

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **ZONING ORDINANCE TEXT AMENDMENT, Amend Section 43. Bulk and yard regulations for business and industrial districts.** Text re BD-3 district only: 43 (c) (5), Section 43 (i) (3) and Section (43(i) (2) (City Plan Director).

REPORT: **1512-06**

ADVICE: Approve

BACKGROUND

The City Plan Director has submitted to the Board of Alders a proposed Zoning Ordinance Text Amendment to change the text pertaining to the BD-3 District (*Business D-3 District –Central Business District Mixed-Use*) in Section 43 of the New Haven Zoning Ordinance. That section concerns bulk and yard standards for all business and commercial districts, but the changes submitted pertain only to the BD-3 district. The Text Amendments are a companion to a Map Amendment for the Hill North –Downtown South area which is a portion of the area covered by the recently approved and adopted Hill to Downtown Community Plan. More background can be found in draft CPC Report 1512-05 on the Map Amendment.

PUBLIC HEARING:

Public Hearing Transcript available – City Plan Commission meeting 1512, November 18, 2015.

PLANNING CONSIDERATIONS:

The BD-3 district was created in and approved by the Board of Aldermen in 2012 as part of the Downtown Crossing Project and was mapped along the entirety of the current Route 34 from the Air Rights Garage to State Street, two blocks north of the DTC corridor have also been mapped BD-3. The accompanying Map Amendment will extend the zone south of the corridor. The BD-3 zone text requires specific pedestrian friendly building characteristics along the streets that now cross the corridor, or will cross the corridor in the future: Orange, Church, Temple and College Streets. The proposed text amendments extend these building design requirements to buildings in the proposed new BD-3 area that face Church Street South (between Columbus Avenue and South Frontage Road) Lafayette Street, Washington Avenue and Congress Avenue where the city desires to encourage a pedestrian friendly streetscape.

TEXT: See ATTACHMENT C

The text has been slightly revised (11/16/2015) from the original text that was submitted to the Board of Alders, as has the Draft Ordinance Amendment for the Board of Alders.

ADVICE AND FINDINGS

The Commission recommends the revised Text Amendment to the Zoning Ordinance of 11/16/2015 as appended to this report, as well as the Draft Ordinance Amendment.

Article XIII, Sections 2(B) and 2(C) of the Charter of the City of New Haven requires the following finding:

The City Plan Commission finds that the proposed text amendments comply with Article XIII, Sections 2(B) and 2(C) of the Charter of the City of New Haven in that they are (i) uniform for each class of buildings or structures, (ii) made in accordance with the comprehensive plan, (iii) designed to lessen congestion in the streets, secure safety from fire, panic and other dangers, promote health and the general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, facilitate the adequate provisions for transportation, water, sewerage, parks and other public requirements, and (iv) made with

reasonable consideration as to the character of the proposed expanded BD-3 District and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

Section 64(d) (2) of the New Haven Zoning Ordinance requires that the City Plan Commission take into consideration in evaluating any amendment to the Zoning Map:

a. Errors in the existing ordinance, changes that have taken place in the city and in patterns on any of construction and land use, the supply of land and its peculiar suitability for various purposes, the effect of a map change on the surrounding area, the purposes of zoning and the comprehensive plan of the City of New Haven;

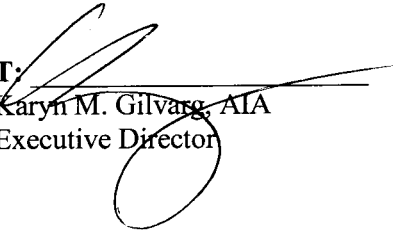
The Commission finds that the street frontages at issue, due primarily to their location, have the potential to extend a high density pedestrian and transit oriented corridor running along College Street between the Central Business District and the Medical District, as well as from College Street east to Union Station. Located between areas of relatively high density of commercial and residential uses and within easy walking distance of a major transportation facility, the proposed text change for the street frontages on Church Street South, Lafayette Street, Washington Avenue, Congress Avenue and South Frontage Road in the proposed BD-3 District will serve to connect these adjoining areas in a functional manner. Given the increase in pedestrian and bicycle activity and the desire for more mixed use buildings in mixed use districts, along with increases in residences in central New Haven and growth in the medical district, the text change represents an appropriate response to “changes that have taken place in the City”.

*b. Whether some other method or procedure under the zoning ordinance is more appropriate...*The proposed text amendment extends the language applied to the BD-3 district for adjacent streets to a limited number of additional streets. There is no other mechanism in the ordinance that does this.

The Commission further finds 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 therefore recommends approval.

Based on all of the above it is the recommendation of the Commission that the proposed text amendment is in full compliance with the standards and requirements of Article XIII, Sections 2(B) and 2(C) of the Charter of the City of New Haven and Section 64(d) of the New Haven Zoning Ordinance and should be approved.

ADOPTED: November 18, 2015
Edward Mattison
Chair

ATTEST: 
Karyn M. Gilvarg, AIA
Executive Director

ATTACHMENT B (Revised 11/18/2015)

**ZONING ORDINANCE TEXT AMENDMENT APPROVING ADOPTION OF
AMENDMENTS TO THE BD-3 ZONE TEXT**

WHEREAS, on September 21, 2015, pursuant to 1925 Special Act No. 490, § 5, Article VII § 3L, Article VI §19 and Article XIII, 2 of the Charter of the City of New Haven, and Section 64(d)(1) of the Zoning Ordinance, City of New Haven (the “Zoning Ordinance”), the Executive Director of the City Plan Department filed with the New Haven City Clerk for transmission to the Board of Alders a Petition requesting that the Board of Alders Amend the Text of the Zoning Ordinance concerning Business D-3 – Mixed Use/Central Business (“BD-3 District”); and

WHEREAS, on October 30, 2015, pursuant to Article VII, Section 3L and Article XIII § 2 of the City of New Haven Charter, and 64(d)(1) of the Zoning Ordinance, the Board of Alders referred the Petition to the New Haven City Plan Commission for a public hearing; and

WHEREAS, on November 18, 2015, the City Plan Commission, following their public hearing, rendered an advisory report to the Board of Alders after considering the factors set forth in Section 64(d)(2) of the Zoning Ordinance recommending approval of the Petition, City Plan Commission Report No. 1512-06; and

WHEREAS, the Legislation Committee of the Board of Alders, following their public hearing on the matter, accepted the recommendation of the City Plan Commission and on _____ recommended to the full Board with Favorable report that the Zoning Ordinance Text Amendment be adopted; and

WHEREAS, the Board of Alders finds that the Text Amendment to the Zoning Ordinance requested in the Petition is in accordance with the Comprehensive Plan and the Comprehensive Plan of Development for the City of New Haven as such amendments will

encourage intensive mixed use development as in other existing BD Zoning Districts and will connect the City's business district with each other while providing for a transition between those districts and the adjacent areas; and

WHEREAS, the Board of Alders further finds that the Text Amendments to the Zoning Ordinance requested in the Petition are designed to lessen congestion in the streets, secure safety, promote health and the general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentrations of population, provide adequate provisions for all forms of transportation and other public requirements, reflect the character of the applicable zoning district and its peculiar suitability for the uses to be allowed in such district, conserve the value of existing buildings, and encourage the most appropriate use of land in the City; and

WHEREAS, the Board of Alders further finds that the Text Amendment to the Zoning Ordinance requested in the Petition is uniform for each class of buildings or structures within the BD-3 district and any zoning district to which such amendments will apply; and

NOW THEREFORE BE IT ORDAINED by the Board of Alders of the City of New Haven that the Text Amendment to the Zoning Ordinance set forth in the Petition of the Executive Director of the City Plan Department, and shown in Attachment C are hereby approved and that the Zoning Ordinance Text shall be amended in the manner set forth in Schedule C attached hereto which schedule is incorporated by reference. This Ordinance shall be effective on the day after the date of publication of this ordinance text amendment.

_____ Signed Date _____

ATTACHMENT C

Hill to Downtown Proposed Zoning Ordinance Text Amendments – Revised 11/16/15

1. Amend section 43(c)(5)

(5) In the BD-3 District if the average height of a principal building exceeds 100 feet above average finished lot grade and if any portion of the principal building has frontage on College, Temple, Church or Orange Streets or on Church Street South (between Columbus Avenue and South Frontage Road) Lafayette Street, Washington Avenue or Congress Avenue, then one 15-foot setback of the upper levels of the building shall be required on the facade that fronts on such street, commencing no later than the point at which the height of the building is the same as the total of the width of the street that the building fronts on. The depth of the setback need not be uniform, provided that at one point the setback is 15 feet from the front of the building facade at the floor immediately below the floor at which the setback begins, and provided further that the depth of the setback area on the roof of the floor below the floor at which the setback begins must be at least 250 square feet. If the principal building fronts on more than one such street, then only one setback shall be required.

2. Amend Section 43(i)(3)

(3) *Transparent and active uses in the BD-3 District.*

- a. Every nonresidential building and every mixed use building that faces College Street, Orange Street, Temple Street, Church Street, Washington Avenue, Congress Avenue, Lafayette Street or Church Street South (between Columbus Avenue and South Frontage Road) in whole or in part shall have, at minimum, 60 percent of the first floor facade between two feet and eight feet in height facing such street comprised of clear windows and/or doors that allow views of indoor space and/or product display areas.
- b. The first floor of the facade of every nonresidential building and every mixed use building that faces College Street, Orange Street, Temple Street, Church Street, Washington Avenue, Congress Avenue, Lafayette Street or Church Street South (between Columbus Avenue and South Frontage Road) shall contain uses which are active and involve the movement of persons in such spaces, including but not limited to restaurants, retail stores, art galleries, fitness centers, yoga studios, lobbies, dance or music studios, and personal services businesses.
- c. Every nonresidential building and every mixed use building which faces Martin Luther King Boulevard or Legion Avenue/South Frontage Road in whole or in part shall have, at minimum, 30 percent of the first floor facade between two feet and eight feet in height facing such street comprised of clear windows and/or doors that allow views of indoor space and/or product display areas.

3. Add Section 43(c)(7)

On any lot in located in a BD-3 District located south of South Frontage Road, Rte. 34, except for lots

- a. directly abutting South Frontage Road, Rte. 34, or
- b. directly abutting Church Street South between Columbus Avenue and South Frontage Road, or
- c. directly abutting Lafayette Street,
- d. directly abutting Washington Avenue or Congress Avenue between Lafayette and Liberty Streets

a maximum building height of 70 ft. is permitted.

4. Amend Section 43(i)(2)

(2) *Principal entrances in the BD-3 District*

Buildings facing College Street, Orange Street Temple Street, Church Street South (between Columbus Avenue and South Frontage Road), Lafayette Street, Washington Avenue, or Congress Street shall have a principal entrance facing such streets or on the corner of any of the above listed streets and another street.