

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: ZONING TEXT AMENDMENT. Amendments to Sections 12, 63, and Use Tables 1 and 3 of the New Haven Zoning Ordinance to create “high-impact special exceptions.”
(Legislation Committee of the Board of Alders)

REPORT: 1530-13

ADVICE: Leave to Withdraw

BACKGROUND

The proposed Text Amendments to Section 63.D (6). Board of Zoning Appeals were communicated by the Legislation Committee of the Board of Alders under the Suspension Agenda for the May 2, 2017 Board of Alders meeting. The Amendment also proposes changes/additions to Section 12 (b) 1 (g) and the Use Table (Section 42) noted as Tables 1 & 3 of the NHZO. The referral by the BOA to the City Plan Commission follows the procedure laid out in the New Haven Charter and the Special Acts concerning text and map amendments to the Zoning Ordinance.

TEXT AS PROPOSED: SEE ATTACHED

PUBLIC HEARING:

A public hearing was held at a Special Meeting of the City Plan Commission on Wednesday June 7, 2017, at 7pm in New Haven City Hall 165 Church Street. The Public Hearing was opened at 7:01 PM and closed at 8:54 PM. A list of speakers is attached, in addition to several letters that were submitted for the record. A transcript of the meeting as recorded by Post Reporting is available from the City Plan Department.

PLANNING CONSIDERATIONS


The City Plan Commission is charged with: (a) *Continuous ordinance review*. The City Plan Commission and its staff shall carry on a continuous review of the effectiveness of the ordinance and recommend such changes as they see fit. (NHZO Section 64. City Plan Commission.) Please see the attached memo from staff that outlines some of the concerns with the draft Text Amendment.

ADVICE & FINDINGS

The Commission discussed the Text Amendment as submitted and agreed that there is a need to review and revise the way college and university and other institutional uses are handled in the Zoning Ordinance. The impacts of such uses on neighborhoods and the larger community must be balanced against the property owner’s rights. While the amendment as drafted would affect a number of other uses with lesser impacts such as convenience stores and professional offices in residential zones, it does not include institutional uses other than colleges and universities.

The Commission finds that the proposed zoning text amendment as drafted raises jurisdictional and due process issues and therefore is not in the public interest and would not promote the health, safety, and general welfare of the community without unreasonable limits on land use. Therefore the Commission recommends that the Alders be given Leave to Withdraw the May 2, 2017 submission.

ADOPTED: June 7, 2017
Edward Mattison
Chair

ATTEST: 
Karyn M. Gilvarg, AIA
Executive Director