing **structures**, such expansion does not create a new non-compliance or increase an existing non-compliance (see below);
- 1.10.5 The permit does not require the removal of more than 75% of the floor space of the existing principal building;
- 1.10.6 The request does not increase the number of dwelling units on the lot, except where the request complies with Section 81.6 concerning the required square feet per unit;
- 1.10.7 The request conforms with the requirements of Section 81.8 and;

- 1.10.8 It is the opinion of the Director of Planning that the property is suitable for the lot and is in general conformity with the surrounding neighborhood.
In the event that the Commissioner of Planning shall disapprove or reject the lot as inappropriate for building, then, the owner or applicant thereof may appeal to the Zoning Board of Appeals, pursuant to the Connecticut General Statutes.
- 1.11 REDUCTION OF LOT AREAS**
No **lot** shall be diminished in area nor shall any **yard** or open space be reduced except in conformity with the provision of this Regulation.
- 1.12 ADAPTIVE REUSE** (Reserved)
- 1.13 VALIDITY AND SEPARABILITY**
It is declared to legislative intent that:
- 1.13.1 **Validity.** If a court of competent jurisdiction finds any provision of these Regulations to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision, and all other provisions of these Regulations shall continue to be separately and fully effective.
- 1.13.2 **Separability.** If a court of competent jurisdiction finds the application of any provision or provisions of these Regulations to any **zoning lot, building** or any **structure**, or tract of land to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy and the application of any such provision to other persons, property, or situations shall not be affected.
- 1.14 **Interpretation.** Any uses not specifically permitted shall be deemed to be prohibited. Any list of prohibited uses contained in any section of these regulations shall be deemed to be not an exhaustive list but to have been included for the purposes of clarity and emphasis and to illustrate, by example, some of the uses frequently proposed that are deemed undesirable and incompatible in the particular district.