



Legislation Text

File #: OR-2023-0047, **Version:** 2

PETITION TO AMEND THE NEW HAVEN ZONING ORDINANCE TEXT OF SECTION 22: ACCESSORY DWELLING UNITS INCLUDING REMOVING THE OWNER OCCUPANCY REQUIREMENT, ALLOWING DETACHED AND ATTACHED ADUS OUTSIDE OF THE EXISTING BUILDING ENVELOPE, ELIMINATING THE MINIMUM LOT SIZE REQUIREMENT AND AMENDING SETBACK REQUIREMENTS FOR ADUS.

WHEREAS, in accordance with the provisions of 1925 Special Act No. 490, Section 5, Article XIII, Sections 2A-2F and Article VII of the Charter of the City of New Haven (the “Charter”) and Section 64 (d)(1) of the New Haven Zoning Ordinance, the City Plan Department of the City of New Haven, which serves as staff to the New Haven City Plan Commission (“City Plan”), filed with the New Haven City Clerk for transmission to the Board of Alders of the City of New Haven (the “Board of Alders”) a Petition (the “Petition”) requesting that the Board of Alders adopt text amendments to the Zoning Ordinance with regards to removing the owner occupancy requirement for ADUs, expand the ordinance to allow detached and attached ADUs outside of the building envelope of existing structures, eliminate the minimum lot size for ADUs, and align ADU setbacks with those of “accessory structures” in accordance with the text amendments which are more particularly described in Schedule A attached (the “Text Amendments”);

WHEREAS all citizens of the City of New Haven should have access to a variety of safe, quality, affordable housing choices in all neighborhoods;

WHEREAS the City of New Haven recognizes the need for a variety of strategies and zoning updates to address the complex issue of affordable housing;

WHEREAS, the City should be a regional, statewide, and national model advocate for developing innovative strategies and approaches to addressing affordable housing needs;

WHEREAS, amending the ADU ordinance by removing the owner occupancy requirement, allowing detached and attached ADUs outside of the existing building envelope for both principal and accessory structures, eliminating the minimum lot size requirement, and amending the setback requirements will allow for 4,258 additional parcels within the permissible zoning districts to become eligible for ADU development;

WHEREAS, the further implementation of the ADU ordinance was a recommendation of the Affordable Housing Task Force and the Elm City Communities “Breaking Ground” policy report;

WHEREAS, City Plan submitted sufficient plans, information, and related supporting materials;

WHEREAS, pursuant to Article XIII, Section 2E of the Charter, the Board of Alders referred the Petition to the New Haven City Plan Commission for a public hearing;

WHEREAS, on XXX, 2024, the City Plan Commission held a public hearing on the Petition after providing due notice of such hearing in accordance with the provisions of law;

WHEREAS, on XXX, 2024, the City Plan Commission rendered an advisory report to the Board of Alders after considering the factors set forth in Article VII of the Charter and Sections 64(d) (2) of the Zoning Ordinance recommending approval of the Petition, CPC Report No. XXXX;

WHEREAS, on XXX, 2024, the Affordable Housing Commission held a public hearing on the Petition after providing due notice of such hearing in accordance with the provisions of law;

WHEREAS, the Board of Alders finds that the Text Amendments and their provisions are in accordance with the Comprehensive Plan of Development of the City and are consistent with the land uses and the zoning classifications of neighboring parcels and with the standards set forth in Article XIII, Sections 2B through 2E of the Charter; and furthers the goals of increasing affordable housing choices through-out the city; and

WHEREAS, the Board of Alders further finds that after public notice, hearing, and due comment from the public, interested parties, and the various agencies of the City of New Haven, including, without limitation, the Department of Transportation, Traffic and Parking, the Engineering Department, and the Office of Building, Inspection and Enforcement that the Text Amendments meet the objectives set forth in Zoning Ordinance, Article VII, Section 64(d) in that the Text Amendments are responsive to 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.

NOW, THEREFORE, BE IT ORDAINED by the Board of Alders of the City of New Haven that the Text Amendments are hereby adopted with the modifications of the existing zoning requirements requested by City Plan as described in Exhibits A and B attached hereto and made a part of this Ordinance.