

## NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

**RE:** ZONING ORDINANCE TEXT AMENDMENT to Article V, Section 42 Use Table, such that the use for driving school in a Central Business District (BD) shall be changed from not permitted (X) to permitted as-of-right (R). (Alders Witherspoon and Furlow)

**REPORT:** 1518-09

**ADVICE:** Approve

### BACKGROUND

Alders Witherspoon and Furlow have submitted a proposed Zoning Ordinance Text Amendment to Section 42, Table 3, Part D. (Personal Service) to permit a driving school as a by right use in a Central Business District. This use is currently permitted by right in General Business (BA), Automotive (BB) and Central Business/ Mixed Use Districts.

**PUBLIC HEARING:** A public hearing was held on May 19, 2016. A transcript of the hearing is stored in City Plan Department files.

### PLANNING CONSIDERATIONS:

Exclusion of this use from the BD District in regulations that go back to 1964 would appear to be based on two considerations neither of is particularly relevant at this time. The first consideration is that many driving schools operate without an actual “behind the wheel” component. Such an operation is essentially no more than a small classroom, certainly not out of character with other uses in the District. Secondly, the district itself has changed considerably since 1964. It no longer functions as the retail and business center of the city to the extent that it once did. The relative lack of that dense level of retail/business activity in the BD District means that a wider variety of commercial use, in character and harmony with what is currently permitted will need to be permitted in the district in order for it to maintain its economic viability. It is an essentially low impact use that will bring people downtown and which lends itself to the type of upper story commercial occupancy that especially in smaller buildings is of particular importance.

### Article XIII, Sections 2(B) and 2(C) of the Charter of the City of New Haven requires the following finding:

The City Plan Commission finds that the proposed text amendment complies with Article XIII, Sections 2(B) and 2(C) 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 BD 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) of the New Haven Zoning Ordinance requires that the City Plan Commission take into consideration in evaluating any amendment to the Zoning Map:

*a. Errors in the existing ordinance, changes that have taken place in the city and in patterns on any of construction and land use, the supply of land and its peculiar suitability for various purposes, the effect of a map change on the surrounding area, the purposes of zoning and the comprehensive plan of the City of New Haven;*

The Commission finds that the addition of driving schools to the list of permitted uses in the BD District will contribute in a positive fashion to efforts to both maintain and enhance the continued economic viability of the district.

*b. Whether some other method or procedure under the zoning ordinance is more appropriate...* The proposed text amendment expands the range of permitted uses in the BD Districts. There is no other mechanism in the ordinance that does this.

The Commission further finds the proposed amendments serve a substantial government interest, are in the public interest and promote the health, safety, and general welfare of the community without unreasonable limits on land use and therefore recommends approval.

**ADVICE AND FINDINGS**

Based on all of the above it is the recommendation of the Commission that the proposed text amendment is in full compliance with the standards and requirements of Article XIII, Sections 2(B) and 2(C) of the Charter of the City of New Haven and Section 64(d) (2) of the New Haven Zoning Ordinance and should be approved.

**ADOPTED:** May 19, 2016  
Adam Marchand  
Acting Chair

**ATTEST:**   
Karyn M. Gilvarg, AIA  
Executive Director