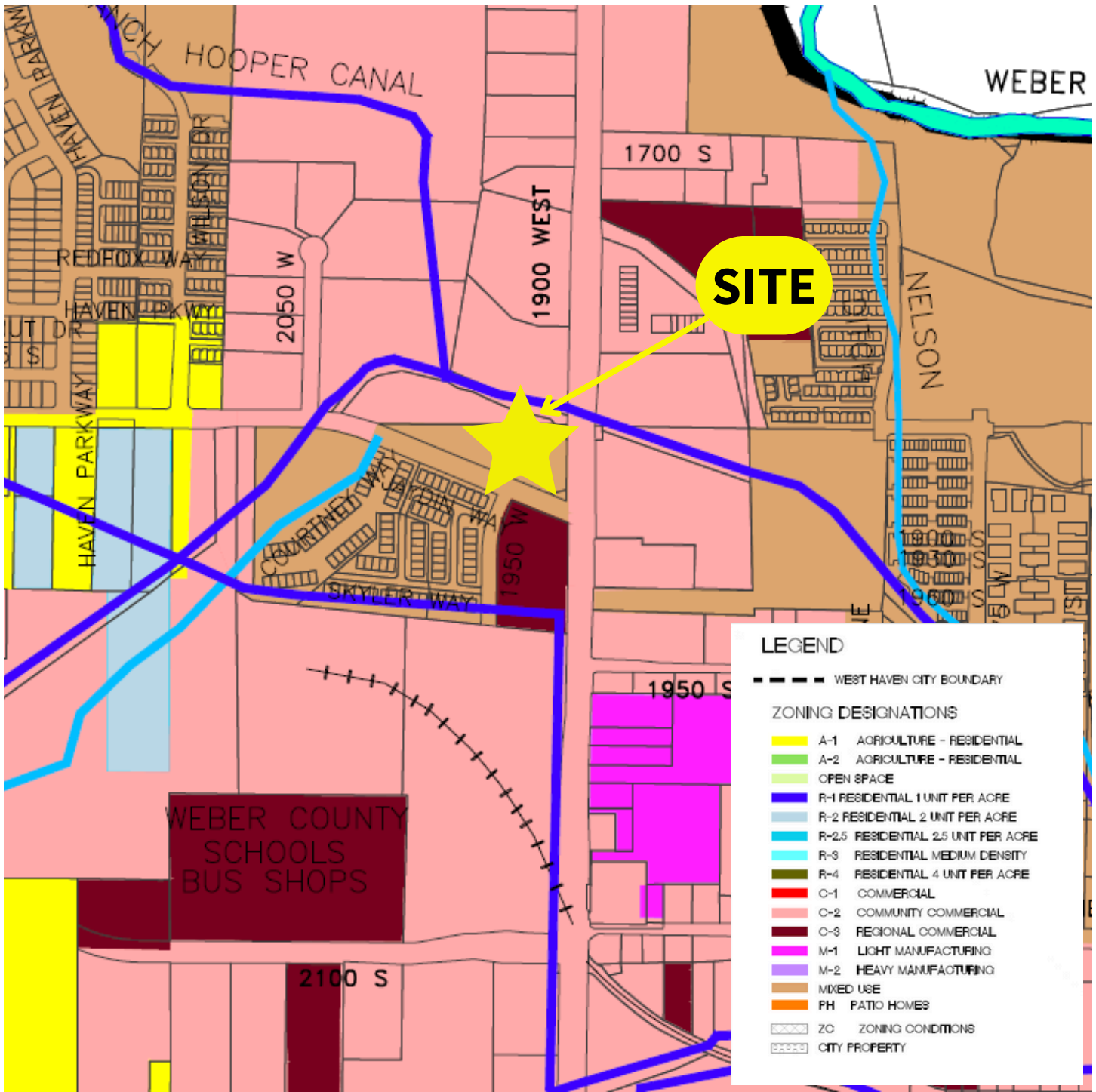


West Haven City Zoning



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§ 157.290 PURPOSE AND INTENT.

(A) The purpose of the C (Commercial) Zoning Districts is intended to provide area for commercial uses based on considerations such as the intensity of the use, goods and services provided, and the market area. In all cases, these Zoning Districts shall abut an arterial or major collector street. All permitted uses in C-3 are allowed within the Manufacturing Zones.

(1) For the C-1 Zone: Neighborhood Commercial Zone is intended to provide commercial services to an area of limited size for basic trade and personal services which occur regularly or frequently. The major market area for this Zoning District is the adjacent residential areas. This type of zoning district should be located at the intersection of arterial or collector streets. It services both pedestrian and vehicular traffic.

(2) For the C-2 Zone: Community Commercial Zone is to provide a range of commercial uses greater than that of the C-1, but at a lower intensity than the C-3 Regional Commercial Zone. The basic market for this Zoning District is vehicular-oriented. This type of zoning district is best located at the intersection of arterial streets.

(3) For the C-3 Zone: Regional Commercial Zone is to provide an area in which a full range of commercial and professional uses may locate in a limited area. The limited area of this Zoning District functions to heighten the intensity of use, concentrate activity, and make it a community focal point. These zoning districts should abut major arterial streets and be located near freeway access, as well as mass transit lines.

(B) **COMMERCIAL AREA, COMMERCIAL ZONE** shall mean any area of the city with a zoning designation of C-1, C-2, C-3, CBD, PI, and PCR under this subchapter, and the abutting public streets and public premises.

(Prior Code, § 22.02) (Ord. 2-92, passed - -1992; Ord. 13-2003, passed 9-17-2003; Ord. 21-2021, passed 7-21-2021)

§ 157.291 SITE DEVELOPMENT STANDARDS.

Site Development	C-1	C-2	C-3
Building height			
Maximum	35 ft.; 25 ft. when adjacent to residential	35 ft. when adjacent to residential, no restriction if 150 ft. from residential	None
Minimum	1 story	1 story	1 story
Maximum lot coverage	Not over 60% of lot area by buildings or accessory buildings	Same	Same
Minimum lot area	None	None	None
Minimum lot width	None	None	None
Minimum yard setbacks			
Front	15 ft.	15 ft.	15 ft.
Rear	None, except 10 ft. where building rears on a Residential Zone	None, except 10 ft. where building rears on a Residential Zone	None, except 10 ft. where building rears on a Residential Zone
Side	None, except 10 ft. to Residential Zone boundary	None, except 10 ft. to Residential Zone boundary	None, except 10 ft. to Residential Zone boundary
Side, facing street on corner lot	15 ft.	15 ft.	15 ft.

(Prior Code, § 22.04) (Ord. 2-92, passed - -1992; Ord. 21-2021, passed 7-21-2021)

§ 157.292 SIGN REGULATIONS.

The height, size, and location of the permitted signs shall be in accordance with the regulations set forth in §§ 157.755 through 157.761.

(Prior Code, § 22.06) (Ord. 2-92, passed - -1992; Ord. 21-2021, passed 7-21-2021)

§ 157.294 USES.

(A) *Abbreviations.* In the following list of possible uses, those designated in any zone as:

- (1) "P" will be a permitted use;

(2) "C" will be allowed only when authorized by a conditional use permit obtained in §§157.515 through 157.529; and

(3) "N" will not be allowed in that zone.

(B) *Uses permitted.* Uses within Commercial Zones are as follows:

<i>Use</i>	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>
<i>Use</i>	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>
A			
Adult novelty, bookstore, video (see §§ 157.540 through 157.544)	-	-	-
Air conditioning, sales and service (HVAC)	N	P	P
Altering, pressing, and repairing of wearing apparel	P	P	P
Amusement enterprises	N	C	C
Antique, import, or souvenir shop	C	P	P
Apartment, multi-family	N	N	N
Arcade	P	P	P
Archery shop and range; provided, it is conducted within a completely-enclosed building	N	P	P
Art and artist's supply store	C	P	P
Assisted living center, medical rehabilitation	C	C	C
Athletic and sporting goods store	C	P	P
Athletic club	C	P	P
Auction establishment	N	C	C
Automobile, new or used, sales and service	N	C	C
Automobile new parts sales and service	N	P	P
Automobile maintenance service (lube, oil, brakes)	N	P	P
Automobile repair, including paint, body and fender, brake, muffler, upholstery, or transmission work; provided, it is conducted within a completely-enclosed building	N	C	C
Awning sales and service	N	P	P
B			
Bakery manufacture, limited to goods retailed on premises	P	P	P
Bank or financial institutions	P	P	P
Barber shop	P	P	P
Batting cages, indoor or outdoor	N	C	P
Beauty culture school	N	P	P
Bed and breakfast hotel	N	C	P
Bed and breakfast inn	C	C	P
Beer club, bar (see "Tavern")	-	-	-

Bicycle sales and service	C	P	P
Billiard parlor; no alcohol	C	P	P
Boat sales and service	N	C	P
Bookstore, retail	P	P	P
Bottling and distribution plant	N	N	C
Bowling alley	N	C	P
Boxing arena	N	N	C
Building materials retail sales yard	N	C	C
Bus terminal	N	N	C
C			
Caf or cafeteria	P	P	P
Call center	N	P	P
Camera store	P	P	P
Candy store, confectionery	P	P	P
Cannabis, production and/or sales	N	N	P
Car wash, automatic (refer to § 157.293(B))	N	C	P
Car wash, manual spray (refer to § 157.293(B))	C	P	P
Car wash, stand alone	N	N	P
Carbonated water sales	C	P	P
Carpenter and cabinet shop	N	C	P
Catering establishment	C	C	P
China, crystal/silver shop	P	P	P
Christmas tree sales	C	C	P
Church; rent, cannot build	N	C	C
Church, temporary revival; rent, cannot build	N	C	C
Circus, carnival, or other transient amusement	N	N	C
Clinics, medical or dental	P	P	P
Clothing and accessory store	P	P	P
Coffee shop	P	P	P
Communication equipment building	N	P	P
Contractor shop, provided work conducted within a completely enclosed building	N	N	C
Convenience store	N	C	C
Costume rental	P	P	P
D			
Dairy products store	P	P	P
Dance hall/minors/ non-alcoholic	N	C	C

Day care/preschool	C	C	C
Delicatessen	P	P	P
Department store	N	P	P
Detective agency	C	P	P
Diaper service, including cleaning	N	P	P
Drapery and curtain store (blinds, retail)	P	P	P
Driving range; indoor	C	P	P
Drug store	N	C	P
Dry cleaning establishment	N	C	P
Dry cleaning pickup station, no dry cleaning on premises	C	P	P
E			
Education institution; post high school without housing	C	P	P
Educational institution; tutoring, learning centers	C	P	P
Electrical and heating appliances and fixtures sales and service	N	P	P
Electronic equipment sales and service	C	P	P
Employment agency	N	P	P
Event center	N	C	C
Express and transfer service	N	P	P
F			
Fabric and textile store	P	P	P
Farm implement sales	N	C	P
Flooring	N	C	C
Florist shop	P	P	P
Fruit store or stand	P	P	P
Fueling station; liquid natural gas (LNG)	N	N	C
Fueling station; vehicles under 40,000 GVW	N	C	P
Fueling station; vehicles under 40,000 GVW with car wash	N	C	P
Furniture sales and repair	C	P	P
Fur apparel sales, storage, or repair	P	P	P
G			
Garden supplies and plant materials sales	C	P	P
Gift store	P	P	P
Glass sales and service	C	P	P
Go cart track; indoors	N	C	C

Golf course	N	C	C
Government buildings or uses, non-industrial	C	P	P
Greenhouse and nursery; soil and lawn service	C	P	P
Grocery store	N	P	P
Gun range; indoors	N	C	C
Gun sales and service	N	C	C
Gunsmith	C	P	P
Gymnasium	C	P	P
H			
Hardware store	C	P	P
Health club	C	P	C
Health food store	P	P	P
Heavy equipment rental, sales, and service (only north of 3300 S)	N	C	C
Heliport	N	N	C
Hobby and crafts store	P	P	P
Home improvement large box	N	C	C
Homeless shelter	N	N	N
Hospital	N	C	C
Hospital supplies	C	P	P
Hotel	N	C	P
House cleaning and repair	N	P	P
Household appliance sales and incidental service	N	P	P
I			
Ice cream manufacture	N	N	C
Ice cream parlor (small production allowed)	P	P	P
Insulation sales	N	C	C
Insurance agency	P	P	P
Interior decorator and designing establishment	P	P	P
J			
Janitor sales service and supply	N	P	P
Jewelry store sales and service	P	P	P
K			
Kennel; indoor with outdoor exercise area	N	C	C
L			
Laboratory, dental, or medical	N	P	P

Landscaping/yard care (only north of 3300 S)	N	C	C
Launderette or laundromat	C	P	P
Lawn mower sales and service	N	P	P
Leather goods, sales, and service	P	P	P
Legal office	P	P	P
Library public	P	P	P
Linen store/retail	P	P	P
Linen supply service	N	N	C
Liquor store	N	N	C
Locksmith	P	P	P
Lodge or social hall	N	N	C
Luggage store	P	P	P
Lumber yard	N	N	C
M			
Machine shop operations incidental to any use permitted in C-3 district	N	N	C
Manufacturer of goods retailed on premises	N	C	C
Meat custom cutting and wrapping; excluding slaughtering	N	C	C
Meat, fish, and seafood store retail	C	P	P
Miniature golf	C	C	C
Mobile homes sales	N	N	C
Monument works and sales	N	C	P
Mortuary	N	P	P
Motel	N	C	P
Motorcycle, ATVs, and motor scooters sales and service	N	C	C
Museum	P	P	P
Music store	P	P	P
N			
Needlework, embroidery, or knitting store	P	P	P
Nightclub or social club (only north of 3300 S)	N	N	C
Novelty/souvenir store (non-adult)	P	P	P
Nursery school	C	P	P
Nursing care facility	N	C	C
O			
Office; general uses included, business, property management, investment firms, advertising agency, secreterial services	P	P	P

Offices in which goods or merchandise are not commercially created, exchanged, or sold	C	P	P
Office machines sales and service	N	P	P
Office supply	P	P	P
Optometrist, optician, or oculist	P	P	P
Ornamental iron sales or repair	N	C	C
P			
Packaging and mailing sales/service	P	P	P
Paint or wallpaper store	N	P	P
Pallet repair and manufacturing	N	N	N
Parking lot or garage for passenger autos (for example, park and ride) only within 1,000 ft. of I-15	N	C	C
Pawnshop	N	N	C
Payday loans and service	N	N	C
Pest control and extermination	N	C	P
Pet and pet supply store	P	P	P
Pet grooming (no overnight stay)	C	P	P
Pharmacy	P	P	P
Photo studio	P	P	P
Photographic supplies	P	P	P
Physician or surgeon	C	P	P
Plumbing shop retail store	N	P	P
Popcorn or nut shop	P	P	P
Post office	N	P	P
Printing, copying, lithographing, publishing, or reproductions sales and services	N	C	P
Private liquor club (only north of 3300 S)	N	N	C
Propane sales as an accessory use	N	P	P
Public building	C	C	C
Public utilities substation	C	C	C
Q			
Quilting sales and service	P	P	P
R			
Racquet club; indoors	N	P	P
Radio and television sales and service	C	P	P
Radio, television of FM broadcasting station	N	C	P
Real estate agency	P	P	P

Reception center or wedding chapel	N	C	C
Recreation center	C	C	C
Recreational vehicle/trailer storage (no permanent structures greater than 800 sq. ft.)	N	N	C
Recycling center/collection	N	N	N
Rental agency for home and garden equipment	N	C	P
Residential treatment facility	N	C	C
Restaurant; drive-in	C	C	P
Restaurant; no alcohol	C	P	P
Restaurant; serving alcohol	N	C	C
Restaurant with caberet (see §§ 157.540 through 157.544)	-	-	-
Retail sales establishment	C	P	P
Roller skating rink	N	C	P
Roofing sales	N	P	P
S			
Salvage yard; storage and keeping of scrap materials, automobiles, machinery	N	N	N
Sand blasting	N	N	N
Second-hand store	N	C	P
Seed and feed store, retail	N	C	P
Semi-truck fueling station; convenience store over 40,000 GVW (in C-2 Zone, only north of 3300 S)	N	C	C
Sewing machine sales and service	P	P	P
Sexually-oriented business (see §§ 157.540 through 157.544)	-	-	-
Sheet metal shop and retinning; providing conducted within completely-enclosed building	N	N	C
Shoe repair or shoeshine shop	P	P	P
Shoe store	P	P	P
Sign manufacture or sign painting (see §§ 157.755 through 157.761)	N	N	C
Spa, including massage therapy	C	C	P
Storage units; self-storage	N	N	N
Supermarket	N	C	P
T			
Tailor shop	P	P	P
Tanning salon	C	P	P
Tattoo parlor (only north of 3300 S)	N	C	C

Tavern/bar (only north of 3300 S)	N	C	C
Taxidermist	N	C	C
Telecommunications tower	C	C	P
Temporary building for uses incidental to construction work; such buildings shall be removed upon completion of construction work	C	C	C
Theater; live indoor	N	P	P
Theater; movie indoor	N	P	P
Theater; outdoor	N	N	C
Tire recapping or retreading sales and service	N	N	C
Tire sales and service	N	P	P
Tobacco shop; includes vape (only north of 3300 S)	N	C	C
Toy store, retail	C	P	P
Trade or industrial school	N	C	P
Trailer sales and service	N	C	P
Travel agency	P	P	P
Tree trimming/arboriculture (only north of 3300 S)	N	C	C
U			
Upholstery shop	C	P	P
Used car lot	N	C	C
V			
Variety store	N	P	P
Vegetable store or stand	C	P	P
Ventilating equipment sales and service	N	C	C
Veterinary (small and large animal with kennel services)	N	C	C
W			
Warehouse (no manufacturing)	N	N	C
Welding shop	N	N	C
Wholesale business	N	N	C
Window washing establishment	C	C	P

(C) *Undefined designation.*

(1) The City Manager, or his or her designee, shall determine the appropriate classification for each commercial application.

(2) In the event that no specific commercial designation, as outlined in this section, is applicable to the use requested in the commercial application, the City Manager, or his or her designee, shall review the application and may make one of the following decisions:

- (a) Determine the closest designation and whether a conditional use permit is necessary;
- (b) Shall forward the application to the Planning Commission for the Commission to determine a designation, and

whether a conditional use permit is necessary; or

(c) Deny the application and issue findings regarding the reason for the denial.

(3) The City Manager, or his or her designee, has the authority and may approve the application of commercial entities that have little to no impact on adjacent parcels or businesses.

(4) All determinations or denials by the City Manager, or his or her designee, may be appealed to the Planning Commission for review.

(Prior Code, § 22.10) (Ord. 2-92, passed - -1992; Ord. 21-2021, passed 7-21-2021)

§ 157.295 REGULATIONS FOR TEMPORARY STORAGE UNITS, CONTAINERS, AND STRUCTURES.

(A) Temporary storage units, containers, or structures are allowed in these Zones for the loading and off-loading of supplies or inventory. They may be stored on-site for up to 30 days; provided they are not able to be seen from any major corridor in the city, do not take up required customer parking, are not on landscaping, and are placed behind buildings or fences that are not see through. Any exception to this shall require a conditional use permit from the Planning Commission.

(B) Permanent use of temporary storage units, containers, or structures may be allowed with a conditional use permit, which shall include a site plan and any required building permits. (Note: they shall not be allowed in any Commercial or Manufacturing Zone(s) on lots of less than one acre.)

(C) A temporary storage unit, container, or structure must be placed on a hard surface such as gravel, road base, concrete, or asphalt, and made to look like the main structure on the property, including the use of similar building materials and colors. Any exceptions, as well as the number of units, containers, or structures, and the location shall be subject to approval from the Planning Commission.

(D) All tractor trailers on an agricultural, residential, or commercial parcel shall be licensed and registered with the state and must be actively used. Trailers not involved in a construction project that remain in a fixed location for over 30 days shall be subject to fines, impoundment, and removal by the city.

(Prior Code, § 22.12) (Ord. 23-2020, passed 6-17-2020; Ord. 29-2021, passed 7-21-2021)

§ 157.296 ENFORCEMENT AND FINES.

(A) *Enforcement and fines.* Upon a determination that a violation exists, the Code Enforcement Officer, or his or her designee, will contact the owner and shall require such owner to halt, eradicate, destroy, remove, or otherwise cure the violation within 48 hours, or such later time the Code Enforcement Officer, or his or her designee, may determine.

(B) *Pre-existing conditions.* In the instance of an existing storage unit, container, or structure that has been established for a permanent use, the owner shall have a pre-existing right, shall be a legally nonconforming use, and shall not be required to come into compliance with the new requirements adopted July 21, 2021. The following conditions do, however, apply to any such unit(s) as of the adoption of the original ordinance on April 10, 2020:

(1) *Residential and Agriculture Zones.* Temporary storage units, containers, or structures shall not be allowed in any Residential or Agricultural Zone on lots of less than one acre. The storage container must be placed behind a home, solid fence, outbuilding, or other obstruction as to obscure the view of the unit, container, or structure from the road.

(2) *Commercial and Manufacturing Zones.* A temporary storage unit, container, or structure shall not be allowed in any Commercial or Manufacturing Zone on lots of less than one acre. It must be placed on a hard surface such as gravel, road base, concrete, or asphalt, and made to look like the main structure on the property, including the use of similar building materials and colors.

(C) *Temporary storage units.* If the temporary storage unit, container, or structure is moved or otherwise modified, the property owner would have to comply to all requirements under the current ordinance.

(Prior Code, § 22.12.010) (Ord. 23-2020, passed 6-17-2020; Ord. 29-2021, passed 7-21-2021)

MIXED USE/MEDIUM/LOW DENSITY RESIDENTIAL, COMMERCIAL ZONE

§ 157.310 PURPOSE; DEFINITION.

(A) (1) **The Mixed Use Zone** is characterized as a pedestrian-friendly Zone made up of developments which are required to contain two or more of the following elements: open space, residential, recreational, cultural/institutional, and/or commercial uses. No more than one element may occupy more than 80% of the net project size.

(B) *Definitions.* The below terms, as contained in this section, shall have the following meaning(s):

COMMUNITY CENTER. A building designed to be a public gathering location where a variety of group activities, events, classes, social support services, and other public informational services can be found.

GROSS PROJECT SIZE. The total acreage of the property under consideration for development, inclusive of all open space, parking areas, and rights of way (public and private).

LIBRARY. A room, group of rooms, or a building containing collections of books, periodicals, films and other media for

the public to read, borrow, or refer to.

NET PROJECT SIZE. The total acreage of the property under consideration for development, inclusive of all open space, parking areas, and rights of way (public and private).

PARK. Large areas of land that feature grass, trees, and other landscape elements, arranged for both passive and active recreation purposes.

PLAZA. A paved public space for citizens to gather for civic, commercial, or other reasons.

TRAIL. An unpaved lane or small paved road (less than 16' wide) not intended for usage by motorized vehicles and which usually passes through a natural area or which surrounds publicly accessible parks and other open space.

(C) Developers shall choose from the following elements in order to qualify for the above-listed elements. At least one of the options listed for each element is required:

(1) *Commercial.*

(a) Areas of required commercial overlay, or developers who may choose to develop a portion of their project as commercial, shall follow the requirements contained in § 157.315 of this subchapter.

(2) *Cultural/institutional.*

(a) Community center (must be a minimum of 1,600 square feet).

(b) Library (must be a minimum of 1,600 square feet).

(c) Other publicly accessible cultural/institutional amenity, subject to review and approval of the Planning Commission.

(3) *Open space.*

(a) Land set-aside from development for the conservation of natural resources shall exclude the presence of weeds and be well-maintained.

(b) The open space area shall only serve passive recreational purposes such as walking and jogging and must be open to the general public. Open space may include the following:

1. Trail.

2. Park.

3. Plaza.

(c) Common area maintained by an HOA or any retention pond area shall not fulfill the open space requirement, unless such retention pond serves at least one additional public purpose such as a recreation field or a park.

(d) If the city's park department accepts the open space area for the development of a park, a minimum size will be set by said department.

(e) Regardless of the manner in which the open space is developed, a minimum of 20% of the gross project size shall be dedicated to open space if this option is selected.

(4) *Recreational.*

(a) Publicly accessible recreational amenities, such as:

1. Multi-use sports fields.

2. Pickleball courts.

3. Tennis courts.

4. Playgrounds.

5. Non-motorized trails (not including sidewalks).

(5) *Residential.*

(a) A mix of at least two different housing types: single-family detached, single-family attached (townhomes, twin homes), multi-family (apartments);

(b) Residential uses where there is a combination of commercial and residential uses, sometimes called "live-work units"; or

(c) Clustering of residential units.

(d) Where multiple housing types are developed, no housing type shall exceed more than 80% of the total number of units.

(D) In order to ensure the maximum benefit to the general public, all publicly accessible amenities shall:

- (1) Be placed on the exterior of the project to ensure greatest visibility;
- (2) Be provided with signage indicating the amenities are open to the use of the general public; and
- (3) Be provided with parking which complies with the West Haven city parking standards.

(Prior Code, §§ 23.02, 23.04)

(Ord. 2-92, passed - -1992; Ord. 02-2019, passed 1-16-2019; Ord. 13-2023, passed 7-5-2023)

§ 157.311 DENSITY; DISTRICTS.

(A) The boundaries and densities of mixed-use districts shall be found on the official maps of the city. Mixed-Use Districts shall have varying densities, based on locations, which densities, together with the boundaries of each district, are defined and outlined as follows:

- (1) Low Density is zero to 4.9 dwelling units per acre of net project size:
 - (a) Not permitted as a mixed-use project.
- (2) Medium-Low Density is five to 8.9 dwelling units per acre of net project size;
 - (a) All mixed-use projects in West Haven City not otherwise classified herein.
- (3) Medium-High Density is nine to 14.9 dwelling units per acre of net project size; and
 - (a) Those areas south of the centerline of 2100 South and east of Interstate 15, to the West Haven City boundary.
 - (b) Those areas both north and south of the centerline of 2100 South and west of Interstate 15 and east of 1900 West, to the West Haven City boundaries.
- (4) High Density is 15 to 30 dwelling units per acre of net project size.
 - (a) Those areas north of the centerline of 2100 South and east of Interstate 15, to the West Haven City boundary.
- (5) Mixed use projects shall not be permitted west of 1900 West.

(Prior Code, § 23.06) (Ord. 2-92, passed - -1992; Ord. 02-2019, passed 1-16-2019; Ord. 13-2023, passed 7-5-2023)

§ 157.312 MIXED-USE REZONE.

(A) A concept plan shall be attached to any application for Mixed-Use Zoning in accordance with this chapter and the requirements of §§ 157.705 through 157.715 and 157.730 through 157.737.

(B) All applications for rezoning to Mixed-Use shall be processed in accordance with §§157.706 through 157.715.

(C) Once a rezoning application to the Mixed-Use Zone development has been granted, improvements to the real property must begin within 365 days or the property may revert to its original zoning at the option of the city with 60 days' notice.

- (1) Two 90-day extensions may be granted by the Planning Commission at the request of the developer.

(Prior Code, § 23.08) (Ord. 2-92, passed - -1992; Ord. 02-2019, passed 1-16-2019; Ord. 13-2023, passed 7-5-2023)

§ 157.313 MIXED-USE DEVELOPMENT AGREEMENT.

(A) West Haven code §§ 157.730 through 157.737 outlines design criteria for multi-family and commercial projects. Mixed-Use projects involving multi-family dwellings and/or commercial shall be subject to the provisions of those sections.

(B) Specific setbacks and other zoning or design criteria, landscaping, vehicular and pedestrian circulation patterns, building aesthetics and payback agreements (as applicable) not otherwise regulated in the above-referenced code section(s) shall be established in a development agreement, the approval of which shall be determined by the City Council upon recommendation of the Planning Commission.

(Ord. 13-2023, passed 7-5-2023)

§ 157.314 SITE DEVELOPMENT STANDARDS.

(A) Residential single-family homes and townhomes within 300 feet of Commercial, Manufacturing, or Industrial Zones shall submit a study prepared by a licensed sound engineer which determines the impact of those existing uses on the proposed housing and what mitigation measures are necessary to ensure future homeowners from such impacts.

(B) Mixed-Use developments in which single-family detached lots are adjacent to the A-1, R- 1, and R-2 Zones shall be required to provide buffering, as outlined below.

- (1) Lots adjacent to existing A-1 and R-1 zones shall be 16,000 square feet or larger; and
- (2) Lots adjacent to existing R-2 zones shall be 8,000 square feet or larger.

(C) Regardless of any agreements outlined in the development agreement, all single-family homes, townhomes, or anything that has a driveway to a garage shall have a minimum setback of 25 feet from the property line, sidewalk or common space to the door of the garage.

(D) Where applicable, developments which contain a variety of housing types shall place the most dense portion of the project adjacent to Commercial, Industrial, or Manufacturing Zones, or major roadways (1-15, 2100 South, Wilson Ln, 1900 West).

(E) Lot size buffering shall not be required if open space is placed between the existing home lots and the new Mixed-Use Zone lots, and the size of the open space is greater than, or equal to, twice the minimum lot sizes listed above.

(F) If a natural buffer exists which separates the existing home lots from the new lots in the proposed Mixed-Use Zone development, the area of this buffer shall be included in the calculation of the minimum lot sizes listed above. Natural buffers include: canals, public trails or walkways, government-owned land, utility-owned land, and the like.

(Ord. 13-2023, passed 7-5-2023)

§ 157.315 COMMERCIAL OVERLAY AND COMMERCIAL USES IN MIXED USE.

(A) Mixed Use Commercial Overlay areas are designed to encourage the establishment and retention of a variety of retail, entertainment, and personal service establishments to meet the needs of the community's residents, workers, and visitors. The following regulations are applicable only to Mixed-Use projects and not to projects in other zones which may fall within the boundaries outlined.

(B) The following areas are designated as Commercial Overlay areas and are subject to the provisions of this section:

(1) East of Interstate 15:

(a) North of 2100 South:

1. 300 feet north from the edge of the right of way of 2100 South.
2. 300 feet east or west from the edge of the right of way of 1100 West.

(b) South of 2100 South:

1. The entirety of the area south of 2100 South, to the West Haven City municipal borders.

(2) The edge of the right of way is defined as that portion of the right of way closest to the property under consideration for development.

(3) Should the boundaries of the Commercial Overlay cover only a portion of any given parcel, that parcel shall still provide the required commercial, but it may be located on any portion of the parcel.

(C) A minimum of 20% of the gross project size for developments subject to the commercial overlay shall be dedicated to commercial development.

(D) All businesses permitted or conditional businesses in C-1 and C-2 zones may be included in Mixed-Use Zones with similar use designations (conditional or permitted), subject to the following stipulations:

(1) At least 50% of the required commercial space shall be dedicated to commercial uses which generate sales tax revenue.

(E) All uses within a commercial overlay area are subject to the architectural, landscaping and other standards outlined in West Haven code §§ 157.730 - 157.737 "Design Review."

(Prior Code, § 23.10) (Ord. 2-92, passed - -1992; Ord. 02-2019, passed 1-16-2019; Ord. 13-2023, passed 7-5-2023)

§ 157.316 REGULATIONS FOR TEMPORARY STORAGE UNITS, CONTAINERS, AND STRUCTURES.

(A) Temporary storage units, containers, or structures will not be allowed in this Zone except for temporary new construction sites with a valid current building permit issued by the city. Temporary storage units, containers, or structures must be removed within 30 days of completion or abandonment of construction or permit expiration, whichever comes first.

(B) Temporary storage units, containers, or structures may be used for moving and are allowed on a hard surface in a Residential Zone for up to 14 days for the outgoing resident and an additional 14 days for the incoming resident.

(C) Temporary storage units, containers, or structures may be used for remodeling projects in established neighborhoods for a period of up to 120 days if placed in the driveway of a residence and up to six months if placed behind a home, solid fence, outbuilding, or other obstruction as to obscure the view of the unit, container, or structure from the road. A valid current building permit is required.

Permanent use of these temporary storage units, containers, or structures shall not be allowed in any Residential Zone on lots of less than one acre. One storage unit is allowed per acre but the maximum number is one unit per two acres, then one per additional acre with a conditional use permit. The storage container must be placed behind a home, solid fence, outbuilding, or other obstruction as to obscure the view of the unit, container, or structure from the road.

(D) The city has no obligation or responsibility to research and enforce an applicant's property's existing private covenants, conditions, or restrictions prohibiting the use of temporary, or permanent, use of storage units, containers, or structures. It is the exclusive responsibility of a property owner to research and have full knowledge and understanding of those private covenants, conditions, or restrictions that run with, and are attached to, his or her property. By submitting an application to the city for a permanent or temporary storage unit, container, or structure, the applicant is certifying that he or she has full knowledge and understanding of those private covenants, conditions, or restrictions that run with his or her property and have a full understanding of whether those items prohibit the use of temporary or permanent storage units, containers, or structures.

(E) Temporary storage units, containers, or structures are allowed in these Zones for the loading and off-loading of supplies or inventory. They may be stored on-site for up to 30 days; provided, they are not able to be seen from any major corridor in the city, do not take up required customer parking, are not on landscaping, and are placed behind buildings or fences that are not see through. Any exception to this shall require a conditional use permit from the Planning Commission.

(F) Permanent use of temporary storage units, containers, or structures may be allowed with a conditional use permit, which shall include a site plan. A temporary storage unit, container, or structure must be placed on a permanent foundation, and made to look like the main structure on the property, including the use of similar building materials and colors. A building permit and a site plan is required for the location of the unit, container, or structure, to be filed in conjunction with the requested conditional use permit. Any exceptions, as well as the number of units, containers, or structures, and the location shall be subject to approval from the Planning Commission.

(G) All tractor trailers on an agricultural, residential, or commercial parcel shall be licensed and registered with the state and must be actively used. Trailers not involved in a construction project that remain in a fixed location over 30 days shall be subject to fines, impoundment, and removal by the city.

(Prior Code, § 23.12) (Ord. 23-2020, passed 6-17-2020; Ord. 13-2023, passed 7-5-2023)

§ 157.317 ENFORCEMENT AND FINES.

Upon a determination that a violation exists, the Code Enforcement Officer, or his or her designee, may declare such violation a nuisance and follow remediation procedure as outlined in §§ 90.01 through 90.05. He or she will contact the owner and shall require such owner to halt, eradicate, destroy, remove, or otherwise cure the violation within 48 hours, or such later time the Code Enforcement Officer, or his or her designee, may determine.

(Prior Code, § 23.12.010) (Ord. 23-2020, passed 6-17-2020; Ord. 13-2023, passed 7-5-2023)