

**NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT**

**RE: PETITION TO AMEND THE NEW HAVEN ZONING ORDINANCE BY ADDING SECTION 12.5, RS-3, SPECIAL HERITAGE MIXED USE ZONING DISTRICT, TO THE TEXT OF THE NEW HAVEN ZONING ORDINANCE AS A NEW ZONING DISTRICT.**

**Submitted by:** Attorney Marjorie Shansky on behalf of East Shore Partners LLC

**REPORT:** 1626-02  
**ADVICE:** Approval with recommendations

**COMPANION APPLICATION:**

**701 TOWNSEND AVENUE, 709 TOWNSEND AVENUE, 725 TOWNSEND AVENUE, AND 745 TOWNSEND AVENUE**

MBLUs: 024 0920 02700, 024 0920 02800, 024 0920 02900, 207 0543 03000, AND 024 0920 02701

**Owner/Applicant:** East Shore Partners, LLC; **Agent:** M. Shansky

**Petition to Amend the New Haven Zoning Ordinance**

CHANGE THE DESIGNATION OF APPROXIMATELY 26.56± ACRES OF LAND LOCATED AT 701 TOWNSEND AVENUE, 709 TOWNSEND AVENUE, 725 TOWNSEND AVENUE, 745 TOWNSEND AVENUE (including M-B-P 024/0920/02700, M-B-P 024/0920/02800, M-B- P 024/0920/02900, M-B-P 024/0920/03000, and M-B-P 024/0920/02701) FROM RS-2 CLASSIFICATION TO A NEWLY CREATED RS-3 ZONING DISTRICT.

BOA File Number: T-919

**BACKGROUND**

East Shore Partners, LLC has applied to add a new zoning district to the New Haven Zoning Ordinance; the RS-3 Zone. This petition was submitted in parallel with a petition to rezone 26.56 acres of land on Townsend Avenue to the newly proposed RS-3 Zone (noted above as the companion application). The proposed new RS-3 zone differs in a number of ways from the RS-2 zone, as described below and, according to the applicant's submission, was designed to "offer an opportunity to accommodate goals of historic preservation, agricultural uses and medium density residential uses consistent with the receiving residential neighborhood."

**PROPOSED NEW ZONE:**

*RS-3 Districts: Special Heritage Mixed-Use.* These districts exist for the protection of areas of large size that have historically been used to support single-family dwellings and agricultural uses and that are now being developed to combine single-family dwellings, agricultural uses, historic preservation, and limited hospitality uses as well as to further and support the rehabilitation, restoration and/or adaptive reuse of Historic Residential and Accessory Structures as defined herein. Accordingly, the use of land and buildings within such areas is limited to single-family dwellings, multi-family dwellings, agricultural uses, and to such non-residential uses as support and harmonize with a medium-density residential area of historic and cultural significance. The non-residential uses permitted in the RS-3 District, subject to adequate conditions and safeguards, are hereby found and declared to be the only appropriate uses for such areas. It is hereby found and declared, further, that these regulations are necessary to the protection of these areas and that their protection is essential to the maintenance of a balanced community of sound residential areas of diverse types.

**ZONING TABLE-Listing some differences in bulk requirements between RS-2 and RS-3.**

	<b>RS-2</b>	<b>RS-3</b>
Residential Uses	Single-family detached dwellings. There shall be only	Single-family and two-family dwellings on individual lots or

	one principal structure on a lot.	within a common interest ownership or planned community with private internal public or private roadways (individual lot lines shall not be required).
Minimum Lot Area Per Dwelling Unit	Only single-family structures are permitted.	4,000 sq. ft, except 3,000 sq. ft. in the case of an efficiency unit and 2,250 sq. ft. in the case of an elderly housing unit
Maximum building coverage	Total coverage of principal and accessory buildings not to exceed 30% of lot area.	Total coverage of principal and accessory buildings not to exceed 50% of lot area.
Maximum Building Height	Such height shall not exceed either three stories or an average height of 35 feet, provided that no point on a side or rear building wall shall be so located that it is closer to a side or rear lot line than one foot for each two feet that such point is above the average finished lot grade along such side or rear building wall.	Such height shall not exceed either three stories or an average height of 40 feet, provided that no point on a side or rear building wall shall be so located that it is closer to a side or rear lot line than one foot for each two feet that such point is above the average finished lot grade along such side or rear building wall.
Minimum yards	Front: 25ft Rear: 25 ft Side: one at least 8ft, one at least 12ft (8ft for corner lots)	Front: 20ft from edge of road (private or public) Rear: 15ft Side: 6ft

### Comparison of Permitted Uses

Permitted non-residential uses in the **RS-2 Zone** include the following:

**As of right:**

- a. Parks and other facilities for passive recreation, and public playgrounds.
- b. Reservoirs, dams, public utility substations and pumping stations, telephone exchanges, police stations, fire stations and post offices, with no industrial activities or outside storage.
- c. Agriculture, including tilling of the soil and orchards, but excluding the keeping of livestock and commercial greenhouses and nurseries except for the keeping of hens per [section 34](#) of this ordinance. No substance producing odor or dust shall be stored within 200 feet of any **lot line** unless completely enclosed.
- d. **Religious institutions**, including parish houses, rectories, convents, and other facilities normally incidental to places of worship but excluding funeral homes and cemeteries.  
Minimum parking: One (1) **parking space** for each eight seats in the largest place of assembly of such institution, based upon the maximum occupancy of both fixed and movable seats, located on the same **lot** or within 300 feet **walking distance**.
- e. Cultural activities not carried on as a gainful business, including art galleries, libraries and museums.  
Minimum parking: One **parking space** for each three employees, plus one **parking space** for each four seats in each place of assembly based upon the maximum occupancy of both fixed and movable seats, plus one **parking space** for each 1,000 square feet of **gross floor area** excluding any place of assembly, located on the same lot or within 300 feet **walking distance**.
- f. Public and private elementary and secondary schools meeting all requirements of the compulsory education laws of the State of Connecticut, and adult education facilities connected with such schools,

including *dormitories* connected with such schools but excluding fraternities and sororities. Noise, odors, lights, smoke, dirt, and all other possible disturbing aspects connected with the operation of such uses shall be enclosed, screened or otherwise controlled to the extent that the operation of any such use shall not unduly interfere with the use and enjoyment of properties or streets in the surrounding area.

Minimum parking: One (1) *parking space* for each four seats in each place of assembly commonly having events open to the public, based upon the maximum occupancy of both fixed and movable seats, located on the same *lot* or within 300 feet *walking distance*.

- g. Public and private colleges and universities, including *dormitories* connected with such institutions but excluding: fraternities and sororities, trade/or business schools and colleges, and schools and colleges operated as commercial enterprises. Noise, odors, lights, smoke, dirt, electrical disturbance, radioactive particles and rays, and all other possible disturbing aspects connected with the operation of such *uses* shall be enclosed, screened or otherwise controlled to the extent that the operation of any such *use* shall not unduly interfere with the use and enjoyment of properties or streets beyond the boundaries of such college or university.  
Minimum parking: One *parking space* for each two full-time faculty members or the equivalent (two part-time members equaling one full-time member), plus one *parking space* for each three employees, plus one *parking space* for each three non-resident students, plus one *parking space* for each six beds if residents are allowed to keep automobiles, plus one *parking space* for each eight seats in each place of assembly (other than classrooms) commonly having one-half or more of its attendance made up of students (and otherwise having one *parking space* for each four seats) based on the maximum occupancy of both fixed and movable seats, located on the same lot or within 300 feet *walking distance*.
- h. General and special inpatient hospitals, and health care clinics; excluding private offices for doctors, convalescent homes, rest homes, nursing homes, sanitariums, homes for the aged and handicapped, and orphanages. Noise, odors, electrical disturbance, radioactive particles and rays, and all possible disturbing aspects connected with the operation of such *uses* shall be enclosed, screened or otherwise controlled to the extent that the operation of any such *use* shall not unduly interfere with the use and enjoyment of properties or streets in the surrounding area.  
Minimum parking: One *parking space* for each four patient beds (excluding bassinets), plus one *parking space* for each staff or visiting doctor (based on the average number of such doctors at the hospital or health care clinic at peak times), plus one *parking space* for each four employees in the largest shift including nurses; plus, in the case of health care clinics, a number of *parking spaces* for patients equal to twice the number of *parking spaces* required for doctors; all of which *parking spaces* are to be located on the same *lot* or within 300 feet *walking distance* except in the BD-3 District.
- i. Family daycare home.  
**Where permitted by special exception under sub-section 63(d) of this ordinance:**
- a. Temporary *uses* and *structures* such as rental offices, booths for charitable purposes and parking for special events, with a time limit of not more than six months.
- b. Recreation facilities and athletic clubs; and community centers and clubs drawing a substantial number of users from the immediate neighborhood in which they are located; excluding residential accommodations and any activity carried on as a gainful business other than incidental concessions. Noise, odors, lights, *signs* and all other possible disturbing aspects connected with the operation of such *uses* shall be enclosed, screened or otherwise controlled to the extent that the operation of any such *use* shall not unduly interfere with the use and enjoyment of properties or streets in the surrounding area.  
Minimum parking: One *parking space* for each four persons present at such facilities when they are filled to capacity, located on the same *lot* or within 300 feet *walking distance*.
- c. Railroad and other rights-of-way.
- d. Establishments providing convenience goods and services, as described and regulated by [section 31](#) of this ordinance.
- e. Group daycare home.

**Permitted non-residential uses in the RS-3 Zone include the above uses for the RS-2 with the following INCLUSIONS:**

**As of right:**

- a. Home Occupations customarily and traditionally conducted in a dwelling unit as an incidental use, provided no such home occupation shall involve:
  - 1. Any employee not resident in the dwelling unit;
  - 2. Storage of a stock in trade or sale of commodities on the premises;
  - 3. Use of more than 25% of the net floor area of the dwelling unit, or any space outside the dwelling unit;
  - 4. External evidence of the use other than signs permitted by section 27;
  - 5. Emission of offensive smoke, dirt, dust, vibration, odor, light, heat, glare, noise, electrical disturbance, or radioactive particles or rays.
- b. Parks and other facilities for passive recreation, and public playgrounds. Parks and other facilities for passive recreation as provided for in Residential Districts.
- c. Agriculture, including tilling of the soil and orchards, but excluding the keeping of livestock and commercial greenhouses and nurseries except for the keeping of hens per section 34 of this ordinance. No substance producing odor or dust shall be stored within 200 feet of any lot line unless completely enclosed. Accessory uses shall include but not be limited to events of limited duration that are open to the general public including harvest festivals and similar activities. See Section 12.5 b. (2) (c) below for agricultural and non-agricultural accessory uses permitted by special exception.

**Where permitted by special exception under sub-section 63(d) of this ordinance:**

- a. Temporary uses and structures such as rental offices, booths for charitable purposes and parking for special events, with a time limit of not more than six months. Temporary uses and structures such as rental offices, tents for weddings and other celebrations and assemblies, booths for charitable purposes and parking for special events.
- b. Group daycare home.
- c. Event facility in a Historic Residential or Accessory Structure hosting meetings, social events including, without limitation, weddings, banquets, workshops, corporate gatherings, education or training and similar gatherings. Events may be held outdoors on the grounds of the Historic Residential Structure between March and November.
- d. Non-Agricultural Accessory Uses complementing agricultural activities including a tasting room, a gift shop, Restaurant, including seasonal outdoor seating and the retail sale of wine and wine-related products shall be accessory uses permitted by special exception.

**Permitted non-residential uses in the RS-3 Zone include the above uses for the RS-2 with the following EXCLUSIONS:****As of right:**

- a. General and special inpatient hospitals, and health care clinics; excluding private offices for doctors, convalescent homes, rest homes, nursing homes, sanitariums, homes for the aged and handicapped, and orphanages. Noise, odors, electrical disturbance, radioactive particles and rays, and all possible disturbing aspects connected with the operation of such uses shall be enclosed, screened or otherwise controlled to the extent that the operation of any such use shall not unduly interfere with the use and enjoyment of properties or streets in the surrounding area.

**Where by special exception under sub-section 63(d) of this ordinance:**

- a. Recreation facilities and athletic clubs; and community centers and clubs drawing a substantial number of users from the immediate neighborhood in which they are located; excluding residential accommodations and any activity carried on as a gainful business other than incidental concessions. Noise, odors, lights, signs and all other possible disturbing aspects connected with the operation of such uses shall be enclosed, screened or otherwise controlled to the extent that the operation of any such use shall not unduly interfere with the use and enjoyment of properties or streets in the surrounding area.
- b. Railroad and other rights-of-way.
- c. Establishments providing convenience goods and services, as described and regulated by section 31 of this ordinance.

**PUBLIC HEARING**

A Public Hearing was held by the City Plan Commission on February 1, 2023. A transcript of the hearing, meeting #1626, is available from the City Plan Department.

Sixteen items of written testimony were submitted into the record prior to the meeting. Three items expressed concerns with the proposal, thirteen were in support of the proposal.

Five members of the public gave testimony during the meeting.

Topics raised in public testimony include:

- Concerns with public outreach about the project
- Concerns about proposed density
- Importance of the historic preservation built into the zone
- Support for the proposal
- Concerns about increase runoff/flooding
- Concerns about traffic

**PLANNING CONSIDERATIONS**

The proposed amendment seeks to create a transitional residential zoning district that fills a gap between the RS-2 (General Single-Family) and the RM-1 (Low-Middle Density) zoning districts. In particular this includes allowing for multi-dwelling residential structures at a density greater than the RS-2 (which allows 4,000 square feet/unit but only in single family dwellings) but less than the RM-1 (which allows 3,500 sq ft in multifamily dwellings) The minimum lot area in RS-3 is proposed to be 4,000 sq ft per unit but allows multiple units in a single structure. The proposed RS-3 zone provides expansion of uses that may complement residential uses. In this respect the proposed zone anticipates minor shifts in density that will support the creation of more much needed housing in the City. Vision 2025, the Comprehensive Plan of Development, highlights the need for housing, economic development, and preservation of historic resources, all of which are supported by this proposed new zone. The Comprehensive Plan also highlights the importance of “grow[ing] opportunities for promoting commercial and non-profit agriculture through amendments to the local land use regulations that help mitigate the urban heat island effect, as well as promote community cohesion.” (Vision 2025 p47) This includes removing zoning barriers to agricultural uses, greenspace and uses that are adjacent to and may complement but do not adversely impact nearby residential uses. The proposed RS-3 zone meets these goals of the Comprehensive Plan and provides appropriate zoning regulations for land in the city with unique resources and attributes.

**SECTIONS(S) 181 and 182 OF THE CHARTER OF THE CITY OF NEW HAVEN**

The City Plan Commission finds that, based on submitted information the proposed text amendment comply with Sections 181 and 182 of the Charter of the City of New Haven in that it is (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 RS-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)c OF THE NEW HAVEN ZONING ORDINANCE**

Section 64(d)(2) requires that the City Plan Commission take into consideration in evaluating any amendment to the text of the Zoning Code:

*a. 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 purposes of zoning and the comprehensive plan of the City of New Haven;*

The proposed RS-3 zone meets these goals of the Comprehensive Plan and provides appropriate zoning regulations for land in the city with unique resources and attributes. The Zone creates a transitional residential zoning district between the RS-2 (General Single-Family) and the RM-1 (Low-Middle Density) zoning district with respect to the density allowed in a principal structure located on a single parcel, with changes to the permitted and non-permitted non-residential uses.

*b. Whether some other method or procedure under the zoning ordinance is more appropriate; and*

The Commission agrees that a Zoning Map Text Amendment is the most appropriate method to achieve objectives for this parcel while simultaneously creating a new residential zoning district. Planning Staff reviewed the proposal with the applicant prior to submission and agreed that a zoning text amendment to create a new zone was the correct procedure as opposed to other zoning tools such as a PDD or PDU.

**RECOMMENDATIONS**

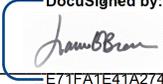
The City Plan Commission recommends the Board of Alders carefully consider:

- Whether or not the proposed new zone increases allowed density, and how
- The issue of what allowed uses are both added and removed
- Other places in the city with a historic structure where such as zone would be helpful to the goal of supporting the preservation of historic structures and making them more viable to redevelop

**FINDINGS AND ADVICE**

Based on the above it is the recommendation of the Commission that the proposed text amendment is in full compliance with the standards and requirements of Section(s) 181 and 182 of the Charter of the City of New Haven and Section 62(d)(2) of the New Haven Zoning Ordinance and should be approved.

**ADOPTED:** February 1, 2023  
Leslie Radcliffe  
Chair

**ATTEST:**  February 7, 2023 | 9:34 AM E  
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 Laura E Brown  
 Executive Director, City Plan Department