

---

## OLR Bill Analysis

sHB 6646

### ***AN ACT CONCERNING CERTIFICATES OF APPROVAL FOR MOTOR VEHICLE DEALERSHIPS AND REPAIR SHOPS.***

#### **SUMMARY**

With limited exceptions, the law requires a business applying for a motor vehicle dealer's or repairer's license from the Department of Motor Vehicles to submit a certificate of approval from the municipality where the business intends to locate. (These certificates indicate the municipality has determined the location is suitable and has also been approved by the local building official and fire marshal.) This bill transfers authority to issue certificates of approval from the municipality's zoning board of appeals (or, if the municipality does not have one, the entity designated by local law) to its planning commission or, presumably, combined planning and zoning commission if it has one (see BACKGROUND).

Under the bill, the planning commission must determine whether the proposed location and use complies with the municipality's zoning regulations. Current law provides no criteria that the zoning board of appeals, or other designated municipal entity, must consider when reviewing these applications (see BACKGROUND).

By law unchanged by the bill, individuals who are aggrieved by decisions about certificates of approval may appeal to the Superior Court after exhausting all administrative remedies (CGS §§ 14-57 & 4-183).

EFFECTIVE DATE: October 1, 2023

#### **BACKGROUND**

##### ***Planning Commissions***

By law, municipalities may, but are not required to, establish a

planning commission. The primary function of planning commissions is subdivision review and approval, but they also prepare the local plan of conservation and development and offer an opinion on certain municipal improvements (e.g., street widening, park relocations, school siting), among other things (CGS § 8-19 et seq.). (Planning commissions established by a special act of the legislature, rather than pursuant to the general statutes, may have different powers.)

Under current law, planning commissions do not generally interpret or enforce zoning regulations as those functions are reserved for the zoning commission and, in some cases, the zoning enforcement officer (CGS § 8-1 et seq.).

### ***Combined Planning and Zoning Commissions***

The law generally allows municipalities that have a planning commission to convert it to a combined planning and zoning commission, which assumes all the powers of the planning commission as well as the zoning commission (CGS § 8-4a).

### ***Certificate of Approval Suitability Criteria***

Prior to its repeal in 2003, a state statute provided suitability criteria and required that these criteria be considered when reviewing certificate of approval applications. These criteria included, among other things, the proposed location relative to schools, churches, traffic conditions, and the effect on public traffic (CGS § 14-55, repealed by PA 03-185; see also *One Elmcroft, LLC v. Stamford Zoning Board of Appeals*, 337 Conn. 806 (2021)).

### ***Related Bill***

sHB 6748, favorably reported out of the Transportation Committee, also transfers authority for issuing these certificates of approval from the zoning board of appeals but instead transfers it to the zoning enforcement official (rather than the planning commission).

## **COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 21 Nay 0 (03/10/2023)