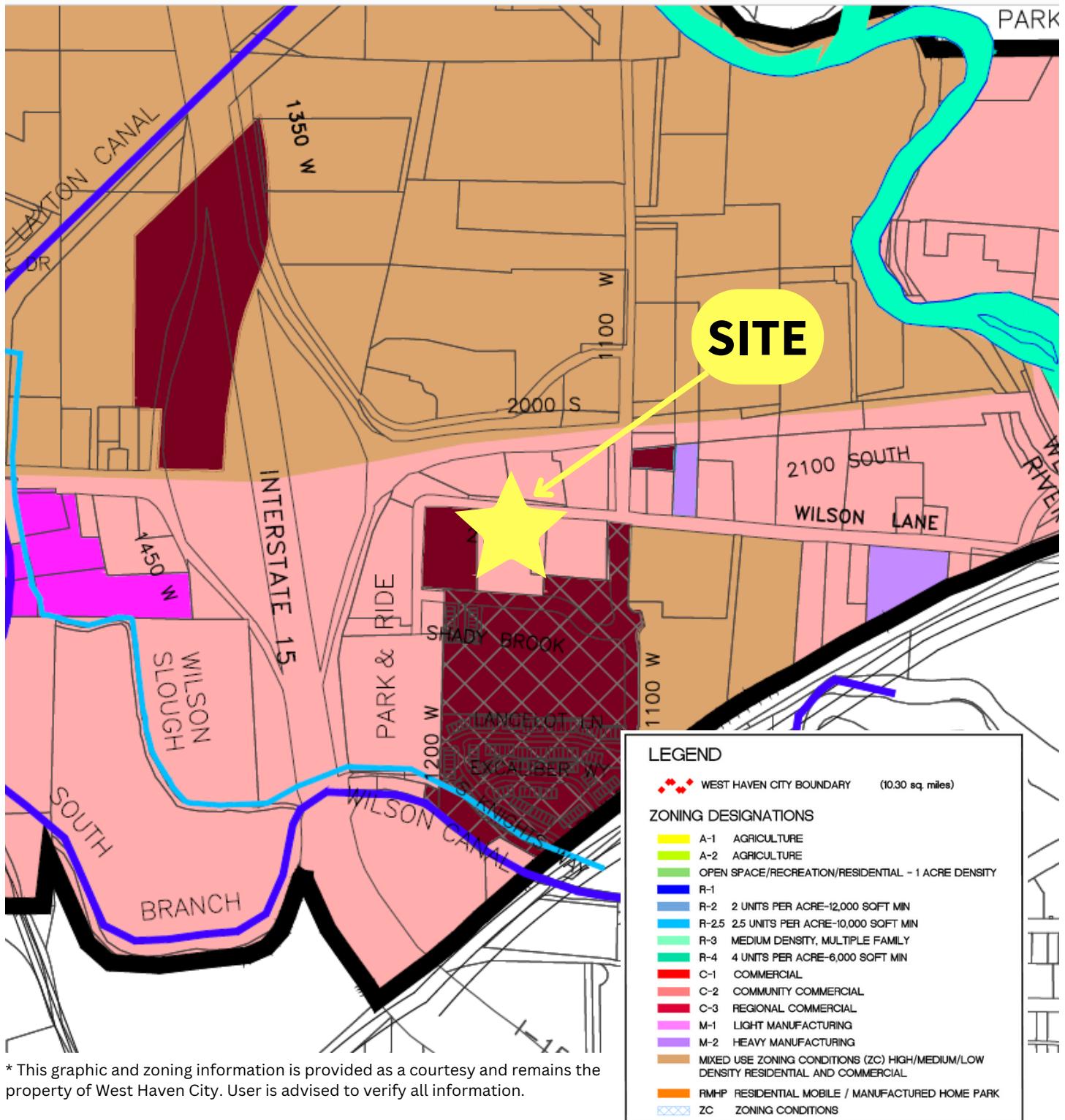


# West Haven City Zoning



## C-1, C-2, C-3 ZONES (COMMERCIAL)

### § 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.

<b>Site Development</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
<b>Site Development</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
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)

### § 157.293 SPECIAL REGULATIONS.

(A) Hereinafter specified, permitted and conditional uses shall be permitted only when the following conditions are

complied with:

- (1) All manufacturing shall be done within a completely enclosed building;
- (2) All uses shall be free from objection because of odor, dust, smoke, or noise;
- (3) In the C-1 neighborhood Commercial Zone, no entertainment, except recorded music, shall be permitted in cans, cafeterias, ice cream parlors, or restaurants;
- (4) All premises shall be clean and sanitary, free from all accumulation of debris, filth, rubbish, garbage, or other offensive matter, and also free from bedbugs, roaches, vermin, and rodents;
- (5) The storage, collection, and disposal of refuse shall be so managed as to create no health hazards, rodent harborage, insect breeding areas, accident hazards, or air pollution. When rats or other rodents are known to be in the premises, the operator shall take definite actions, as directed by the Health Officer or other proper City Official, to exterminate them;
- (6) All garbage shall be collected at least once each week. Where public collection services are not available, the operator shall arrange for all refuse to be collected and transported to a public disposal area in covered vehicles or covered containers;
- (7) All premises shall make provision for an enclosed area for the storage of trash and garbage, which shall be constructed of moisture-resistant material which will permit frequent washing and cleaning, and disinfecting as necessary, without excessive deterioration; and
- (8) All trash and garbage storage areas constructed and located as required by this section shall be sited on premises such that a minimum of negative visual impact, as reasonably determined by the city's Building Inspector, is maintained.

(B) A car wash shall be permitted subject to the following restrictions.

- (1) Off-street vehicle staging is required as follows:
  - (a) One-bay car wash: four spaces in the approach lane;
  - (b) Two-bay car wash: three spaces in the approach lane for each wash bay; and
  - (c) Three or more bay car wash: two spaces in the approach lane for each wash bay.
- (2) Operation or use is forbidden between the hours of 10:00 p.m. and 6:00 a.m. in C-1 Zones only.
- (3) There shall not be more than four washing bays for a manual spray car wash in C-1 Zones only.

(C) Residential component can be included for a business as a conditional use (for example, security purposes).

(Prior Code, § 22.08) (Ord. 2-92, passed - -1992; Ord. 04-2001, passed 5-16-2001; 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:

Use	C-1	C-2	C-3
Use	C-1	C-2	C-3
<b>A</b>			
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>B</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
<b>C</b>			
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
<b>D</b>			
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
<b>E</b>			

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
<b>F</b>			
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
<b>G</b>			
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
<b>H</b>			
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
<b>I</b>			
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
<b>J</b>			
Janitor sales service and supply	N	P	P
Jewelry store sales and service	P	P	P
<b>K</b>			
Kennel; indoor with outdoor exercise area	N	C	C
<b>L</b>			
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
<b>M</b>			
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
<b>N</b>			
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
<b>O</b>			
Office; general uses included, business, property management, investment firms, advertising agency, secretarial 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
<b>P</b>			
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
<b>Q</b>			
Quilting sales and service	P	P	P
<b>R</b>			
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 cabaret (see §§ 157.540 through 157.544)	-	-	-

Retail sales establishment	C	P	P
Roller skating rink	N	C	P
Roofing sales	N	P	P
<b>S</b>			
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
<b>T</b>			
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
<b>U</b>			
Upholstery shop	C	P	P
Used car lot	N	C	C
<b>V</b>			
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
<b>W</b>			
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)