

NEW HAVEN CITY PLAN COMMISSION

RE: ORDINANCE AMENDMENT OF THE NEW HAVEN BOARD OF ALDERS AMENDING THE NEW HAVEN CODE OF ORDINANCES REGARDING PARKING, STOPPING AND STANDING – PARKING OF OVERSIZED VEHICLES (Article VI, Section 51 of the Code of Zoning)

Submitted by: Sandeep Aysola, Director of Transportation, Traffic and Parking

REPORT: 1612-01

ACTION: Approve as Amended, with recommendations

BACKGROUND

The City's Comprehensive Plan of Development states, **“While there has been a significant shift in the City's transportation policy over the past decade, from promoting automobile mobility to promoting multi-modal transportation, a still significant portion of the population continues to use automobiles for primary travel.”** This refers to the fact that City is moving away from auto-dependent transportation policies such as allowing large trucks, oversized vehicles, truck tractors units¹, or tractor-trailer² which were previously permitted to park “on-street” within the residential, park and cemetery zoning districts. The City is advancing transportation policies that fosters a greater pedestrian-friendly climate and an environment that is less dedicated to independent vehicle use. (Please see the attached amended proposed Ordinance modifications.)

SUGGESTED AMENDMENTS*The Title*

The title of this proposed ordinance modification is “Ordinance amendment of the New Haven Board of Alders amending the New Haven Code of Ordinances regarding parking, stopping and standing – Parking of oversized vehicles (Article VI, Section 51 of the Zoning Code)”. The title may read better in the following format “Ordinance amendment of the New Haven Board of Alders amending the New Haven Code of Ordinances regarding parking, stopping and standing – Parking of trucks and oversized vehicles”. This language may better convey the intent of the proposed ordinance amendment by:

- Correcting a typo in the ordinance title; and
- Eliminating “Article VI, Section 51 of the Code of Zoning” from the title.

The reason for eliminating “Article VI, Section 51 of the Code of Zoning” from this proposed ordinance's title is that this proposal is not the only section of ordinance that requires modification. Not only does the Zoning Ordinance (where this section of zoning code resides) require changes, so does the General Code of Ordinances. Currently, the title does not reflect the changes necessary for the General Code of Ordinances. These other changes include:

- Adding definitions (i.e., Oversized Vehicles);

¹ Truck Tractor – means a motor vehicle designed and used for drawing a semitrailer. Source: [Title 14, Chapter 246, Section 14-1 entitled “Definitions” of Connecticut General Statutes](#)

² Tractor-trailer unit – means a combination of a tractor and a trailer or a combination of a tractor and a semitrailer. Source: [Title 14, Chapter 246, Section 14-1 entitled “Definitions” of Connecticut General Statutes](#)

- The “Whereas” Clauses;
- Prohibiting oversized vehicles to park on-street; and
- Prohibiting oversized vehicles to park off-street (on private property).

The “Whereas” Clauses

The “Whereas” clauses within the proposed ordinance amendment have been modified to more accurately reflect the intent of prohibiting large commercial trucks from parking in unwarranted areas of the City. Accordingly, the “Whereas” clauses have been amended:

- To identify all State and City Charter duties related to nuisances and commercial truck parking in which the Board of Alders is empowered;
- To further explain the discrepancy with the existing ordinances;
- To explain the results of the discrepancy in the existing ordinances regarding the general health, welfare and safety of the public; and
- To illuminate the corrective measures.

Definitions

Also, the ordinance amendments have been modified to include the following definitions which are not presently in the City’s ordinances; specifically, Title III, Chapter 29, Article III, Section 29-3 of the New Haven Code of General Ordinances, entitled “Traffic and Motor Vehicles Definitions”:

- Bus;
- Large truck;
- Recreation vehicle (modified to match the State’s definition);
- Oversized vehicle;
- Truck tractor (modified to match the State’s definition);
- Truck-trailer unit (modified to match the State’s definition); and
- Truck (modified to match the State’s definition).

On-Street Parking

Currently, the City’s ordinances do not address parking commercial trucks “on-the-street”. This omission creates a nuisance for public safety, health and welfare. Accordingly, the proposed ordinance modifications clarify the way in which “on-street” parking for commercial trucks is prohibited and the consequences related to violating such. This includes the “on-street” parking of commercial trucks in the:

- Residential zoning districts;
- “Park” Zoning District; or
- “Cemetery” Zoning District.

Off-Street Parking

Currently, the City’s ordinances do not correctly address parking commercial trucks on private property or “off-street”. This exclusion creates a nuisance for public safety, health and welfare. Accordingly, the proposed ordinance modifications clarify the way in which parking commercial trucks on private property or “on-street” is prohibited and the consequences related to violating such. This includes the parking of commercial trucks on private property or “off-street” in the:

- Residential zoning districts;
- “Park” Zoning District; or

- “Cemetery” Zoning District.

PUBLIC HEARING

A public hearing was held on June 29, 2022.

One member of the Public spoke during the Public Hearing, raising a question.

Questions, comments, and concerns raised during the Public Hearing by a member of the Public and the City Plan Commissioners, include:

- Applicability to vehicles with electronic billboards and smaller commercial vehicles with advertisements that park on residential streets
- Applicability to recreational vehicles
- Permitted locations for commercial vehicle parking
- Applicability to school buses
- The definition of oversized vehicles
- Parking for incidental uses
- Applicability to large pickup trucks
- The need for visual aids to understand which vehicles would be covered by the amendments and which would not
- Applicability to SUVs
- Off-street parking of commercial vehicles
- The need for clarification on the meaning of the words “stop,” “stand,” and “leave” in the proposed amendments
- The 10,000lb weight threshold
- Impact on City-owned-and-operated commercial vehicles and on commercial vehicles engaged in work for the City

PLANNING CONSIDERATIONS

In accordance with Title I, Article XIII, Section 2(E) of the New Haven Code of Ordinances states, **“Altering regulations, district. The regulations imposed and the districts created under the provisions of this section may be changed or altered from time to time by Ordinance, but no such change or alteration shall be made until the proposed change shall have been referred to the City Plan Commission for a Public Hearing. Said commission shall, upon receipt from the Board of Alders of such proposed change, give Public Notice and proceed with a hearing in the same manner as is herein provided and shall report to said Board of Alders its recommendations in the matter, within thirty (30) Days after receipt by it of the proposal for a change.”**

Accordingly, the Board of Alders seeks guidance regarding the proposal.

The Board of Alder seeks guidance as to:

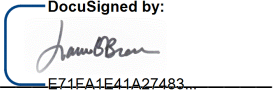
- Whether the proposal is aligned with the City’s Comprehensive Plan.
- Whether the proposal aligns with the articulated goal in the City’s Comprehensive Plan of Development stating, **“Enforce traffic and parking laws stringently to enhance the efficiency of the existing transportation and parking system within the city.”**

- Whether there are “**Errors in the existing ordinance, changes that have taken place in the city and in patterns 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**”; (Section 64(d)(2)(a) of the Zoning Ordinance)
- **Whether some other method or procedure under the zoning ordinance is more appropriate**; (Section 64(d)(2)(b) of the Zoning Ordinance)
- **In the case of a map change, the size of the area involved.** (Section 64(d)(2)(c) of the Zoning Ordinance)

ADVICE

- This proposal meets the criteria set forth in Section 64(d)(2)(a) of the Zoning Ordinance because an error has been found in the existing ordinance that does not mention, regulate and/or contemplate trucks parking along public streets within the “Park” or “Cemetery” Zoning Designations.
- This omission created a public nuisance because of this error in the City’s Ordinances.
- The proposal is aligned with the City’s Comprehensive Plan of Development because it will:
 - Improve the quality of life.
 - Prevent “**...nuisance and poorly operated uses [such as truck parking from] have[ing] had an adverse effect on surrounding land use.**”
 - “**Manage short-term and long-term street parking effectively....**”
- The following condition should be considered:
 - That the Board of Alders considers adopting the proposed ordinances changes as attached
 - That the Board of Alders consider the verbs and definitions of the verbs used in the sections that identify which activities are prohibited (“stand,” “leave,” and others)
 - That the Board of Alders consider exempting vehicles owned by the City of New Haven or engaged in work for the City of New Haven
 - That City Staff provide visual examples of the vehicle types that would meet and not meet the criteria for the ordinance

ADOPTED: June 29, 2022
Leslie Radcliffe
Chair

ATTEST: _____

 Laura E. Brown
 Executive Director, City Plan Department