

# **RESOLUTION**

Item No. 33769-3

RE:

**To Her Honor, the Mayor, and the Common Council of the City of New Britain:**  
the undersigned beg leave to recommend the adoption of the following:

WHEREAS: The Zoning Subcommittee at a regular meeting and public hearing on Tuesday, April 4, 2017, by unanimous vote, accepted and referred to the Common Council with a favorable recommendation Petition No. 33769; and

WHEREAS: Petition No. 33769 amends sections of the Zoning Ordinances that involves motor vehicle sales, motor vehicle repairers' locations and certain other motor vehicle-related businesses, as follows: *(inserted text appears in underline; deleted text appears in strikethrough)*

## **UNDER SECTION 30-20, DEFINITION OF WORDS AND TERMS:**

### **Delete:**

~~**30-20-270** GASOLINE STATION. A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks. A GASOLINE STATION may include accessory facilities for rendering services such as lubrication, washing, and minor repairs with hand tools.~~

~~**30-20-610** REPAIR GARAGE. A building or lot or part thereof, devoted primarily to repairs, servicing, washing or reconditioning of motor vehicles.~~

### **Add:**

**30-20-515.10** MOTOR VEHICLE FUELING STATION. A building or other structure or a tract of land where gasoline or similar fuel, stored only in underground tanks, is dispensed directly to users of motor vehicles. While the following activities are permitted as accessory uses to a service or fuel station, the dispensing of oil, greases, antifreeze, windshield wipers, and other such minor automobile accessories sold directly to users of motor vehicles, the term service or fueling station shall not be construed to allow auto sales or repairs, upholstering work, auto glass work, auto dismantling, tire recapping, tire sales, automobile washes, etc., unless such use has been specifically permitted at the location as part of an overall site plan and has received such special exception and location approval, as required.

**30-20-515.20** MOTOR VEHICLE RENTAL OR LEASING AGENCY. A commercial facility that offers motor vehicles, including automobiles, limousines, trucks and trailers for rent for specific periods of time, for personal or business use, with or without a driver or chauffeur service.

**30-20-515.30** MOTOR VEHICLE REPAIR GARAGE. A building or facility in which the business of licensed motor vehicle repair and service is conducted. The term "automobile repair garage" shall not be construed as permitting the operation of any type of automotive repair business that is not duly licensed and in compliance with applicable provisions of Connecticut

General Statutes 14-52a as they relate to “general repairer” or “limited repairer”, nor shall it allow any form of auto wrecking, recycling or reclamation business; nor the storage of obsolete, dismantled or wrecked motor vehicles, or parts thereof, for any period of more than 45 days.

**30-20-515.40 MOTOR VEHICLE SALES LOT.** A property arranged, designed, or used for the storage and display for the sales of any type of motor vehicle and where any repair work performed is principally repair and preparation of the motor vehicles displayed and sold on the premises. The term “automobile sales lot” shall not be construed as permitting the operation of any automotive sales business that is not duly licensed and in compliance with applicable provisions of Connecticut General Statutes 14-52(a) as they relate to “new car dealers” or “used car dealers”, nor shall it allow the storage of obsolete, dismantled or wrecked motor vehicles, or parts thereof, for any period of more than 45 days.

**30-20-515.50 MOTOR VEHICLE SERVICES – UNLICENSED.** Any business engaged in the minor automotive repairs and services allowed to be performed as an unlicensed activity pursuant to Connecticut General Statutes 14-51(b), including the lubricating of motor vehicles, adding or changing of oil or other motor vehicle fluids, the sale and changing of tires and tubes, including the balancing of wheels, the installation of batteries and light bulbs, windshield wiper blades or drive belts, auto cleaning and detailing, upholstering work, auto glass tinting, sales and installation of accessories, custom and aftermarket parts and trim, vehicle wraps, etc.

**30-20-515.60 MOTOR VEHICLE TOWING AND STORAGE LOT.** A property arranged, designed, or used for the storage of any type of motor vehicle and operated as part of a business engaged in towing or transporting and storing motor vehicles, including motor vehicles which are disabled, inoperative or wrecked or are being removed in accordance with the provisions of Sections 14-145, 14-150 or 14-307 of Connecticut General Statutes.

**30-20-515.70 MOTOR VEHICLE WASH OR AUTOMATIC CAR WASH.** A building or structure where chain conveyors, blowers, steam cleaners and other mechanical devices are employed for the purpose of washing motor vehicles.

**30-20-515.80 MOTOR VEHICLE WRECKING OR RECYCLING BUSINESS.** Any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles. Said terms shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to cut up the parts thereof. The term “motor vehicle wrecking or recycling business” shall not be construed as permitting the operation of any recycling, reclamation or salvage business that is not duly licensed and in compliance with applicable provisions of Connecticut General Statutes 14-67i as they relate to “motor vehicle recycler’s business” or “motor vehicle recycler’s yard”.

**UNDER SECTION 140-20, SPECIAL EXCEPTION USES IN THE B-1 DISTRICT:**

**140-20-60** ~~Gasoline station.~~ Motor vehicle fueling station.

**140-20-80** Motor vehicle wash or automatic car wash.

**140-20-90** Motor vehicle rental or leasing service.

**UNDER SECTION 150-20, SPECIAL EXCEPTION USES IN THE B-2 DISTRICT:**

**150-20-80** ~~Gasoline station.~~ Motor vehicle fueling station.

**150-20-95** Motor vehicle rental or leasing service.

**UNDER SECTION 160-20, SPECIAL EXCEPTION USES IN THE B-3 DISTRICT:**

**160-20-120** ~~Gasoline station.~~ Motor vehicle fueling station.

**160-20-121** ~~Motor Vehicle and accessories salesroom and/or vehicle rental agency, subject to the general and specific conditions and safeguards of Section 270-40-40.35. [Approved 3-28-08, Item #29948-2]~~ Motor vehicle sales lot.

**160-20-122** ~~Motor Vehicles salesroom and/or rental lot as accessory to an auto sales agency, subject to the general and specific conditions and safeguards of Section 270-40-40.35. [Approved 3-28-08, Item #29948-2]~~ Motor vehicle rental or leasing service.

**160-20-123** [DELETED 3-28-08, Item #29948-2]. Motor vehicle services – unlicensed.

**160-20-124** ~~General repair garage for the minor repair and servicing of motor vehicles, excluding auto body repair, frame straightening and similar operations, subject to the general and specific conditions and safeguards of Section 270-40-40.35. [Approved 3-28-08, Item #29948-2]~~ Motor vehicle repair garage.

**160-20-125** Motor vehicle wash or automatic car wash.

**UNDER SECTION 190-10, PERMITTED USES IN THE I-1 DISTRICT:**

**Business Uses.**

**190-10-41** ~~Motor Vehicle and accessories salesroom, and/or vehicle rental agency.~~

**190-10-42** ~~Motor Vehicle salesroom and/or rental lot as accessory to an auto sales agency.~~

**190-10-43** ~~Repair garage for motor vehicles including repair operations with body shop, only in conjunction with an accredited high school or technical training school. [Approved 3-28-08, Item #29948-2]~~

**UNDER SECTION 190-20, SPECIAL EXCEPTION USES IN THE I-1 DISTRICT:**

**190-20-70** ~~Gasoline station.~~ Motor vehicle fueling station.

**190-20-100** Motor vehicle repair garage, including repair operations with body shop, only in conjunction with an accredited high school or technical training school.

**UNDER SECTION 200-10, PERMITTED USES IN THE I-2 DISTRICT:**

**200-10-41** ~~Motor Vehicle and accessories salesroom, and/or vehicle rental agency.~~

**200-10-42** ~~Motor vehicle sales or rental lot.~~

**200-10-43** ~~Repair garage for motor vehicles, body shop.~~

**200-10-160** ~~Repair garage for motor vehicles, body shop.~~

**UNDER SECTION 200-20, SPECIAL EXCEPTION USES IN THE I-2 DISTRICT:**

- 200-20-70** ~~Gasoline station.~~ Motor vehicle fueling station.  
**200-20-100** Motor vehicle sales lot.  
**200-20-110** Motor vehicle rental or leasing service.  
**200-20-120** Motor vehicle services - unlicensed.  
**200-20-130** Motor vehicle repair garage.  
**200-20-140** Motor vehicle wrecking or recycling business.  
**200-20-150** Motor vehicle towing and storage lot.

**UNDER SECTION 210-10, PERMITTED USES IN THE I-3 DISTRICT:**

- 210-10-180** ~~Licensed junk yard, including motor vehicle junk yard or business~~ Motor vehicle wrecking or recycling business.  
**210-10-220** ~~Repair garage for motor vehicles, body shop~~ Motor vehicle repair garage.

**UNDER SECTION 230, SUPPLEMENTAL USE AND DIMENSIONAL REGULATIONS:**

**SECTION 230-170 SUPPLEMENTAL CONTROLS FOR ~~AUTO DEALERS~~ MOTOR VEHICLE SALES; ~~AND REPAIR OPERATIONS~~ MOTOR VEHICLE REPAIR GARAGE; MOTOR VEHICLE WASH OR AUTOMATIC CAR WASH; MOTOR VEHICLE TOWING AND STORAGE LOT AND MOTOR VEHICLE SERVICES – UNLICENSED IN ALL ANY ZONING DISTRICTS (WHETHER RE-LICENSING OR MODIFICATION OF EXISTING OPERATIONS OR APPLICATION FOR NEW APPROVAL).** [Approved 3-28-08, Item #29948-2]

**230-170-10** Every Site Plan submitted for a special exception or variance approval or certificate of location approval, must conform with applicable standards of the Department of Motor Vehicles plan requirements and must, as a minimum, be prepared on a current Class A-2/T-2 survey base.

**230-170-20** Said plan must show conforming parking as specified in Section 240-30, with all parking spaces designated for customers and employees having clear and unimpeded access and conforming back-up aisles, proper dimensions, etc. Customer parking spaces shall be separate from display spaces, safely and conveniently located near the office area and clearly marked with signage.

**230-170-30** For ~~auto~~ motor vehicle sales operations, no more than one (1) sales vehicle space per 500 square feet of lot area shall be permitted and all sales vehicle display spaces shall be situated so as to be reasonably accessible without backing or maneuvering vehicles into the public street or onto the sidewalk. No display vehicle shall be located so as to interfere with sightlines for any driveway or intersection.

**230-170-35** Any wrecked or partially dismantled vehicles kept on site shall be fully screened and all rear and side yards abutting adjoining residential properties shall be screened.

**230-170-40** No lighting which would result in glare or light spillover onto adjoining residential properties shall be employed.

**230-170-50** All parking, display vehicles and vehicle storage shall be on a paved surface, or another prepared surface deemed acceptable by the City Engineer.

**230-170-60** All sites shall have appropriate planting islands and landscaping in accord with good professional design practices, including, as a minimum, a four (4) foot planting strip along all lot lines, except for locations of active driveway curb cuts, to include appropriate low ground covers along street frontages and a mix of higher evergreen and deciduous shrubs and trees along the rear and side lot lines not bordering a public street.

**270-170-70** All sites shall have appropriate drainage systems, conforming with applicable engineering standards, with any shop floor drains, vehicle wash facilities, etc. utilizing such features as oil and grease separators, wash water recycling systems, etc., as may be directed by the City Engineer.

**270-170-80** In situations in which there are multiple uses on a property, such as a fueling station with a convenience store and/or with a car wash or food service, with or without a drive-through lane, all uses on the site must be conforming and appropriately licensed and permitted, meeting required off-street parking standards and laid out so as to accommodate safe and convenient access and use of the various business components on the site.

**UNDER SECTION 240-30, SCHEDULE OF OFF-STREET PARKING SPACE REQUIREMENTS FOR NONRESIDENTIAL USES:**

<del>Auto Sales</del> <u>Motor vehicle sales lot</u>	Sufficient parking for all vehicles displayed for sale, plus a minimum of <del>five (5) parking spaces, or</del> one (1) customer parking space per every five (5) sales vehicle display spaces, but in no case less than five (5) customer parking spaces.
<del>Gasoline station, parking garage</del> <u>Motor vehicle fueling station</u>	<del>Sufficient parking spaces for all vehicles stored or being serviced at any one period of time, plus a minimum of 5 additional spaces as calculated cumulatively for all uses on the property (i.e. convenience retail, food sales, motor vehicle repair, car wash, etc., as may exist) but in no case less than five (5) parking spaces, exclusive of required stacking spaces accessing fueling pumps and drive-through windows.</del>
<del>Repair garage</del> <u>Motor vehicle repair garage, motor vehicle services - unlicensed</u>	A minimum of three (3) <u>customer</u> parking spaces per service bay or service area, <u>plus a minimum three (3) employee parking spaces.</u>
<u>Motor vehicle wash or automatic car wash</u>	<u>A minimum of five (5) parking spaces, exclusive of required stacking spaces accessing wash bays or area and of spaces adjoining exterior vacuum equipment.</u>

**UNDER 240-60, ACCESS DRIVEWAY REQUIREMENTS:**

**240-60-10** Access driveways for parking garages, public parking areas, ~~filling stations, repair garages,~~ motor vehicle fueling stations, motor vehicle repair garages or trucking stations may have separate or combined entrances and exits.

**UNDER SECTION 270-40-40, SPECIFIC CONDITIONS AND SAFEGUARDS FOR CERTAIN SPECIAL EXCEPTION USES:**

**270-40-40.35      AUTO MOTOR VEHICLE SALES AND/OR REPAIRERS OPERATIONS  
MOTOR VEHICLE REPAIR GARAGE. [Approved 3-28-08, Item #29948-2]**

**270-40-40.35.10**      Notwithstanding the minimum lot size and width of the zoning district, the site must be a minimum of ~~40,000~~ 15,000 square feet in area and not less than ~~400~~ 150 feet in width, except that businesses that are exclusively limited repairer operations, may be permitted on any lot conforming to the minimum lot size, provided all other special conditions and safeguards, parking, screening and transitional yard requirements are met.

**270-40-40.35.20**      No outside repair operations and no outside (unscreened) storage of any materials or vehicles shall be allowed.

**270-40-40.35.30**      All curb cuts shall be at least 25 feet from any intersection. All parking spaces intended for customer use shall be clear and accessible with conforming back-up aisles that does not entail backing into the public street right-of-way. All doorways and service bays shall be clear and accessible and unimpeded by parking or sales vehicle display spaces.

**270-40-40.35.40**      For ~~auto~~ motor vehicle sales operations, no more than one (1) sales vehicle space per 500 square feet of lot area shall be permitted. Sales vehicle spaces shall be separate and not encumber parking spaces required for customers, nor for operations where ~~auto~~ motor vehicle repair services are offered for the general public; sales display space shall not encumber parking required for repair operations on the property.

**270-40-40.35.50**      No ~~auto~~ motor vehicle dealer or ~~repairers~~ motor vehicle repair garage permit shall be allowed for any location that abuts any residentially zoned property or is within 100 feet along the same street frontage from any residential zoning district.

**270-40-40.35.60**      No ~~auto~~ motor vehicle dealer or ~~repairers~~ motor vehicle repair garage permit shall be allowed for any location that is unable to meet the required transitional yard setbacks along abutting residential zone lines.

**270-40-40.120      GASOLINE STATION- MOTOR VEHICLE FUELING STATION.**

**270-40-40.120.10**      The proposed use shall be on a site with an area of at least 15,000 square feet and with at least 150 feet of street frontage on any public street.

**270-40-40.120.20**      The site shall be at least 200 feet distance from the premises of any church, hospital, library, playground, school or any other institution for children, or any similar place of public assembly.

**270-40-40.120.30**      The site shall be at least 1,000 feet distance from the premises of any existing public garage or motor vehicle fueling station, or any site previously approved for such use and for which the building permit has not expired as provided for in this Ordinance.

**270-40-40.120.40**      All pumps, lubricating and other devices shall be located at least 15 feet from any street line and 25 feet from any structure.

**270-40-40.120.50** Curbs shall be constructed so as to channelize all traffic to permitted curb cuts. There shall be no more than two (2) curb cuts on any street frontage. The paved service areas shall be separated from public sidewalks by a curb except at driveway crossings.

**270-40-40.120.60** The site shall be suitably paved and drainage facilities provided in accordance with the standards established in the ordinances of the City of New Britain and such additional standards as the City Engineer shall require.

**270-40-40.120.70** All gasoline, oil or other volatile inflammable liquids shall be stored in accordance with the provisions of the applicable ordinances of the City of New Britain and of State regulations.

**270-40-40.120.80** All motor vehicle parts, dismantled vehicles and similar articles shall be stored within the principal building.

**270-40-40.120.90** Required side, and rear yards adjacent to residence districts shall not be used for any structure, facility, sign, light pole, or parking area. Outdoor storage, outdoor repair work and portable signs shall be prohibited at all times.

**270-40-40.120.100** All fueling pump locations shall have sufficient stacking space to accommodate at least two (2) vehicles in line waiting to access the pump. All stacking space lanes shall be laid out so as not to interfere with site access or exit driveways; so as to allow access to site parking; and so as to allow safe by-pass around vehicles that are fueling or in line awaiting access to the fueling pumps.

**270-40-40.120.110** In situations in which there are multiple uses on a property, such as a fueling station with a convenience store and/or with a car wash or food service, with or without a drive-through lane, all uses on the site must be conforming and appropriately licensed and permitted, meeting required off-street parking standards and laid out so as to accommodate safe and convenient access and use of the various business components on the site.

## **270-40-40.125 MOTOR VEHICLE WASH OR AUTOMATIC CAR WASH.**

**270-40-40.125.10** The proposed use shall be on a site with an area of at least 10,000 square feet and with at least 100 feet of street frontage on any public street, except that there are multiple uses on a property, such as a fueling station with a convenience store and a car wash or food service, the site shall be no smaller than 15,000 square feet and have 150 feet of street frontage and all uses on the site must be conforming and appropriately licensed and permitted, meeting required off-street parking standards and laid out so as to accommodate safe and convenient access and use of the various business components on the site.

**270-40-40.125.20** All car wash bays shall have sufficient stacking space to accommodate at least three (3) vehicles in line waiting to access the facility. All stacking space lanes shall be laid out so as not to interfere with site access or exit driveways.

**270-40-40.125.30** All washing, drying and vacuuming stations shall be situated no closer than 25 feet from any property line.

**270-40-40.125.40** All sites shall comply with applicable front, rear, side and transitional yard requirements and shall have appropriate planting islands and landscaping in accord with good professional design practices, including, as a minimum, a four (4) foot planting strip along all lot

lines, except for locations of active driveway curb cuts, to include appropriate low ground covers along street frontages and a mix of higher evergreen and deciduous shrubs and trees along the rear and side lot lines not bordering a public street.

**270-40-40.125.50** All sites shall have appropriate drainage systems, conforming with applicable engineering standards, with any floor drains, vehicle wash facilities, etc. utilizing such features as oil and grease separators, wash water recycling systems, etc., as may be directed by the City Engineer.

#### **270-40-40.126 MOTOR VEHICLE TOWING AND STORAGE LOT.**

**270-40-40.126.10** Every motor vehicle towing and storage lot, whether operating as part of a motor vehicle dealer or motor vehicle repair garage, or as a stand-alone operation, shall have a minimum lot area of 20,000 square feet and a minimum of 100 feet of lot frontage on a public street.

**270-40-40.126.20** Every motor vehicle towing and storage lot shall be located within 200 feet from any residential zoning district, church, hospital, library, playground, school or any other institution for children, or any similar place of public assembly.

**270-40-40.126.30** Every motor vehicle towing and storage lot shall be completely surrounded by a solid fence not less than eight (8) feet in height which shall bear no advertising other than the name of the owner and the use of the premises, with a suitable gate which shall be closed and locked except during the working hours.

**270-40-40.126.40** Motor vehicles stored in a motor vehicle towing and storage lot shall be stored only on a paved or impermeable surface, which shall have suitable drainage structure(s), including appropriately designed oil and grease separators, as may be directed by the City Engineer.

#### **270-40-40.127 MOTOR VEHICLE WRECKING OR RECYCLING BUSINESS.**

**270-40-40.127.10** Every motor vehicle wrecking yard or recycling business shall have a minimum lot area of 20,000 square feet and a minimum of 100 feet of lot frontage on a public street;

**270-40-40.127.20** No motor vehicle wrecking yard or recycling business shall be located within 200 feet from any residential zoning district, church, hospital, library, playground, school or any other institution for children, or any similar place of public assembly.

**270-40-40.127.30** Every motor vehicle wrecking yard or recycling business shall be completely surrounded by a solid fence not less than eight (8) feet in height which shall bear no advertising other than the name of the owner and the use of the premises, with a suitable gate which shall be closed and locked except during the working hours of such yard or junkyard. All unregistered motor vehicles, used parts, old iron, metal, glass, paper, and any other material which may have been parts of such vehicles shall be enclosed within this location. Any dismantling and any burning of material or cutting up of parts of such vehicles must be carried on within this enclosure.

**270-40-40.127.40** Motor vehicles stored in a motor vehicle wrecking yard or motor vehicle junkyard shall be stored only on a paved or impermeable surface, which shall have suitable



drainage structure(s), including appropriately designed oil and grease separators, as may be directed by the City Engineer.

**270-40-40.127.50** All buildings and structures on site shall occupy not more than a total of forty (40) percent of the area of the lot and the total lot coverage of all structures and material shall not exceed more than eighty (80) percent of the area of the lot.

**270-40-40.127.60** Motor vehicles may be stored in a motor vehicle wrecking yard or motor vehicle junkyard at a height not to exceed that of two (2) automobiles piled upon another.

**270-40-40.127.70** The salvaging of motor vehicles and the retail sales of used parts of motor vehicles shall be conducted entirely within a structure, which structure shall be of such a nature to screen the operation or operations from public view.

**270-40-40.127.80** Heavy machinery, compacting and shearing machinery shall be located on a solid foundation to avoid vibration.

#### **280-100 Violations, Penalties, and Remedies.**

For any and every violation of any provision of this Ordinance, or violation of any special conditions or safeguards imposed by the Zoning Board of Appeals pursuant to Sections 270-40 or 270-50 hereof, and upon failure to comply with written notice thereof or order to remove such violation within five (5) days after service of such notice or order, the owner of a building, structure, premises, lot or land where such violation has been committed or shall exist, shall be subject to such fines and penalties as may be applicable in accordance with the provisions of Section 1-15 of the New Britain Code of Ordinances, as may be amended from time to time. Additionally, in regards to such violations involving any motor vehicle sales business; motor vehicle repair garage, motor vehicle wash or automatic car wash; motor vehicle towing or storage lot; or any motor vehicle services – licensed or unlicensed, the business owner, operator and/or licensee, as well as the property owner shall be cited and subject to such fines or portion thereof as deemed appropriate. [Approved 3-25-13, Item #32143-2]

NOW, THEREFORE BE IT RESOLVED that the Common Council as the Zoning Authority of the City of New Britain, approve the recommendation of the Zoning Subcommittee and appropriate action take place to grant said approval as recommended.

Alderman Christopher Polkowski

**Approved by Mayor Erin E. Stewart April 13, 2017. ADOPTED 4/18/2017.**