

Ordinance #1943

Enacted on 09/19/2022

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ORDINANCE BY THE NEW HAVEN BOARD OF ALDERS ESTABLISHING A TEMPORARY TWELVE (12) MONTH MORATORIUM ON THE SUBMISSION AND ACCEPTANCE OF APPLICATIONS FOR BUILDING PERMITS, SITE PLANS, VARIANCES, SPECIAL EXCEPTIONS, SPECIAL PERMITS, LOT SPLITS AND REZONING AMENDMENTS WITHIN THE LONG WHARF RESPONSIBLE GROWTH PLAN AREA ("MORATORIUM AREA"); PROVIDING FOR AUTHORITY; LEGISLATIVE FINDINGS OF FACT; MORATORIUM AREA; TEMPORARY MORATORIUM IMPOSED; EXEMPTIONS, DURATION OF TEMPORARY MORATORIUM; AND SEVERABILITY.

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WHEREAS, pursuant to the 1921 Special Act (amended 1925), Connecticut Statutes and Title I, Article XIII, Section 2(B) of the Code of General Ordinances, "The Board of Alders is authorized, by Ordinance, to regulate the height and bulk of structures to be erected and to limit the use of lot areas; the minimum areas or dimensions of rear, side and front yards or outer and inner courts and other open spaces within and surrounding any structure; the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes; to classify, regulate and restrict the location of trades and industries and the location of structures designed for special uses; to divide the City of New Haven into districts of such number, shape and areas as may be best suited to carry out the provisions of this act;" and

WHEREAS, the Board of Alders recognizes that the current zoning for the Moratorium Area permits a wide number of industrial and commercial business uses; and

WHEREAS, the Board of Alders acknowledges that heavy industrial land uses have been declining since the 1960s in New Haven and throughout the United States; and

WHEREAS, the Board of Alders adopted the Long Wharf Responsible Growth Plan in 2019; and

WHEREAS, the Long Wharf Responsible Growth Plan envisions transforming from an under-utilized industrial waterfront to a pedestrian-friendly, walkable, bikeable, environmentally sustainable, mixed-use neighborhood; and

WHEREAS, the Board of Alders recognizes that planning for such an economically important and complex undertaking requires time and resources to develop a comprehensive and harmonious set of uses and zoning regulations for the Moratorium Area without the undue influence of development pressure; and

WHEREAS, Vision 2025, the City's Comprehensive Plan for Development makes it clear that thoughtful and reasoned planning "should help identify the types of uses that could be allowed on Sargent Drive [and within the Moratorium Area] (based on market and site feasibility) and opportunities for shared parking; improve the streetscape; and promote resident connectivity to the waterfront.; and

WHEREAS, the Board of Alders wishes to encourage planned and intentional growth within the Moratorium Area that promotes and enhances the public's general health, safety and welfare; and

WHEREAS, the Board of Alders further desires to solicit and include public participation in planning efforts related to the comprehensive growth of the Moratorium Area; and

WHEREAS, the Board of Alders has determined that a moratorium on development would afford the opportunity and time required to consider, develop policies and regulations in a comprehensive manner related to the growth of the Moratorium Area.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERS OF THE CITY OF NEW HAVEN, CONNECTICUT AS FOLLOWS:

SECTION 1. AUTHORITY.

This Ordinance is enacted pursuant to 1921 Special Act (amended 1925), Connecticut Statutes, and under the home rule powers of the Connecticut General Statutes in the interest of the public health, safety and general welfare of the people of New Haven.

SECTION 2. LEGISLATIVE FINDINGS OF FACT.

The foregoing recitals are hereby incorporated herein and are true and correct. The Board of Alders further finds that in order for the City Plan Department to have the ability to accurately assess, determine, and incorporate public feedback as to the economic potential of a proposed zoning designation within the Moratorium Area, and present such findings to the City Plan Commission and the Board of Alders for action, it is necessary to place a moratorium on the submission and acceptance of land use applications for special permits, variances, site plans, special exceptions, development

applications or rezoning entitlements within the Moratorium Area.

SECTION 3. LOCATION.

The location/boundary of the Moratorium Area shall be coterminous with boundary of the Long Wharf Responsible Growth Plan. This area is generally defined as Water Street to the North; New Haven Harbor along the East; Union Avenue along the West and Hallock Avenue to the South. This geographic area is depicted on Page 1 of the "Long Wharf Responsible Growth Plan" as indicated in the map below. (A copy of The Long Wharf Responsible Growth Plan is attached as Exhibit A and incorporated by reference). The affected parcels included in the Moratorium Area are listed by Map, Block, Lot and Unit (MBLU) as follows:

Exhibit B

Moratorium Area



Source: Long Wharf Responsible Growth Plan Executive Summary

MBLU	MBLU	MBLU
080 0530 00100	206 0023 00100	233 0023 00500

080 0530 00101	206 0023 00200	234 0023 00200
080 0530 00102	206 0023 00300	234 0023 00300
081 0974 00101	226 0023 00100	234 0023 00400
177 0530 00200	226 0023 00200	234 0023 00500
177 0530 00300	226 0023 00500	234 0023 00600
177 0530 00400	227 1304 01001	234 0023 00700
177 0530 00401	227 1304 01100	234 0023 00800
177 0530 00402	227 1304 01200	234 0023 00900
177 0547 00100	227 1304 01300	234 0023 01000
177 1300 00100	227 1304 01400	234 0023 01100
203 0339 00100	227 1304 01500	234 0023 01200
203 0339 00200	227 1304 01700	234 0023 01300
203 0339 00300	227 1304 01701	234 1304 00100
203 0538 00100	227 1304 01901	234 1304 00200
203 0538 00101	228 1304 00500	235 0023 00100
203 0537 00101	228 1304 00600	235 0023 00101
203 0537 00200	228 1304 00700	235 0023 00102
203 0547 00300	228 1304 00800	235 1300 00105
204 0023 00100	228 1304 00900	235 1304 00300
204 0023 00200	228 1304 01000	235 1304 00400
204 0529 00100	228 1304 01600	235 1304 00402
204 0529 00101	231 0023 00100	235 1304 00403
205 0529 00102	233 0023 00100	236 1304 00701
205 0529 00200	233 0023 00200	236 1304 00702
205 0529 00201	233 0023 00201	237 1300 00103
205 0529 00202	233 0023 00202	237 1300 00104
205 0529 00203	233 0023 00203	
205 0529 00300	233 0023 00300	
205 1304 01800	233 0023 00400	

SECTION 4. TEMPORARY MORATORIUM IMPOSED.

- A.** The City of New Haven hereby imposes a moratorium on the submission and acceptance of an applications for building permits, site plans, special permits, special exceptions, lot splits, variances, or rezoning entitlements within the Moratorium Area. The adoption of this Ordinance is undertaken by the City of New Haven in good faith and is intended to further the goals of the City's

Comprehensive Plan of Development and the 1921 Special Act (amended 1925), Connecticut Statutes.

B. Categorical Exclusions. Categorical exclusions refer to a category of activities for which the temporary moratorium shall not apply as there is no significant impact on the site and its environs. The following activities are categorically excluded under this Section, but shall be subject to review under other applicable authorities, rules, regulations, guidelines or policies:

1. Lot Mergers. A lot merger shall not include lot subdivision, lot reconfiguration, lot line adjustment, or re-subdivision for purposes of this ordinance.
2. Pending Projects. These are Projects for which complete permit applications for the proposed project were on file with the City, and all other appropriate regulatory agencies, and all related permit fees were remitted to the City *in-full* on or before the Effective Date of this temporary Moratorium.
3. Operation of a Cannabis Establishment within a pre-existing structure. These are subject to all other applicable rules and regulations.
4. Any matters on a parcel of land situated within the Moratorium Area which, as of the date hereof, is subject to an unexpired written agreement between the City of New Haven and the owner thereof concerning the development or redevelopment of the same, and for which no Certificate of Completion has been issued by the City of New Haven.
5. Any matters involving interior fit out only and not requiring any additional approvals from the City Plan Commission, Board of Zoning Appeals, or administrative approvals.
6. Matters exempt from review by the City Office of Building Inspection and Enforcement.
7. Matters of exterior or site work not requiring any additional approvals from the City Plan Commission, Board of Zoning Appeals, or administrative approvals.
8. Matters which involve implementation of existing approved general plans pursuant to Section 65 of the zoning regulations.

SECTION 5. EXEMPTIONS.

- A.** During the term of this Moratorium, any person may file a written request for exemption with the Board of Alders.
- B.** The Board of Alders may grant such exemption where the proposed use(s) or site improvement(s) is deemed to be in conformity with the proposed amended development regulations, proposed amended Zoning Ordinance, the Long Wharf Responsible Growth Plan (any amendments thereto) and the City's Comprehensive

Plan of Development that are to be considered during the term of this moratorium.

- C. Prior the Board of Alders rendering any decisions as to City Staffs' ability to accept or not accept development applications, the Board of Alders shall consider the following criteria:
1. Alignment with the goals of the City's Comprehensive Plan of Development.
 2. Alignment with the goals of the City's Long Wharf Responsible Growth Plan.
 3. Alignment with the proposed/contemplated zoning amendment for the area.
 4. That the proposal must enhance or improve neighborhood character.
 5. That the proposal integrates pedestrian safety improvements.
 6. That the proposal incorporates sound environmental principles including but not limited to considerations for climate change and resiliency planning.
 7. That the proposal incorporates highest and best use of the land.
 8. That the proposal will encourage appropriate use of the land in accordance with the general purposes, intent and spirit of this Moratorium and without detriment to surrounding property values.
 9. That the safety, health, welfare or the order the City shall not be adversely affected by the proposed development application, its location and its environs.
 10. That the site is suitable for the location of such development proposal.
 11. That the proposal shall not have a negative impact on groundwater, traffic, infrastructure, public services, and other externalities.
 12. The historical, architectural or cultural significance of the development or improvement(s) itself, surrounding properties and the neighborhood.
- D. The decision regarding the Exemption (as provided above) shall rest solely with the Board of Alders. Accordingly, the Board of Alders may grant the exemption from the Moratorium. Any exemption granted by the Board of Alders shall not constitute final approval of such plans, applications, or requests by the City. Any granted exemption shall merely grant the City Staff the ability to accept and process the subject application in accordance with all City laws.
- E. Should the Board of Alders deny such exemption, the denial will stand until the Moratorium is lifted unless the applicant requesting the exemption has a substantial change and reapplies for the exemption.

SECTION 6. DURATION OF TEMPORARY MORATORIUM.

The duration of this Moratorium shall be twelve (12) months from the earlier of the enactment of this ordinance or upon repeal by the City of New Haven. whichever occurs first. In addition, this Moratorium shall not exceed twelve (12) months unless approved

by the Board of Alders by a majority vote. The limited duration of the temporary Moratorium has been established in order to accomplish appropriate planning for future development through the zoning ordinance amendment process as described in the 1921 Special Act (amended 1925), Connecticut Statutes and the City's Comprehensive Plan of Development.

SECTION 7. SEVERABILITY.

It is declared to be intent of the Board of Alders of New Haven, Connecticut, that if any section, subsection, sentence, clause or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provisions and shall not be affected by such holding.