

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **ZONING ORDINANCE AMENDMENTS, Amend Sections 29:** Parking; **45:** Regulations for Parking, Loading, Bicycle Parking and Storage, Automotive and Drive-In Establishments; **55:** Coastal Management District, **58:** Soil Erosion and Sediment Control; and **64:** City Plan Commission; and **Add new Section 60:** Stormwater Management, Exterior Lighting and Reflective Heat Impact from Hardscape or Paved Surfaces, all to Promote Sustainable and Environmentally Sound Developmental Practices (City Plan Director).

REPORT: 1444-14

ADVICE: Approval as Amended

BACKGROUND

This package of proposed amendments, affecting existing regulations as well as resulting in the creation of new categories of regulated activity, is intended to improve the overall character of the physical environment in both residential and commercial areas of the City. The initial draft was prepared by a consultant using EPA-CARE grant funds and was the result of a number of issue identification/prioritization sessions conducted with City Plan staff. These sessions resulted in the targeting of a number of specific areas of physical design that were either not addressed at all in the current ordinance or where improvements to existing regulation was needed. In addition it was determined that certain administrative procedures and standards should be amended to reflect current language in the Connecticut General Statutes.

TEXT

The proposed amendments fall into two general categories, as described above. They are:

Revisions to Existing Regulations

Section 29- Residential Parking and Section 45- Commercial Parking

On residential properties, in any proposed parking area of three spaces or more an internal circulation system permitting the entering and exiting from the site without vehicles backing into the public right of way is now required. This reflects language currently in effect for parking areas in commercially zoned areas of the City. On non residential properties new language requires that sufficient vehicle stacking be provided for any proposed drive-in establishment. Also new language allows for explicit consideration of Traffic Demand Management Measures in Special Exception requests for reduced on-site parking and loading.

Sections 29 and 45-Residential and Commercial Parking (Bicycle Parking and Storage)

It is proposed that any proposed parking area in any district of ten required spaces or more must provide two bicycle parking spaces for the first ten spaces and one space for each additional parking space. As an alternative one bicycle space may be substituted for every tenth vehicle parking space required in the parking area of any project in any district requiring a minimum of 10 parking spaces. Bicycle racks are a required component of these spaces, they must meet Department of Transportation, Traffic and Parking standards and they must be located on private property.

Standards are also included that break down overall bicycle parking requirements into long and short term components and provide detailed language regarding the distinguishing character and requirements of each

Section 55 Coastal Area Management District

New language extends the validity of any approval under this section from the current one to five years.

Section 58- Soil Erosion and Sediment Control

This existing section has been substantially expanded (two to nearly ten pages) in order to incorporate *all* definitions standards and procedures for soil erosion and sediment control found in both Connecticut General Statutes and Connecticut Guidelines for Soil Erosion and Sediment Control. It also extends the validity of any approval under this section from the current one to five years.

Section 64- City Plan Commission

New language extends the validity of any site plan approval under this section from the current one to five years. Also, site plan requirements have been amended to provide for the inclusion of information concerning all revised development standards on any required site plan.

New Sections

Section 60- Stormwater Management

The purpose of this new section is “to protect and preserve the waters within New Haven from nonpoint sources of pollution through the proper management of stormwater flows and minimization of inputs of suspended solids, pathogens, toxic contaminants, nitrogen and floatable debris to those flows.” It is designed to do so by means of 1.) particular standards intended to achieve that goal and 2.) a set of processes through which it must be established any land use proposal is designed in accordance with those standards.

Of particular importance are the standards that must be met. They include:

1. Direct channeling of untreated surface water runoff into adjacent ground and surface waters shall be prohibited.
2. No net increase in the peak rate or total volume of stormwater runoff from the site, to the maximum extent possible, shall result from the proposed activity.
3. Design and planning for site development shall provide for minimal disturbance of pre-development natural hydrologic conditions, and shall reproduce such conditions after completion of the proposed activity, to the maximum extent feasible.
3. Pollutants shall be controlled at their source to the maximum extent feasible in order to contain and minimize contamination.
4. Stormwater management systems shall be designed and maintained to manage site runoff in order to reduce surface and groundwater pollution, prevent flooding, and control peak discharges and provide pollution treatment.
5. Stormwater management systems shall be designed to collect, retain, and treat the first inch of rain on-site, so as to trap floating material, oil, and litter. On-site Infiltration and on-site storage of stormwater shall be employed to the maximum extent feasible.
6. Post-development runoff rates and volumes shall not exceed pre-development rates and volumes. Stormwater runoff rates and volumes shall be controlled by slowing runoff velocities and encouraging infiltration unless such runoff to a stream affects upstream flow to such an extent that it impacts its flood characteristics.
7. Stormwater treatment systems shall be employed where necessary to ensure that the average annual loadings of total suspended solids (TSS) following the completion of the proposed activity at the site are no greater than such loadings prior to the proposed activity. Alternatively, stormwater treatment systems shall remove 80 percent TSS from the site on an average annual basis.

Use of available best management practices (BMPs) to minimize or mitigate the volume, rate, and impact of stormwater to ground or surface waters.

These standards will apply to any application involving at least one-half acre of land or three residential dwelling units.

Section 60.1- Exterior Lighting

These regulations provide some basic criteria for evaluating the impact of site lighting. Not only does the proposed language contain standards for outside lighting but it also calls for the submission a photometric plan that can help to measure the off- site effects of any plan submitted to the appropriate public agency.

Section 60.2 –Reflective Heat Impact From Hardscape or Paved Surfaces

Although the actual language of this section is relatively brief it could have a broader and more long-term effect on the overall quality the local physical environment than anything else proposed as part of this package. Its proposed standards will not only have the effect of reducing absorbed heat through mitigation (shading and heat reflective material) but will also indirectly contribute to

the minimal use of materials that require mitigation (i.e., reduced levels of on-site impervious surfacing).

PUBLIC HEARING: The hearing was initiated on September 22, 2010 when 4 speakers from Elm City Cycling testified on the amendments to Sections 29 and 45, requesting additional measures to accommodate bicycle parking and other measures to promote bike transportation such as car sharing, car pooling and showers and changing rooms in larger places of employment for long distance bikers. Ordinances from other progressive communities were noted, and staff was urged to research the matter further. The hearing continued on November 17 when additional changes regarding sections 29 and 45 and also new section 60 relating to stormwater were discussed. On December 15 it was determined amendments to Sections 55, 58, 64 and new Section 60 were ready to go forward, the Commission determined Sections 29 and 45 should be held until a workshop was scheduled to determine what course of action the amendments should take. As a result of a workshop held on March 2, 2011 further language was added to the proposal that provided guidelines not only for the amount of bicycle parking required but also for its different forms (long and short term). On May 18, 2011 the hearing was reopened, final language added and the hearing was concluded.

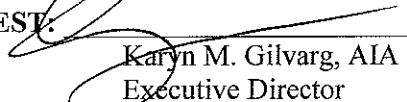
PLANNING CONSIDERATIONS

The proposed amendments, while covering a fairly broad (and seemingly disparate) range of issues, do in fact represent more than just one element of an ongoing incremental approach to the inclusion of sustainable physical design principles into the New Haven Zoning Ordinance. The new sections in particular deal with what are arguably some of the most elemental components of any physical environment, those being water, light and air (or more accurately in this case, temperature). As such, much of what is currently proposed can be seen as part of a regulatory foundation upon which even further work in these areas might be based.

ADVICE

The Commission finds that the proposed zoning text amendments are consistent with the Comprehensive Plan of Development and are appropriate given the character of both the surrounding neighborhood and the subject properties themselves; and a need to ensure the continued viability of the existing neighborhood business district. 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.

ADOPTED: May 18, 2011
Edward Mattison
Chair

ATTEST: 
Karyn M. Gilvarg, AIA
Executive Director