



## **PLANNING & ZONING COMMISSION**

### *Revisions to Zoning Regulations*

Made at the Commission Meeting on March 22, 2016

At its meeting on March 22, 2016, the Planning & Zoning Commission unanimously approved the following changes:

1.1.7.B.: Add at the end, "Notwithstanding the preceding sentence, where there is a conflict between minimum front lot line coverage requirements and maximum building width requirements per 4.0 Building Types, the minimum front lot line coverage requirement will prevail."

1.3.3.C.(5): [NEW] "To provide flexibility that will promote rehabilitation of existing buildings and new construction, the decision-making body may approve an application that deviates from the minimum requirements for building siting, height, street facades, accessory structures dimensions, tree installation (in consultation with the city forester), landscape installation, buffers, fencing, lighting, parking, signage, and street design by up to 15 percent, or deviations in required building materials, if the decision-making body finds that:

- (a) The adjustment from the minimum requirements is consistent with all relevant purpose and intent statements of these zoning regulations and with the general purpose and intent of the plan of conservation and development; and
- (b) The adjustment will not have a substantial or undue adverse effect upon adjacent property, the character of the area, or the public health, safety, and general welfare."

1.3.5.J.: [NEW] "Formatting. The procedures described in this section shall not apply to formatting of the existing text of these regulations, which includes changing the typeface, font size or other physical attributes, margins, indentations, headers/footers, correction of minor typographical errors in punctuation or numbering or spelling, or similar edits that may be made by the commission or by the staff of development services, from time to time, to facilitate printing, readability, consistency, or related goals."

1.5.3.G.: Add after the end of the first sentence, "Buildings or structures containing a nonconforming use or characteristic which has been destroyed or damaged to the extent of less than 60 percent of its existing replacement value at the time such damage occurred may be rebuilt, provided, however, that the zoning administrator has discretion to ensure that the manner in which the building or structure is rebuilt conforms as much as possible to the surrounding district, even if such building or structure cannot, as a practical matter, achieve the fullest expression of a building type allowed in the district per Figures 4.1-A and 4.1-B."

1.6: Definition of "zoning administrator" After the words "director of development services," add "or his or her designee"

Figure 3.2-A: Put a "Permitted subject to Use-specific conditions" circle in CX-1 for Light Industry

3.3.3.D.(2)(a): Add "signage programs" to the list of design components.

3.3.4.C.(1): At the end, add, "except that these dispersion requirements shall not apply to prohibit new beer/wine/liquor sales uses: in the DT districts; on a university campus where a university permit or a non-profit theater permit is duly obtained; for beverage and/or food production-related craftsman industrial places in the ID district, as identified in 3.3.7.B.; or in a full-service grocery store as defined in 3.3.4.B.(1)."

3.3.4.C.(2): At the end, add, "except that these dispersion requirements shall not apply to prohibit new beer/wine/liquor sales uses: in the DT districts; on a university campus where a university permit or a non-profit theater permit is duly obtained; for beverage and/or food production-related craftsman industrial places in the ID district, as identified in 3.3.7.B.; or in a full-service grocery store as defined in 3.3.4.B.(1)."

3.3.7.B.(2)(d): Change language to:

"Eating and Drinking Place. A beverage and/or food production use may have an Eating or Drinking Place, respectively, primarily serving the products of that particular facility, as an accessory use. The gross floor area of the accessory use shall not exceed 15 percent. The Eating or Drinking Place use is subject to conditions in 3.3.5.I. Drinking Places and 3.3.5.J. Eating Places except a separate special permit is not required for a Drinking Place without Entertainment Assembly, and except that the dispersion requirements of 3.3.5.I.(1) and (2) shall not apply to Drinking Places that are accessory to Craftsman Industrial beverage and/or food production uses in the ID district."

4.3.2.A.(9): The content of the "Building coverage" and "Maximum Impervious Area" lines should be reversed.

4.4.2.A.(9): The content of the "Building coverage" and "Maximum Impervious Area" lines should be reversed.

4.11.2.A.(9): Add in the NX-1 column a NOTE 6 in the "Maximum Building Coverage Line" row.

4.11.2.E.(6): [NEW]: "On a lot located on a block that is adjacent to a block not containing any lot zoned to any N district, the maximum building coverage may be 45%. The preceding sentence is intended to allow for greater building coverage where the NX-1 lot is located in a neighborhood of higher density structures."

5.1.3.B.(1): Change reference from "1.3.8.E." (which does not apply to streets) to 1.3.11 Decisions on Streets, Street Lighting, & Building Lines."

7.2.2.E.(3): [NEW] "For Automobile Fueling & Limited Service Stations, at least one Level 2 charging station shall be installed."

7.2.2.E.(3): Renumber to 7.2.2.E.(4).

7.2.2.E.(4): Renumber to 7.2.2.E.(5).

7.2.2.E.(6): [NEW] "Any electric vehicle charging stations required by this section shall be functional, except for reasonable periods during maintenance, repairs, installation, or grid connectivity problems. Charging stations shall be repaired or replaced if damaged or otherwise rendered non-functional."



**PLANNING & ZONING COMMISSION**  
*Adopted Revisions to Zoning Regulations*  
July 8, 2016

The following minor amendments to the zoning regulations for the City of Hartford were adopted on June 29, 2016, with the explanations below incorporated by reference. The amendments below aim to improve upon the current zoning regulations and promote health, safety, and general welfare by correcting minor inconsistencies and clarifying a few issues that will help property owners understand their rights and duties, while at the same time helping decision-makers realize the fullest intent of the regulations. The text for each of the changes is bolded and italicized below, and a brief description of each of the changes follows in plain text.

*Page 12: Change the words “this Ordinance” to “these regulations.”*

*1.1.8.A.: Change the word “ordinance” to “regulation”*

*1.4.4.: Change the word “ordinance” to “regulations”*

*1.6., definition of “Setback”: Change the words “this ordinance” to “these regulations.”*

*1.6., definition of “Street Type”: Change the words “this ordinance” to “these regulations.”*

*2.1.1.B.(2): Change the words “this ordinance” to “these regulations.”*

*4.5.2.E. Note 2: Change the words “this ordinance” to “these regulations.”*

*6.4.5.: Change the words “this ordinance” to “these regulations.”*

*6.5.1.A.: Change the words “this ordinance” to “these regulations.”*

*6.5.1.E.: Change the words “this ordinance” to “these regulations.”*

*8.12.3.E.(7)(c): Change the words “this ordinance” to “these regulations.”*

These internal reference clarifications confirm that the regulations are regulations, not an ordinance passed by the city council.

*1.3.1.D.(3)(a): Replace language with: “Notices must be sent by United States Postal Service, postmarked at least 10 days before the scheduled public hearing. State law may require that such notice be sent by certified mail, return receipt requested.”*

This change clarifies that we do not require notices to be sent by certified mail, except where otherwise required by state law.

*1.3.1.D.(6): Add after “mailed notice” in the first sentence, “, certified mail, return receipt requested,”.*

This change clarifies that notice to adjoining municipalities is one of those situations in which, per state law, “certified mail, return receipt requested” is required.

*1.3.1.D.(7): After the words, “For proposed zoning amendments,” delete “the Capitol Region Council of Governments,” and replace with the words: “that affect the use of a zone any portion of which is within 500 feet of the boundary of another municipality, the Capitol*

*Region Council of Governments and the other municipality” and replace the words “by mail,” with, “by certified mail, return receipt requested,”*

The first change makes the notice requirement consistent with CRCOG’s rules, which state: “When the zoning commission of any municipality proposes to establish or change a zone or any regulation affecting the use of a zone any portion of which is within five hundred feet of the boundary of another municipality located within the area of operation of a regional planning agency, the zoning commission shall give written notice of its proposal to each regional planning agency of the region in which it and the other municipality are located.”

The second change clarifies that CRCOG is required to be notice by certified mail, return receipt requested, per state law.

***1.6: In the definition of “Building Line,” after the words, “dominant,” add “, above-ground.”***

Staff has gotten a question about whether the Building Line build-to/setback requirements applies to things like below-ground parking that extends beyond the building line but there is no indication of such extension above ground. Given the use of the Building Line concept within the form-based code, it is reasonable to clarify that it applies to above-ground objects only. Moreover, the prior code made a reference to the above-ground implications of the building line.

***3.2.1.B.: Add a third sentence: “For clarification, the language in the preceding sentence prevails even if certain charts in 4.0 Building Types limit uses for Primary Street Ground Story.”***

In several of the charts, including 4.3.2.C.(16), 4.4.2.C.(16), and 4.5.2.C.(16), ground story uses are limited to (typically) retail and service. However, this is confusing given language in 3.2.1.B., which allows for non-retail/service uses when the non-retail/service use is 30’ away from the front façade. This sentence clarifies that the 30’ allowance for non-retail/service uses is meant to prevail.

***3.3.3.A.(6): [NEW] “Community gardens are authorized as an accessory use in the same districts in which they are authorized as principal uses, and accessory community gardens shall be subject to the same conditions set forth in this section.”***

This clarifies that beekeeping, regulated here as a principal use, is subject to the same rules when used as an accessory use.

***3.3.3.B.(7): [NEW] “Honey beekeeping is authorized as an accessory use in the same districts in which it is authorized as principal uses, and accessory honey beekeeping shall be subject to the same conditions set forth in this section.”***

This clarifies that beekeeping, regulated here as a principal use, is subject to the same rules when used as an accessory use.

*3.3.4.C.(1), 3.3.4.C.(2), & 3.3.7.B.(2)(d): In each place where it states, “craftsman industrial places in the ID district” delete “district” and replace with “and CX districts.”*

The ID and CX districts have similar characteristics, and the very narrow exception created for the ID districts in the first round of edits could be extended to the CX districts (where rehabilitation of existing industrial buildings is targeted).

*3.3.5.I.(2): “Except in DT and MX districts” should be changed to “Except in DT and MS districts.”*

MX is a typo since drinking places are not a permitted use in that district.

*3.3.5.J.(2): Delete the language and change to “For Eating Places with Drinking, refer to 3.3.5.I.(4).”*

There was an internal inconsistency with the two sections referenced. The replacement of this language removes the inconsistency.

*3.5.1.B.(1): Change “Fewer than 6” to say “Six or fewer”*

This language says that “more than 6” children constituted one use (home child care), and “fewer than 6” children constituted another use (home occupation), leaving no location for the care of precisely 6 children. State law considers 6 or fewer children to be in one regulatory type, and 7+ in another.

*3.5.1.B.(7) [NEW]: Add: “Limited number. The number of home child care uses on any zoning lot shall not exceed one.”*

Staff received a question regarding whether a two-family lot may have multiple home child care uses on it. Given the likelihood that there will be insufficient outdoor space for multiple home child care uses on a single zoning lot, and for other reasons, the Commission deems it prudent to limit the number to one.

*3.5.2.C.(2): Delete existing language and replace with, “The total area occupied by the outdoor cafe shall not exceed 600 square feet in area in the public right of way, and may not exceed 100 percent of the square footage of the active commercial floor area (exclusive of kitchen, office and storage areas) of the indoor portion of the eating and drinking establishment.”*

This language clarifies that the 600 square foot requirement applies to the public right of way. It also helps address questions staff has been getting about the limitation on size. This clarifies that if the restaurant has a 1,000 square foot seating area indoors, it will be allowed to have a 1,000 square foot seating area out of doors.

*3.5.2.C.(3): Add, “For outdoor seating areas of eight chairs or fewer, the preceding enclosure requirements may be waived by the zoning administrator or commission, as applicable, upon a determination that an enclosure may cause undue interference with the public right-of-way or is unnecessary because of site conditions.”*

This language clarifies that for small arrangements, no enclosure may be necessary, and may in fact be detrimental to public passage.

*3.5.2.E.(1): Replace “be at least 5 feet beyond the building line” with “extend at least 5 feet from the building façade.”*

The prior language used the building line, instead of building façade, as the base from which to measure the width of an outdoor display, and also did not clarify the intent of the regulations that the outdoor displays be substantial.

*4.1.2.E.(5) [NEW]: Add new language, “Through Lots. Through lots require special consideration with regard to rear and side yard requirements, and the property owner may be allowed or required by the zoning administrator or commission, as applicable: to meet some or all of the requirements of a front yard, front setback line, or front build-to zones on both street frontages of the lot; and to deviate from additional Building Type requirements to ensure that the intent of these regulations with respect to the occupation of the street and the proper functioning of a site for utility and other access is ensured.”*

Through lots raise special questions, and while this provision will not resolve all questions, it allows for both street frontages to be treated like front yards, which will help to ensure that future proposed projects on through lots meet the intent of the regulations.

*4.1.2.I.(1): Add, “, and such driveways may be located on a side property line, provided, however, that required buffers per 6.9 may be reduced or waived by the zoning administrator or commission, as applicable, upon a finding that the shared driveway will result in a net decrease in impervious coverage and that the best location of such shared driveway is along the property line.”*

It may be most sensible to locate a shared driveway on a side property line, and we should encourage this net reduction of pavement by allowing property owners who may have to provide a side buffer for other reasons to reduce or avoid this requirement, since the construction of a side buffer may prevent a property owner from actually constructing such shared driveway.

*4.2.1.(C): Add at the end of the first paragraph, “, as well as membrane for flat roofs, and any additional materials necessary for the proper installation of green roofs.”*

The existing roof materials did not include membranes for flat roofs or materials necessary for the installation of green roofs.

*4.7.2.A.(9): Add “50%” in the “Maximum Building Coverage” line and shift the other existing percentages down accordingly.*

There was a percentage missing in this category, and this is consistent with the other requirements.

*4.11.2.A.(1) – NX-1 should be a separate column and, consistent with MX-2, should say “permitted with campus overlay.”*

The campus overlay districts should be treated similarly here to fulfill the intent of 5.1. NX-2 and NX-3 should not be treated the same way as NX-1.

*4.14.2.C.(18) & 4.15.2.C.(18): Add at the end, “, where there is parking within the building”*

The “required occupied space” requirement is intended to activate façades, but this is not required in small-scale residential uses; this language says that the minimum required occupied space is only required where there is a larger-scale residential use, which includes parking within the building.

*6.4.1.A.: Add at the end of the sentence, “, provided that more specific regulations for particular uses, such as buffers required in 6.8, 6.9, and 6.10, shall apply in addition to, and may be used to satisfy, the applicable requirements in Figure 6.4-A. Where a solar parking lot canopy is constructed in accordance with 4.20.6.C., the quantity of trees required by these regulations may be adjusted by the zoning administrator or the commission, as applicable, guided by the intent statements in 6.1.1., 6.4.1.E., and other provisions of these regulations.”*

This language clarifies that even though there are minimums provided in Figure 6.4-A, if there are stricter provisions, such as those requiring internal plantings in interior parking lots, those provisions will prevail. The solar parking lot canopy provision is intended to cover situations where proper functioning of solar parking lot canopies will conflict with the provision of trees in parking lots.

*Figure 6.4-A.: At the end of the line about MX, NX, and N districts, add the words “per quarter acre of lot.”*

Upon further review of the lots in the MX and NX districts in particular, it appears that some of these lots are rather large, so it does not make sense to require just one tree per lot. A quarter acre seems like a fair number because for small properties, a second tree would only be required if the lot is .375 of an acre or more (due to rounding principles); for larger properties, the number of trees would be 4 per acre, which is more appropriate, again, than just 1 required tree per lot.

*6.12.1.B.: Add after “mechanical equipment,” “for-profit or non-profit donation bins (including temporary bins).”*

There has been an uptick in requests for donation bins to be located in front yards of buildings. This section seems to be the best place to address this type of use.

*Figure 8.2-A: In the column for “MX-2” and “Neighborhood Mix Districts,” add an empty circle in the “Monument Sign” rows. At the bottom of the figure, create a new entry in the key, namely, an empty circle that is described to mean, “Special permit pursuant to 1.3.4., subject to Figure 8.2-B.”*

This provision allows for greater flexibility for signage in these mixed districts, for uses other than 1-3 family uses. The provision showing that the special permit review is still subject to the signage number and sizes in Figure 8.2-B. confirms for applicants that special permit review is not intended to allow for increases beyond the maximum number/size requirement.

*Figure 8.2-B: Add in the “Neighborhood Mix District” column, “or if a campus overlay district in an NX-1 district, as otherwise allowed pursuant to permit.”*

This language is more consistent with signage rules for the MX-2 campus overlay district, but without the blanket provision of one sign per building as the MX-2 district allows.

*8.3.2.A.: Add a sentence, “The zoning administrator or commission, as applicable, may allow or require a Wall Sign to cover nonoperable windows above 8’ above grade if doing so would contribute to architectural harmony, while still ensuring proper functioning of the sign.”*

In some buildings, particularly modernist structures, floor-to-ceiling glass would prevent any wall signs from being located on the building façades, but there still may be good reason to place wall signs on such façades within pedestrian view. This would allow for some additional flexibility with regard to wall signage.

*8.14.2.C.: Before the period at the end, add, “; or signs consisting of fabric or plastic banners which the department of public works has approved for mounting on publicly owned or operated streetlights or within public rights of way.”*

This sentence clarifies that banners on streetlights and banners across rights of way are exempt from zoning regulations, such banners being regulated by the department of public works.

*Miscellaneous Clerical Updates: Per 1.3.5.J., staff is entitled to make minor, non-substantive clerical updates to the regulations “to facilitate printing, readability, consistency, or related goals.” The first round of staff clerical changes is listed below (as the first round of clerical updates), for the commission’s information and review:*

- 1.6, definition of “Setback”: “Impervious” should be uncapitalized.
- 3.3.3.C.: Change reference in the last sentence from 3.3.3.B. to 3.3.3.C.
- 4.3.2.E. Note 5: Remove the space between "occupants" and the period.
- 4.4.2.E. Note 7: Remove the space between "occupants" and the period.
- 4.5.2.C.(16): Both time it appears, change "craftsmen" to "craftsman"
- 4.6.1: In the first sentence, add a “The” before “Cottage Commercial Building”
- 4.8.2.A.(9) in the CX-2 & ID: add a % after 75.
- 4.9.1.: Change “loading are limited” to “loading is limited”
- 4.10.2.A.(10): in the CX & MX-2 columns, “rear & side yards” and in the MX-1 column “rear & limited side yards”
- 4.13.1: “attached garaged accessed” should be “attached garage accessed” in the second paragraph.
- 4.13.2.C.(16): The title of the line should be “Upper Stories” instead of “Upper Story”
- 4.14.2.A.(4) & 4.14.2.A.(5): Capitalize “Building Line” six times

- 4.14.2.E.1.: "Court facades" should say "Courtyard facades"
- 4.16.2.E.1.: The three times it says "House B" it should be "House C"
- 4.16.2.E.1.b.: "Alternativa" should be "Alternative"
- Figure 4.16-E: "Alternativa" should be "Alternative"
- 4.20.3.D.: Insert a period at the end of the first sentence.
- 5.3.F.: Add a period at the end of the sentence.
- 6.7.3.D: Should be "from the street" instead of "of the street"
- Figure 8.11-A: "Sign" should be uncapitalized.
- Figure 8.2-A: In the half-shaded circle in the key, change "In all other district" to "In all other districts."
- 9.1.1.G: Development should be "Develop"