

An aerial photograph of a city, likely New Haven, showing a mix of brick buildings, a large circular parking structure, and a tall brick apartment building. A green semi-transparent banner is overlaid at the bottom of the image.

City Plan Department

New Haven “Green” Ordinances: Updates and Opportunities Environmental Advisory Council Meeting, June 7, 2023

The land of our state is the territory of the Sequin including Quinnipiac and Tunxis, Matabesec, Mohegan, Mashantucket Pequot, Eastern Pequot, Schaghticoke, Golden Hill Paugussett, Nipmuc, and Lenape Peoples. These peoples have stewarded this land through many generations. We thank them for their strength and resilience in protecting this land and aspire to uphold our responsibilities according to their example.

Outline

- New Haven Green Ordinances Background
- Updates: Flood Damage Prevention Ordinance
- Updates: Stormwater Management Plan Ordinance
- Ongoing CPC Analysis
- Next Steps
- Discussion/Questions

New Haven Green Ordinances Background

Goals of “Green” Ordinances are evolving:

City Plan sees green ordinances as a tool to regulate physical changes in order to mitigate and adapt to changing climate impacts, promote sustainable development, and address inequitable environmental and climate burdens on frontline communities

Existing New Haven Green Ordinances



Section 60. Stormwater management plans (2011)

Purpose: Protect and preserve waters from nonpoint sources of pollution through proper management of stormwater flows & minimization of inputs of suspended solid, pathogens, toxic contaminants, etc.



Section 60.1 Exterior Lighting (2011)

Purpose: Require useful and necessary outdoor lighting that promotes energy efficiency; reduces light pollution, light trespass, glare and other offensive light sources; reduces impacts to residents' public health, safety, and welfare and health of wildlife and the environment



Section 60.2 Reflective heat impact from hardscape or paved surfaces (2011)

Purpose: Reduce the amount of heat reflected by hardscape or paved surfaces, reduce temperature difference between developed & undeveloped areas & minimize the impact from such differences



Flood Damage Prevention Ordinance (2013)

Purpose: Promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas

When do these ordinances apply?

Stormwater Management Plans	<ul style="list-style-type: none">• development or construction disturbing ½ acre or more of land area on site• site with 1/2 acre or more of existing and/or proposed impervious cover• new residential development of 3+ units;• new or expanding industrial or commercial use which increases the amount of on-site impervious surface by > 500 SF• site within the coastal boundary
Exterior Lighting	<ul style="list-style-type: none">• new and renovated exterior lighting
Reflective Heat	<ul style="list-style-type: none">• site with ½ acre or more of impervious surface• new residential developments of 3+ units• new industrial or commercial use or expansion of an existing industrial or commercial use which expands amount of impervious surface by > 500 SF
Flood Damage Prevention	<ul style="list-style-type: none">• Application within FEMA's Special Flood Hazard Areas

Updates: Flood Damage Prevention Ordinance



Challenges:

- Out of compliance with 2018/2022 State Building Code
- Buildings will be around for 30-50 years but are not built for predicted 20 inches of sea level rise by 2050
- Inconsistent application of substantial improvement/damage regulations
- The city continues to receive applications for adverse uses that may lead to public health risks with growing climate impacts (e.g. gas station in floodplain). The current regulations don't place significant limitations on uses with hazardous materials in floodplains

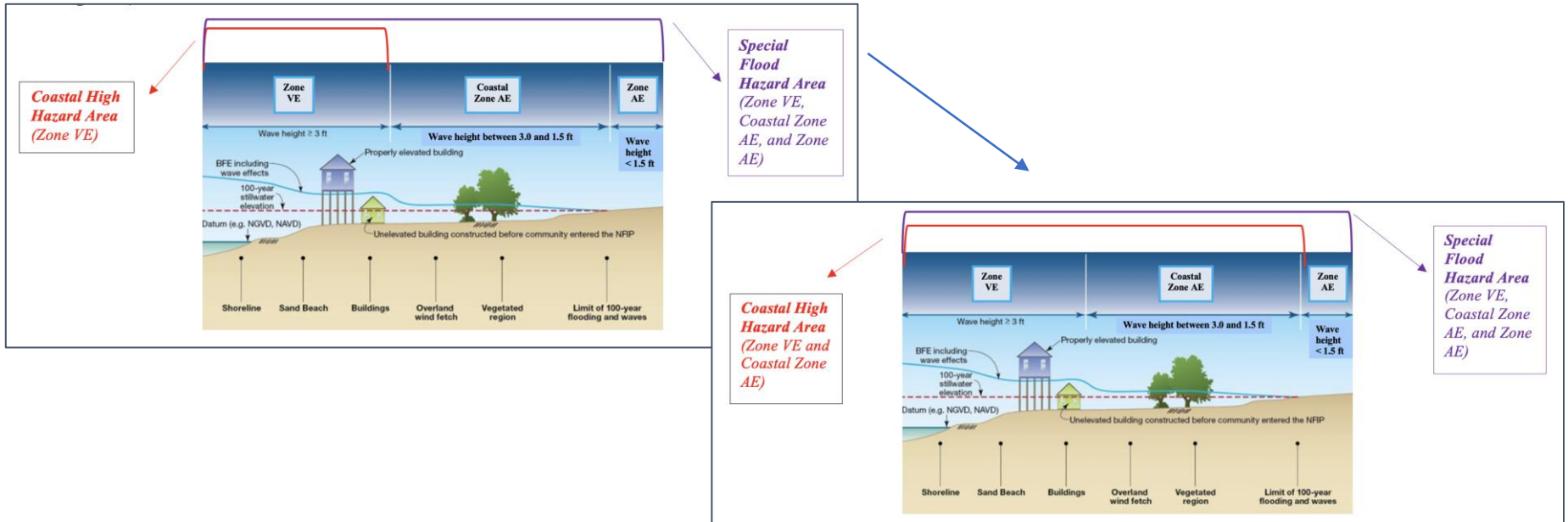


Updates: Flood Damage Prevention Ordinance



Status: Submitted to the Board of Alders, Public Hearing to be determined

Updates to comply with 2018/2022 State Building Code:



Updates: Flood Damage Prevention Ordinance

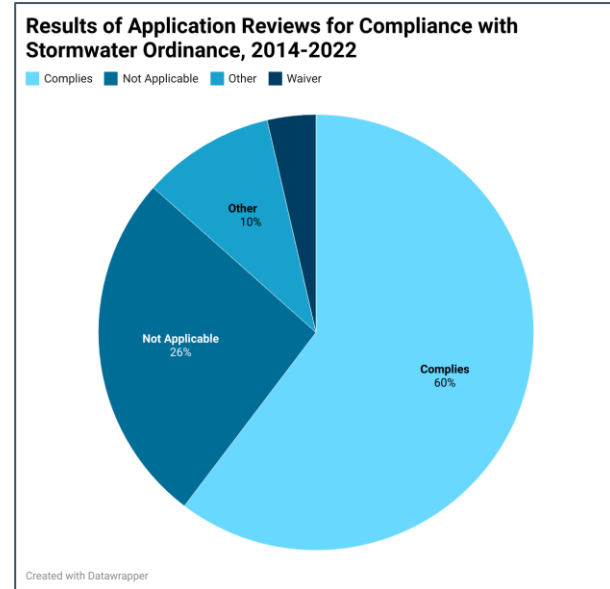


Challenge	Current Ordinance	Proposed Change
Buildings will be around for 30-50 years but are not built for predicted 20 inches of sea level rise by 2050	BFE + 1	<ul style="list-style-type: none"> Require all new development and substantial improvements to be BFE + 2
Inconsistent application of substantial improvement/damage regulations	N/A Only required if meets 50% substantial improvement/damage threshold	<ul style="list-style-type: none"> Update Definition of Substantial Improvement and substantial damage Prohibit conversion of non-residential units to residential units below BFE+2
Other cities (e.g. Bridgeport) are building new schools in floodplains, which will predominantly impact the city's low-income children of color served by the schools	ordinance doesn't include definition of critical facilities	<ul style="list-style-type: none"> Prohibit new or expanded critical facilities in SFHA, with exceptions
The city continues to receive applications for adverse uses that may lead to public health risks with growing climate impacts (e.g. gas station in floodplain)	ordinance doesn't include either; USTs must be anchored and BFE+1 in some zones	<ul style="list-style-type: none"> Ban non-residential uses with hazardous materials (tied to Building Code) Ban new aboveground and underground storage tanks in SFHA List specific prohibited uses: waste management and junk yards, salt storage piles

Updates: Stormwater Management Plan Ordinance

Challenges:

- Lack of specificity around which design storms and rainfall calculations applicants should use
- Lack of guidance on what should be included in both stormwater management plans and operations and maintenance manuals
- Applicants use Best Management Practices with varying levels of effectiveness



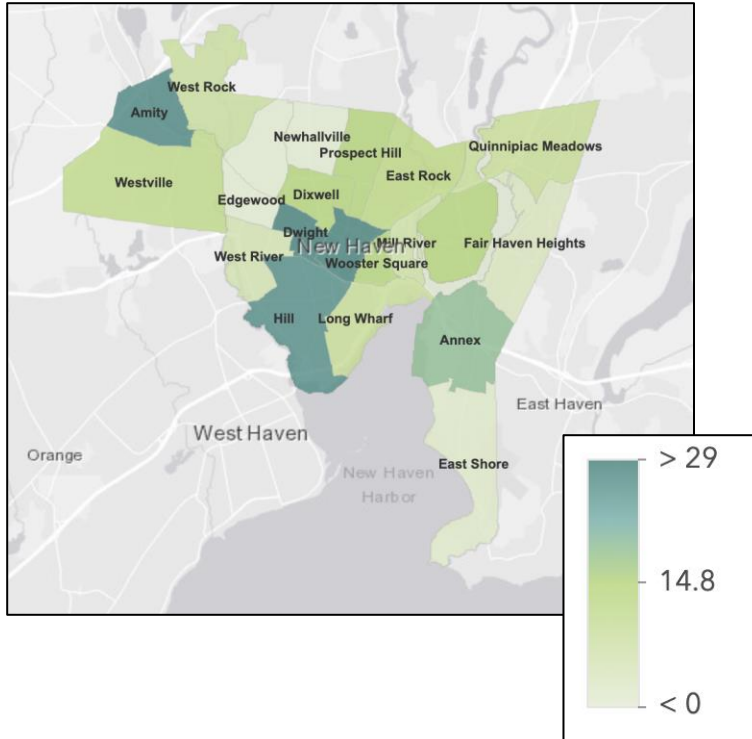
Updates: Stormwater Management Plan Ordinance



Status:

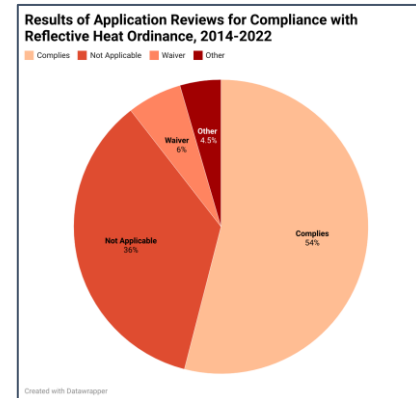
Challenge	Current Ordinance	Proposed Change
Lack of specificity around which design storms and rainfall calculations applicants should use and curve values	No details provided	<ul style="list-style-type: none">• The hydrologic study should analyze, at a minimum, 2-year, 24-hour; 10-year, 24-hour; and 25-year, 24-hour design storms.• The stormwater management system must maintain, collect, retain, and treat the 2-year, 6-hour storm on site• Clearly define “site” for the purposes of determining which activities are subject to the ordinance (e.g. if only a small portion of a site is disturbed, exclude from requirement)
Lack of specificity around what applicants must include in their stormwater management plans and operations and maintenance manual	Vague requirements; requires applicant to list plans for maintenance but no responsible party	<ul style="list-style-type: none">• Require applicants to specify responsible parties for ongoing maintenance tasks• Remove definitions not used in the text• Require statement of location in FEMA flood zones
Applicants use BMPs with varying levels of effectiveness	Encourages applicants to consider BMPs where “available”	<ul style="list-style-type: none">• Potentially cite 2023 State of Connecticut Stormwater Quality Manual as resource within ordinance?

Ongoing Analysis of 2014-2022 City Plan Commission Decisions



Initial Takeaways:

- **21% of total shaded and reflective SF is covered in StreetBond coating.** [fix]
- Adding roofs to the ordinance would greatly increase area of city covered in reflective surfaces
- Ordinances inherently limited by where development happening and therefore mostly benefitting downtown area and not necessarily neighborhoods with most intense urban heat island impacts



Next Steps

Ordinance updates

- Public hearing date to be determined

Ongoing analysis of impacts of existing ordinances

- Reflective Heat Ordinance
- Inlands Wetlands Ordinance
- Stormwater Management Plan Ordinance

New ordinances?

- Electric Vehicle Charging Stations Ordinance (*“Starting January 1, 2023, [An Act Concerning the Connecticut Clean Air Act] requires municipalities to require each new commercial building or multi-unit residential building w/ at least 30 parking spaces be equipped with EV charging infrastructure in at least 10% of parking spaces.”*)
- Building decarbonization ordinance? Other green ordinances? (City of New Haven Climate Movement conversations)

Comprehensive planning

- Ordinances are only one tool in the city’s toolbox, and we hope to continue conversations around inequitable environmental and climate benefits and burdens in our ongoing comprehensive planning process.



Discussion/Questions