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January 24, 2023

Honorable Noel McGregor
Town and City Clerk
City of Hartford
Office of Town and City Clerk
550 Main Street
Hartford, CT 06103

Re: Approved Text Amendments to the City of Hartford Zoning Regulations

Dear Hon. McGregor:

At its regular meeting of January 10, 2023, the Planning and Zoning Commission (PZC) met to consider Proposed Changes to Various Sections of the Zoning Regulations. In the regard, the PZC adopted the proposed Text Amendments attached.

This notice is being provided to you in accordance with Connecticut General Statutes (CGS) Section 8-3d, which requires that approved zoning amendments be filed in the office of the Town and City Clerk.

Please do not hesitate to contact the Planning Division office at 860-757-9040 if you have any questions regarding this matter.

Respectfully,

A handwritten signature in blue ink that reads "Erin Howard".

Erin Howard
Acting Planning Director

CC: Planning File
Corporation Counsel



PLANNING & ZONING COMMISSION

Proposed Revisions to Zoning Regulations
for consideration January 10, 2023

Please find amendments to the zoning regulations for the City of Hartford, as put forward by Planning and Zoning staff. The proposed amendments below aim to improve upon the current zoning regulations and promote health, safety, and general welfare by correcting inconsistencies and clarifying 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 original text is italicized below. 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.

CHAPTER 1 - ADMINISTRATION

[NEW] 1.7 Funds

1.7.1 Complete Streets Fund

Complete Streets Fund may be used to improve city streets in safety, function, aesthetics, and more, and relevant interventions may include, but not be limited to, striping, signage, tactical urbanism, pilot projects, crosswalks, accessible curb ramps, new curbing, roadway repair or paving, new sidewalks, streetscape improvements, maintenance of streets and public rights of way and design services associated with the direct implementation of any of the aforementioned items. In terms of safety improvements, allowable uses include projects that provide bicycle, pedestrian, and/or transit safety education and projects that encourage individuals to walk, ride, and/or bicycle more. As other modes of sustainable transportation become more prevalent, alternative transportation options such as scooters may also be considered. Grants may be made from the fund to entities who can fulfill any of the fund uses. In the event improvements are done on private property, an easement shall be filed on the land records to preserve the area utilized for complete streets improvements for a minimum of 10 years, or as agreed upon by the director of Public Works or their designee.

1.7.1A Procedures for Budgeting Complete Streets Funds

Deposits to the Complete Streets Fund have been and will likely continue to be made in discrete lump sums. As such, it is challenging to predict when and how much will be deposited into the fund each year. Thus, each year, the Bicycle and Pedestrian Coordinator in the Department of Development Services will develop and/or update the budget for the Complete Streets Fund. This proposal will then be shared with the Department of Public Works for review and comment. Once reviewed at the interdepartmental level, the proposed budget will be made available for public comment and shared with the Planning & Zoning Commission for recommendation; after which it will be made available circulated for approval by Office of Management, Budget and Grants (OMBG), Finance, and Chief Operating Officer. To

account for the intermittent nature of the fund, the Department of Development Services may request interim amendments to the budget as needed, but must follow the same approval process as stated above.

1.7.2 Green Infrastructure Fund

Green Infrastructure Funds may be used for activities related to education, encouragement, and implementation of the use of low impact development and green infrastructure, including costs for staff time and monitoring and reporting of stormwater management systems to ensure compliance with MS4 (Municipal Separate Storm Sewer System) requirements. It may also include, but not be limited to, improvements that address flooding or areas of poor drainage, installation and design of low impact development measures, other various green infrastructure measures and maintenance. The location of these improvements may be on public or private lands. In the event improvements are done on private property an easement shall be filed on the land records to preserve the area utilized as green infrastructure for a minimum of 10 years, or as agreed upon by the director of Public Works or their designee.

1.7.2A Procedures for Budgeting Green Infrastructure Funds

Deposits to the Green Infrastructure Fund have been infrequent and will likely continue to be made in sporadic discrete lump sums. As such, it is challenging to predict when and how much will be deposited into the fund each year. Thus, it will be at the discretion of the Department of Development Services to develop and/or update the budget for the Green Infrastructure Fund as needed on an annual basis. This proposal will then be shared with the Department of Public Works and the Office of Sustainability for review and comment. Once reviewed at the interdepartmental level, the proposed budget will be made available for public comment and shared with the Planning & Zoning Commission for recommendation; after which it will be made available circulated for approval by Office of Management, Budget and Grants (OMBG), Finance, and Chief Operating Officer. To account for the intermittent nature of the fund, the Department of Development Services may request interim amendments to the budget as needed, but must follow the same approval process as stated above.

Explanation: The regulations call for deposits into these funds but do not define how the funds may be spent. This description was drafted but never adopted in an official way. To eliminate confusion or appearance of capricious changes in the future, it is recommended that a description of the fund be adopted into the regulations by the Planning and Zoning Commission. It is further recommended that the P&Z adopt rules and procedures governing the approval of fund use.

The fund had a total of \$1200 in it until 2020, when the conversion of 2 billboards to digital from static was approved. At that time, required payment of \$350,000 into the fund. An additional deposit, in the tens of thousands of dollars, was received in 2021 as the result of a project that will pay into the fund in lieu of creating certain parking lot landscaping features.

It is not possible to predict with certainty how much will be deposited into the fund each year

CHAPTER 3 - USES

Fig. 3.2-A Table of Principal Uses

Open Spaces Category

[New] *Outdoor Market: Permitted subject to the approval of a special permit in all DT, MS, and CX districts.*

Explanation: Another use intended to incubate small businesses and artisans in order to serve as catalysts for neighborhood revitalization, as a tool for economic development, and as an important

component of the walkability of a neighborhood. The purpose is to encourage temporary use of vacant lots for active space until the market supports future brick and mortar development.

3.3.3.G. [NEW] Outdoor Market

An outdoor use, which is not a Temporary Use or an Accessory Use, intended to activate vacant or underutilized lots or lots utilized principally for parking. Outdoor Markets are uses on lots that do not require a principal structure, such as food truck parks, outdoor restaurants or open-air markets, and small business incubators, and may include incidental entertainment. The Outdoor Market space is occupied by common seating areas, shade structures and other accessory structures that house vendors. Outdoor Markets may also contain accessory structures such as storage containers, garbage enclosures, or bathrooms. When noted as subject to conditions (“—”) or requires a special permit (“—”) in Figure 3.2-A Table of Principal Uses, the following regulations apply:

- 1) Structures: A primary structure is not required, and accessory structures are permitted without a primary structure on-site. An Outdoor Market may also be permitted in conjunction with a vacant or underutilized principal structure.*
- 2) Site Conditions:*
 - A. All structures shall be located behind the building line and connected by a paved or compacted gravel surface that satisfies ADA requirements. The area between the building line and the street shall be landscaped.*
 - B. In the absence of a principal structure, for the purposes of applying fence regulations (Section 6.13), front yard shall be defined as the area between the building line and any primary street; the corner side yard shall be defined as the area between the building line and any secondary street.*
 - C. The area of the Outdoor Market must be clearly defined and separated from any public or private right-of-way, parking area, or surrounding property with a fence that complies with Section 6.13, or other façade as approved by the Commission.*
 - D. Outdoor Markets are required to provide one clearly delineated street-facing pedestrian entrance per frontage or one entrance per 70’ of lot frontage, whichever is greater.*
 - E. Any new parking installed in conjunction with an Outdoor Market shall be limited to the rear yard.*
- 3) Operations.*
 - A. A designated manager must be present during all business hours of the Outdoor Market. The designated manager is responsible for the orderly setup of the vendors, the cleanliness of the site, and the site's compliance with all rules and regulations during business hours.*
 - B. Each vendor, such as an individual food truck, shall maintain its own licenses from Health and Human Services along with other required state or local licenses, as applicable.*
 - C. Food must be served at all times that beer/wine/liquor is being served. Vendors solely serving alcohol shall not be street facing.*
 - D. Lighting, odor control, and queueing for food trucks shall be managed in such a way that no nuisance, including light, smell, noise, and litter nuisances, are created.*

- E. Restrooms shall be required on-site, and the City Health and Human Services Department (HHS) shall provide a review and approval of the facilities plan.*
- F. All Outdoor Markets shall provide litter receptacles with adequate capacity for on-site patrons. On-site mobile vendors shall be held to the same requirements in Chapter 27-41 of the Hartford Municipal Code.*
- G. Dumpsters shall comply with the requirements of Section 6.12.*
- H. Mobile Vendors shall comply with the signage; awnings; and umbrellas requirements in Chapter 27-136 of the Municipal Code. Vendor signage shall not contribute to the overall allowed signage on-site.*
- 4) Required Application Documents:**
 - A. Applicants shall provide a site plan, sign plan, noise mitigation plan, lighting plan, and building plans. The zoning administrator may require additional information pertaining to the application that they deem necessary to aid in their review, including other plans or documents listed in Sections 1.3.3 Site Plan Review or 1.3.4 Special Permits as applicable.*
 - B. The Department of Health and Human Services shall provide comment on the submitted site plan.*

Explanation: This new use creates an avenue for principal uses that are not housed within structures. It is a tool, which can be used to activate vacant space, and by virtue of the fact that it is neither a temporary use nor an accessory use, it shall cease when lots are developed.

3.3.4.A. Neighborhood Retail

[NEW] (2). Neighborhood Grocery Store - A retail establishment that devotes at least 60 percent of retail space, exclusive of office, bathrooms, kitchen or storage, which shall be used for the sale of a general line of food products intended for home preparation, consumption and utilization and at least 1,000 square feet or 30 percent of such retail space, whichever is greater, for the sale of perishable goods that shall include dairy, fresh produce, and frozen foods and may include fresh meats, poultry and fish, of which at least 250 square feet of such retail space shall be designated for the sale of fresh produce. Neighborhood Grocery Stores shall meet the façade requirements of a storefront building.

3.3.4 Retail Uses

A. Neighborhood Retail

[Renumbering] (3) *When noted as subject to conditions (“()”) or requires a special permit (“0”) in Figure 3.2-A Table of Principal Uses, the retail use is limited to a maximum of 25 percent of the ground floor area and shall be located at the entrance or on a corner of the building.*

Explanation: many low- and moderate-income neighborhoods across the City are underserved by full-line grocery stores. Shortages of grocery stores are most acute in neighborhoods with higher rates of diet-related diseases, including obesity and diabetes, and are primarily concentrated in . Attempts to make a more clear distinction between convenience stores and small grocery stores. Neighborhood grocery stores shall not be held to the same dispersion requirement as convenience stores.

3.3.4.C. Beer/Wine/Liquor Sales.

3.3.4.C.(2) Proximity to Certain Uses. No beer/wine/liquor sales use shall be located within a 500-foot radius of any part of an establishment used or reserved to be used for the purposes of a school, library, park, hospital, funeral home, and assembly, 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 and CX districts, as identified in 3.3.7 B.; ~~or~~ in a full-service grocery store as defined in 3.3.4 B.(1); **or in a neighborhood grocery store as defined in Section 3.3.A.(2).**

Explanation: Make consistent with the new Neighborhood Grocery Store description. Staff propose to treat the new use consistently with large scale grocery stores.

Section 3.3.5.N. Smoking Places and Smoke Shops. Smoking Places shall be defined as establishments for which the sale of tobacco products for on-site consumption yields at least 75 percent of gross revenues, including such uses as hookah lounges. Smoke Shops shall be defined as establishments for which the display, sale, distribution, delivery, offering, furnishing, or marketing of conventional cigars, cigarettes or tobacco, e-cigarettes or any other tobacco products or tobacco accessories yields at least 75 percent of gross revenues. When noted as subject to conditions ("O") or requires a special permit ("O") in Figure 3.2 -A Table of Principal Uses, the following regulations apply:

(1) Applicants shall present information to the zoning administrator regarding proper ventilation (as applicable).

(2) Outdoor Use Prohibited. In all districts, this use is prohibited in outdoor spaces.

(3) No Alcohol. Smoking Places shall not serve alcohol, have "bring your own beverage" policies, or allow patrons to consume alcoholic beverages.

(4) Smoking Places and Smoke Shops shall not be located within 500 feet, property line to property line, from a parcel used or reserved to be used for the purpose of a school or civic assembly except that these dispersion requirements shall not apply to prohibit new Smoking Places and Smoke Shops in the DT districts.

(5) Smoke shops and tobacco stores shall not be located within 1500 feet, property line to property line, from another Smoking Place or Smoke Shop except that these dispersion requirements shall not apply to prohibit new Smoking Places and Smoke Shops in the DT districts.

(6) Smoke shops and tobacco stores shall post clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian.

Explanation: The regulation of smoke shops and tobacco stores is necessary and in the interests of the public health, safety and general welfare. There has been an expansion of smoke shops and tobacco stores in the city, which will result in undesirable impacts to the community. Among these impacts are increased potential for tobacco sales to minors, greater opportunity for the sale of illegal drug paraphernalia that is marketed as tobacco paraphernalia, and heightened risk of negative aesthetic impacts, blight, and loss of property values of residential neighborhoods and businesses in close proximity to such uses. This amendment attempts to address such negative impacts of smoke shops and tobacco stores while providing a reasonable number of locations and zones for such shops/stores to locate.

3.3.10 Cannabis Uses

C. Cannabis Retailers

[NEW] (4) Drive-Through Facilities shall be permitted in accordance with 3.4.2 Accessory Uses and 3.5.2.A.

Explanation: Staff have received inquiries about drive through facilities in association with Cannabis Retailers. This is not allowed in the regulations as Section 3.5.2.A lists specific uses that Drive-Through Facilities are in association with. Drive-Throughs are permitted by Special Permit in the MS-3 and CX-2 districts and by-right in the ID-1 district. Of these districts, Cannabis Retail is permitted in the CX-2 and ID-1 districts. Staff believe that permitting the use in accordance with the current restrictions on Drive-Through facilities will provide a path forward without an over-abundance of locations having this car-centric function.

3.5.2 Accessory Commercial Uses

A. Drive-Through Facility. A type of drive-in establishment related to a Coffee Shop, Eating Place, Financial Depository Institution/Bank, **Cannabis Retail**, and Laundromat & Dry Cleaning subject to 3.3.5 or to a Drug or Cosmetic Store allowed pursuant to 3.3.4, where part of its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to either serve patrons food or beverage while in the motor vehicle or else intended to permit consumption in the motor vehicle of food or beverage obtained by a patron from such business establishment.

Explanation: To align with the proposed changes to 3.3.10

Section 3.7.3. - Food Truck Operation

A. The operation of food trucks is prohibited after 9 p.m., except where express permission, such as permits for operation in the OS district during temporary festivals and events or permits for operation in conjunction with Drinking Places and Craftsman Industrial uses serving alcoholic beverages **and Outdoor Markets**, have been obtained from the city and state.

B. A food truck may be operated in the MX district only on property designated as a Campus Overlay **or as part of an Outdoor Market**.

Explanation: Modified in support of the development of the Outdoor Markets Use.

CHAPTER 4 – BUILDING TYPES

Fig 4.20-A Accessory Structure Table

Add [half circle] for Kiosks in DT districts

Explanation: To allow more flexibility in the development of Outdoor Markets and the re-imagination of vacant space.

4.20.3.B Kiosk. An accessory building with limited space for the proprietor and associated goods and no space for customers to enter the structure, with the exception of bathrooms. **Except in association with an Outdoor Market use**, a Kiosk is not permitted when a principal structure is located on the lot. Refer to Figure 4.20-C Kiosk.

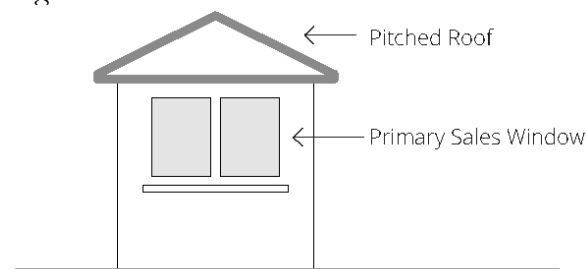
(1) Yard. Permitted in all yards.

(2) Use.

(a) In the OS district, a Kiosk may contain a Neighborhood Retail or Service Use (refer to 3.0 Uses).

~~(b) [omit] In the MS, CX, ID, MX, or NX districts, a Kiosk may only be utilized to house attendants for parking lots as principal uses, as defined in 3.3.8 A., and not for any other use. For such parking lots in such districts, any accessory structure on the lot must satisfy the requirements of this section.~~

Figure 4.20-C Kiosk



(3) Area. Maximum of 500 square feet floor area.

- (4) *Height. Maximum of one story or 15 feet (refer to 4.18.2 Height).*
- (5) *Facade Requirements. A Kiosk shall fulfill the following facade requirements:*
- (a) *At least ~~two~~ **one** Front and corner facades shall have a minimum transparency of 20 percent (refer to 4.18.4 A.).*
- (b) *The kiosk shall be oriented toward the front of corner lot line. The primary sales or service windows or principal entrance shall be located on the front or corner façade **except in the case of Outdoor Markets.***
- (6) *Roof Type. Pitched roof type is required. [omit]*
- (7) *Permanent Structure. No wheels, hitch, or chassis shall be located on a kiosk.*
- (8) *Materials. Permitted materials include durable, natural materials, such as stone, brick, stucco, metal, concrete, and painted or stained wood.*
- Explanation: To allow more flexibility in the development of Outdoor Markets and the re-imagination of vacant space.

CHAPTER 6 – SITEWORK AND LANDSCAPING

Section 6.12.2. Screening Requirements

[NEW – add to table] *Dumpsters shall be located on a concrete pad.*

[NEW – add to table] *The top of the refuse shall be covered.*

Explanation: These edits are to avoid rodent infestations near dumpsters as per HHS.

CHAPTER 7 – PARKING

Fig 7.2-B Add outdoor market use – 2 per truck/kiosk

Explanation: To support the development of Outdoor Markets

CHAPTER 8: SIGNS

*Figure 8.2-A: In DT and MS districts, permitted for Commercial Center and Civic Building Types only, **or associated with an Outdoor Market Use.** In all other districts, permitted for non-residential uses in all building types.*

Explanation: To support the development of Outdoor Markets

8.1.7 Sign Location

H. [NEW] ***Signage permitted in the OS district shall be allowed for Outdoor Markets. Signed typically allowed as attached to buildings may be attached to fences serving as a building façade.***

Explanation: To support the development of Outdoor Markets