

# CITY OF TORRINGTON



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To: Planning & Zoning Commission  
From: Jeremy Leifert, AICP, City Planner *JL*  
Date: February 14, 2024 (Rev 1)  
Subject: Proposed Zoning Regulation Amendments – Section 6.2, Automobile Establishments - Motor Vehicle Dealer, Vehicle Repairer, Junk Yards & Gasoline Sales

Under recently adopted Public Act 23-40 adopted by the CT legislature during the 2023 legislative session, language was changed in general statutes section 14-54 to move the review and approval of automotive dealers and repairers from the Zoning Board of Appeals to the Zoning Enforcement Officer. I have proposed regulation amendments to section 6.2 to address these legislative changes, as well as amendments to bring the regulations up to date with Title 14 of state statutes dealing with Gasoline Sales and Motor Vehicle Junk Yards. I am proposing amendments to the zoning regulations as follows:

- Revision to section 6.2.1.A to allow by zoning permit any new automotive dealer or repairer locations, and allow for a certificate of zoning compliance to be issued for change of ownership for existing locations. I also clarified language on additional requirements for site plan or special exception approvals for new locations when necessary.
- Revision to section 6.2.1.A to change the approval agency of automotive junk yards from the Planning and Zoning Commission to the Zoning Board of Appeals per state statute.
- Add new section 6.2.1.C to require site plan approval for new locations for all automotive establishments

I have reviewed the history for the zoning regulations on automotive dealer and repairer approvals, and the regulations remain largely unchanged since the mid-1980's. This amendment does not make changes to the substance of the regulations or any other requirements, simply the boards and commissions tasked with reviewing specific types of applications.

## **Other Staff Comments:**

**Northwest Hills Council of Governments:** Rista Malanca, NHCOG Director of Community and Economic Development, in a memo to the City Planner dated January 26, 2024 offered the following comments:

*NHCOG staff finds the proposed amendment not to be regionally significant and has no apparent conflicts with the Northwest Hills Plan of Conservation and Development or inter-municipal impacts.*

**Assistant City Planner:** Nate Nardi-Cyrus, Assistant City Planner, in an email to the City Planner date January 5, 2024, offered the following comments:

*As the staff liaison for the Zoning Board of Appeals, I support the proposed regulation amendments to Section 6.2 of the Zoning Regulations.*

In separate emails to the City Planner, the City Engineer, Police Traffic Division and WPCA indicated that they have no comments on this proposed amendment.

No other comments from City Departments or outside agencies were received.

No review for consistency with the City Plan of Conservation and Development (POCD) is necessary, as these changes are proposed solely to comply with state law changes. However, the proposed amendments are generally supported by the POCD, specifically Section 8 (Business Development) by providing a simpler path to approval for new automotive locations, and the goals of retaining existing businesses and fostering the creation of new small businesses.

The applicable section of the public act is attached. I recommend approval of the proposed amendments as presented.

END OF MEMO

## 6.2 Automobile Establishments - Motor Vehicle Dealer, Vehicle Repairer, Junk Yards & Gasoline Sales

### 6.2.1 Location Approval

- A. Automobile establishments requiring Motor vehicle dealer's licenses, new car dealer, used car dealer and motor vehicle repairer's licenses, as per the Connecticut General Statutes shall obtain location approval from the Planning and Zoning Commission City Planner or Zoning Enforcement Officer per CGS 14-54, as amended. Such location approval shall be in the form of an approved zoning permit for new locations or a certificate of zoning compliance for pre-existing locations. Such approvals are in addition to any special exception or site plan approvals required for new establishments in section 3.1 of these regulations.

Junk yards requiring a motor vehicle recycler's yard or motor vehicle recycler's business license, as per the Connecticut General Statutes, shall obtain location approval from the Planning and Zoning Commission Zoning Board of Appeals.

Location approval shall be obtained from the Planning and Zoning Commission for establishments selling or offering gasoline or other products intended for use in propelling motor vehicles using combustion type engines.

- B. Automobile establishments shall have a minimum of 150 linear feet of frontage on a street.
- C. Additional site plan approval requirements may be required per Section 3.1 – Table of Uses for new locations

### 6.2.2 Parking for Automobile Establishment

- A. To improve traffic circulation, automobile establishments must separate the areas used for either vehicle storage or display from the areas used for customer or employee parking. This separation is to be accomplished by means of landscaping, barriers or other means as determined by the Commission.
- B. In an automobile establishment with storage or display areas exceeding 10,000 square feet, the Commission may require the storage or display area to be landscaped in a manner similar to that required for parking lots in **Section 5.11**. The intent is to avoid extensive paved areas devoid of landscaping.

### New Public Act 23-40

Sec. 30. Section 14-54 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2023):

Any person who desires to obtain a license for dealing in or repairing motor vehicles shall first obtain and present to the commissioner a certificate of approval [of the location for which such license is desired from the board or authority designated by local charter, regulation or ordinance of the town, city or borough wherein the business is located or is proposed to be located, except that in any town or city having a zoning commission, combined planning and zoning commission and a board of appeals, such certificate shall be approved by the board of appeals] from the zoning enforcement official of the municipality where such license is desired, affirming that the proposed location and use of the property conform to the zoning regulations of such municipality. In addition thereto, such certificate shall be approved by the local building official and local fire marshal. The provisions of this section shall not apply to (1) a transfer of ownership to a spouse, child, brother, sister or parent of a licensee, (2) a transfer of ownership to or from a corporation in which a spouse, child, brother, sister or parent of a licensee has a controlling interest, or (3) a change in ownership involving the withdrawal of one or more partners from a partnership.

### Current Statutes – Motor Vehicle Junk/Recycler's Yard Location Approval

**Sec. 14-67i. (Formerly Sec. 21-16). Certificate of approval of location required. Exemption.** (a) No person, firm or corporation shall establish, operate or maintain a motor vehicle recycler's yard or motor vehicle recycler's business unless a certificate of approval of the location to be used therefor has been procured from the board or authority designated by local charter, regulation or ordinance in the town, city or borough wherein such yard or business is located or is proposed to be located, except that in any town or city having a zoning commission, combined planning and zoning commission and a board of appeals, such certificate shall be obtained from the board of appeals.

(b) The provisions of this section shall not apply to any public agency, as defined in section 7-339a, which acquires, collects, dismantles or disposes of junk or abandoned motor vehicles pursuant to a program of solid waste disposal, in accordance with the provisions of chapter 446d and the regulations of Connecticut state agencies, concerning the operation of motor vehicle recycler's yards, provided this exemption shall not apply to any public agency which sells or distributes or exchanges for profit motor vehicle parts for reuse as such, and provided further, such public agency shall designate an employee



to maintain accurate records of all motor vehicles received and processed. Such records shall include the make, year, serial number and, if available, the name and address of the person from whom each vehicle was received. A list containing the make, year and serial number of each such motor vehicle shall be sent to the Commissioner of Motor Vehicles on or before the last day of the month following the month during which such disposal occurred.

#### Current Statutes – Gasoline Station Location Approval

**Sec. 14-321. Approval of gasoline station location by local authorities.** Any person who desires to obtain a license for the sale of gasoline or any other product, under the provisions of section 14-319, shall first obtain and present to the commissioner a certificate of approval of the location for which such license is desired. The certificate of approval shall be obtained from the zoning commission, planning and zoning commission or local authority of the town, city or borough where the station or pump is located or is proposed to be located. A certificate of approval shall not be required in the case of the transfer of the last issued license from one person to another provided no more than one year has elapsed since the expiration of such license, or in the case of a renewal of a license by the holder of the license, or in the case of the addition or discontinuance of pumps. If adjoining physical properties are altered or changed, the applicant shall conform to the provisions of this section. The commissioner shall not issue any license under the provisions of section 14-319 for which a certificate of approval is a prerequisite unless the certificate is presented to him within three years after the date on which it was issued.