

## NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

**RE:**           **ORDINANCE OF THE BOARD OF ALDERS** amending the Zoning Ordinance of the City of New Haven section 42.6 concerning the responsible and equitable regulation of adult-use cannabis to add the 'BE' zone to sections 42.6(c)1 and 42.6(c)2

**Submitted by:** Deputy Director of Zoning, Nathaniel Hougrand

**REPORT:**     1629-05  
**ADVICE:**     Approval

### BACKGROUND

On August 1, 2022 the Board of Alders of the City of New Haven adopted an ordinance amending the Zoning Ordinance of the City of New Haven concerning the responsible and equitable regulation of adult-use cannabis. The ordinance established the land use and criteria for the establishment of Adult-Use Cannabis licenses in a manner consistent with the Connecticut Responsible and Equitable Regulation of Adult-Use Cannabis Act of 2021.

A key aspect of this ordinance was the creation of a new Section 42.6 specifically to address and align zoning provisions with state law and licensing procedures. This section ensures that the sale, production or manufacturing of Adult-Use Cannabis occurs within certain business and industrial zoning districts with a special permit. It also accounts for transporter or delivery service business licenses "As-of-Right"; where no special permit would be required. This ordinance prohibits the sale, production or manufacturing of cannabis in all residential districts and three zoning overlay districts.

It was brought to the attention of the City Plan Department that the BE Zoning District (Business E-Wholesale and Distribution) was inadvertently excluded from the list of Zoning Districts where cannabis uses are permitted, either as-of-right or by Special Permit, depending on the use (NHZO Section 42.6(C)1 and 42.6(C)2). City Plan staff finds that the BE zone is an appropriate zone to permit cannabis uses and the ordinance should be amended to include this zone.

### PUBLIC HEARING

A Public Hearing was held by the City Plan Commission on March 15, 2023. A transcript of the hearing, meeting #1629, is available from the City Plan Department. No members of the public gave testimony and no written testimony was received.

### PLANNING CONSIDERATIONS

The 'BE' Zoning District encompasses approximately 122.4 acres starting from the intersection of South Frontage Road and South Orange Street going South, Southeast to Long Wharf Drive. A map of this zone is included in the submission as Attachment C. A large portion of the 'BE' Zoning District is located within the area set forth in Section 42.6.E as Prohibited because it falls within the Hill to Downtown Plan boundary area. Cannabis uses which are permitted as-of-right or by Special Permit would be permitted only in the portion of the 'BE' zone located outside of the Hill to Downtown Plan boundary.

Section 42.6 ensures that the sale, production or manufacturing of Adult-Use Cannabis occurs within certain business and industrial zoning districts with a special permit. It also accounts for transporter or delivery service business licenses "As-of-Right"; where no special permit would be required. This ordinance prohibits the sale, production or manufacturing of cannabis in all residential districts and three zoning overlay districts.

This proposal seeks to include the 'BE' Zoning District in the same manner as the business and industrial zoning districts with respect to the sale, production or manufacturing of Adult-Use Cannabis as well as transporter or delivery services.

As required by Article VII Section 3L and Article XIII Section 2 of the City of New Haven Charter, the proposed Zoning Ordinance Text amendment is in accordance with the Comprehensive Plan of Development for the City of New Haven as the amendment will encourage and allow for the use of Adult-Use Cannabis to be appropriately permitted within the BE Zoning District in the same manner as the New Haven Zoning Ordinance currently allows. As also required by, Article VII Section 3L and Article XIII 2, this amendment is 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 transportation and other public requirements, reflect the character of the applicable zoning districts and their peculiar suitability for the uses to be allowed in such districts, conserve the value of existing buildings, and encourage the most appropriate use of land in the City.

**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 BE Zone 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;*

This zoning text amendment addresses an error in the existing ordinance. The existing ordinance does not establish whether cannabis uses are permitted in the BE Zone.

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

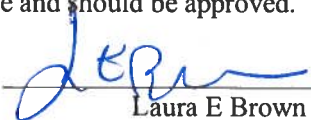
The Commission agrees that a Zoning Map Text Amendment is the most appropriate method to resolve the unintentional omission of the BE zone from the original ordinance.

**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:** March 15, 2023  
Leslie Radcliffe  
Chair

**ATTEST:**

  
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Laura E Brown

Executive Director, City Plan Department