

# CITY OF TORRINGTON



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To: Planning & Zoning Commission  
From: Jeremy Leifert, AICP, City Planner *JL*  
Date: May 10, 2023  
Subject: Proposed Zoning Regulation Amendments – Section 5.18, Outdoor Dining and Section 6.10, Bed and Breakfast

## Bed and Breakfast – Sections 2.2, 3.1, 4.0 and 6.10

Upon a routine review of the zoning regulation governing Bed and Breakfast establishments, I noticed the following concerns that I am proposing for amendments as follows:

- Simplifying the requirements per zoning district, including minimum lot sizes, road frontage and buffering (Sec. 6.10)
- Updating the zoning table (Sec 3.1) and Bed and Breakfast section (Sec 6.10) to allow B&B's in the R10 and R15 zones
- Revise the definition of "Bed and Breakfast" (Sec 2.2)
- Add a definition for "Short-Term Rental". This definition is only meant to contrast the difference with standard B&B's. No regulations are proposed at present for short-term rentals.
- Revise various areas of section 4 of the regulations to relocate requirements to section 6.10

I have reviewed two separate past revisions to the above sections of the regulations in 2009 and 2012, and I believe these proposed amendments have remained within the spirit and purpose of the prior amendments. As with the prior amendments, encouraging the use of suitable properties for Bed and Breakfast use is not only a tool to preserve large historic homes, but also expands lodging and tourism opportunities in Torrington. I have made the memorandum and letters from the previous amendment approvals part of the file for this proposal.

In summary, I believe these proposed changes will simplify the regulations and continue to enhance preservation and tourism opportunities while protecting surrounding neighborhoods and uses. The proposed amendments are generally supported by the City Plan of Conservation and Development (POCD). Section 6 of the plan encourages the preservation of community character, scenic resources, historic resources and farmland preservation. Section 8 of the plan encourages continued methods to promote tourism in the City. This regulation amendment furthers the goals of the plan by providing for additional methods of tourism and preserves community character and historic resources.

## Outdoor Dining – Section 5.18

A newly adopted state statute became effective May 1, 2023 which governs how municipalities can regulate outdoor dining. The City is currently still operating under the temporary COVID dining regulations. The state is lifting the pandemic emergency declaration on May 11, 2023, so I am proposing new regulations to comply with state statute and replace both the previous outdoor dining regulations and the COVID outdoor dining procedure.

Summary of the changes to Section 5.18 of the regulations is as follows:

- Separate the previously combined “Seasonal Sidewalk Dining” and “Temporary Outdoor Dining, Private Property” into two sections
- Provide *General Requirements* covering both types of outdoor dining uses and separate *Specific Requirements* for each type
- Allow for outdoor dining areas on adjacent conforming properties in compliance with state law
- Allow for installation of temporary seasonal dining areas over existing off-street parking spaces; add language *not* allowing dining areas over pedestrian sidewalks or vehicle travel lanes on private property
- Prohibit permanent structures over required off-street parking spaces

I request that the Planning and Zoning Commission schedule a public hearing for June 28, 2023 for a public hearing regarding the attached proposed regulation amendments.

END OF MEMO

## Section 2.2 - Definitions

**Bed and Breakfast** - an owner-occupied residential structure that consists of a room or rooms for overnight accommodation of visitors, including a breakfast meal. Occupancies for individuals shall not exceed fourteen days in any ninety-day period. rents rooms on a daily basis.

**Boarding House** - a building in which individual rooms or individual rooms and meals are provided for compensation. The individual rooms are less than 200 square feet in area and do not contain facilities for food preparation. The rooms are rented for a minimum period of one week.

**Hotel/Motel** - a commercial facility offering transient lodging accommodations on a daily rate to the general public and providing additional services such as meeting rooms and recreational facilities.

**Short-Term Rental** – a furnished residence or similar residential accommodation or dwelling or any portion thereof that is not defined as a Hotel, Motel, Bed and Breakfast or Boarding House that is rented or leased for consideration with individual rentals not to exceed thirty days in a calendar year (New)

Uses	R-WP	R-60	R-40	R-25	R-15	R-15s	R10	R10s	R6	LB	DD	I	IP
4.77 Tattoo parlor/ Body piercing studio										e			
4.80 Shoe Repair Shops										p	p		
4.90 Hotels and Motels										p	p		
4.95 Bed and Breakfast (2/11/12)		e	e	e	e	e	e	e	e	p	p		
4.99 Other Personal Services										p	p		
5.00 Professional Offices - Operations Designed to Attract and Serve Customers and Clients on the Premises													
5.10 Attorneys										e	p	p	p
5.20 Physicians										e	p	p	p
5.30 Nurse Practitioners										e	p	p	p
5.40 Insurance Agents										e	p	p	p
5.50 Stock Brokers										e	p	p	p
5.60 Real Estate Agents										e	p	p	p
5.70 Accountants										e	p	p	p
5.80 Other Offices										e	p	p	p
5.90 Radio & TV Stations											p	p	
6.00 Recreation, Amusement & Entertainment													
6.10 Activity Conducted entirely within a Building											p	p	
6.15 Bowling Alleys, Skating Rinks, Indoor Tennis, Squash & Racquetball Courts, Billiard and Pool Halls											p	p	

**6.10 Bed and Breakfast** (Rev. 10/22/09)

Bed and Breakfast facilities allowed by special exception shall conform to the following requirements.

6.10.1 In the R-60, R-40 and R-25 zoning districts, the following conditions shall be met.

- A. The minimum lot size shall be 120,000 square feet.
- B. There shall be a minimum buffer of twenty-five feet along the side and rear property lines. This buffer shall conform to the standards established in **Section 5.11**.
- C. The maximum impervious surface ratio shall be 0.1

6.10.24 In the R10, R10s, R15 and R-15s zoning districts the following conditions shall be met:

- A. The minimum lot size shall be 22,500 square feet.
- B. There shall be a fifteen-foot wide buffer along the side property lines and a fifty-foot wide buffer along the rear property line. This buffer shall conform to the standards established in **Section 5.11**.
- C. The lot shall have a minimum of 12545 feet frontage on a state highway.
- D. The Bed and Breakfast must be located within a dwelling in existence as of the effective date of this regulation.
- E. The maximum impervious surface ratio shall be 0.3

~~6.10.1 In the R-10s zoning district the following conditions shall be met: (added 2/11/12)~~

- ~~A. The minimum lot size shall be 22,500 square feet.~~
- ~~B. There shall be a buffer along the side property lines of a minimum of 8 feet on one side: total of 20 feet and a fifty-foot wide buffer along the rear property line. This buffer shall conform to the standards established in **Section 5.11**.~~
- ~~C. The lot shall have a minimum of 145 feet frontage on a state highway.~~
- ~~D. The Bed and Breakfast must be located within a dwelling in existence as of the effective date of this regulation.~~

6.10.32 With the exception of the Downtown District zone, all properties containing a Bed and Breakfast shall be capable of providing minimum parking as required in **Section 5.13**. The parking lots shall be screened from all adjoining properties and from the public right of way by fencing, berms, and/or landscaping

6.10.43 As seen from a public right of way, the building and property shall have the appearance of a single family residence.

6.10.54 Food service and all other accessory uses shall be used only by overnight customers of the facility.

6.10.65 A maximum of eight guest rooms shall be permitted on one lot in the R-60, R-40 and R-25 and LB zoning districts. In the R15, R-15s, R10, and R-10s and R6 zoning districts a maximum of four guest rooms shall be permitted on one lot. ~~(added 2/11/12)~~

6.10.76 The maximum length of stay for any guest shall be fourteen days in any ninety-day ~~thirty-day~~ period.

### 4.3 R-60 Zone

For all uses:

Lot Size: 60,000 sq. ft.

Lot Width: 200 ft.

Front Yard Setback: 50 ft.

Side Yard Setback: 25 ft. on each side

Rear Yard Setback: 100 ft.

Maximum Height: 35 ft. (con't)

Maximum Impervious Surface Ratio: 0.3 for non-residential uses only

Maximum Building Coverage Ratio: 0.1

Each lot shall contain a minimum "net buildable area" that has within it a 30,000 square foot rectangle or square area of contiguous land, the shortest being 150 feet and containing:

- No ledge rock within 4 feet of the natural ground surface encountered during septic testing in conformance with the Connecticut Public Health Code.
  - No inland wetlands soils or watercourses.
  - No land within the areas of special flood hazard as identified by the Federal Emergency Management Agency.
  - No naturally occurring slopes exceeding 25% in grade.
  - No utility or access easements and rights of way, no conservation easements, and other easements for public or private facilities.
- (Rev. 2/1/06)

### 4.4 R-40 Zone

For all uses:

Lot Size: 40,000 sq. ft.

Lot width: 150 ft.

Front Yard Setback: 50 ft.

Side Yard Setback: 25 ft. on each side

Rear Yard Setback: 75 ft.

Maximum Height: 35 ft.

Maximum Impervious Surface Ratio: 0.3 for non-residential uses only

Maximum Building Coverage Ratio: 0.1

Each lot shall contain a minimum "net buildable area" that has within it a 30,000 square foot rectangle or square area of contiguous land, the shortest being 150 feet and containing:

- No ledge rock within 4 feet of the natural ground surface encountered during septic testing in conformance with the Connecticut Public Health Code.
- No inland Wetlands soils or watercourses.

- No land within the areas of special flood hazard as identified by the Federal Emergency Management Agency.
- No naturally occurring slopes exceeding 25% in grade.
- No utility or access easements and rights of way, no conservation easements, and other easements for public or private facilities. (Rev. 2/1/06)

#### 4.5 R-25 Zone

##### 4.5.1 For one dwelling unit on a lot:

Lot Size: 25,000 sq. ft.  
 Lot Width: 125 ft.  
 Front Yard Setback: 30 ft.  
 Side Yard Setback: 25 ft. on each side  
 Rear Yard Setback: 50 ft.  
 Maximum Height: 35 ft.  
 Maximum Building Coverage Ratio: 0.20

##### 4.5.2 For two dwelling units on a lot:

Lot Size: 37,500 sq. ft.  
 Lot Width: 175 ft.  
 Front Yard Setback: 30 ft.  
 Side Yard Setback: 25 ft. on each side  
 Rear Yard Setback: 50 ft.  
 Maximum Height: 35 ft.  
 Maximum Building Coverage Ratio: 0.20

##### 4.5.3 For all other uses:

Lot Size: 25,000 sq. ft.  
 Lot Width: 125 ft.  
 Front Yard Setback: 30 ft.  
 Side Yard Setback: 25 ft. on each side  
 Rear Yard Setback: 50 ft.  
 Maximum Height: 35 ft.  
 Maximum Impervious Surface Ratio: 00.

#### 4.6 R-15 Zone

##### 4.6.1 For one dwelling unit on a lot:

Lot Size: 15,000 sq. ft.  
 Lot Width: 100 ft.  
 Front Yard Setback: 25 ft.  
 Side Yard Setback: 15 ft. on each side  
 Rear Yard Setback: 50 ft.  
 Maximum Height: 35 ft.  
 Maximum Building Coverage Ratio: 0.25



- 4.6.2 For two dwelling units on a lot:  
Lot Size: 22,500 sq. ft.  
Lot Width: 150 ft.  
Front Yard Setback: 25 ft.  
Side Yard Setback: 15 ft. on each side  
Rear Yard Setback: 50 ft.  
Maximum Height: 35 ft.  
Maximum Building Coverage Ratio: 0.25

4.6.3 For Bed and Breakfast facilities, see section Section 6.10

- 4.6.43 For all other uses:  
Lot Size: 22,500 sq. ft.  
Lot Width: 150 ft.  
Front Yard Setback: 25 ft.  
Side Yard Setback: 15 ft. on each side  
Rear Yard Setback: 50 ft.  
Maximum Height: 35 ft.  
Maximum Impervious Surface Ratio: 0.3

**4.7 R-15s Zone**

- 4.7.1 For one dwelling unit on a lot:  
Lot Size: 15,000 sq. ft.  
Lot Width: 100 ft.  
Front Yard Setback: 25 ft.  
Side Yard Setback: 15 ft. on each side  
Rear Yard Setback: 50 ft.  
Maximum Height: 35 ft.  
Maximum Building Coverage Ratio: 0.25
- 4.7.2 For all other uses except Bed and Breakfast facilities:  
Lot Size: 30,000 sq. ft.  
Lot Width: 150 ft.  
Front Yard Setback: 25 ft.  
Side Yard Setback: 15 ft. on each side  
Rear Yard Setback: 50 ft.  
Maximum Height: 35 ft.  
Maximum Impervious Surface Ratio: .3

- 4.7.3 For Bed and Breakfast facilities, see section Section 6.10  
~~For Bed and Breakfast facilities per Section 6.10. (Rev. 10/22/09)~~  
~~Lot Size: 22,500 sq. ft.~~  
~~Lot Width: 145 ft.~~  
~~Front Yard Setback: 25 ft.~~  
~~Side Yard Setback: 15 ft. on each side~~

Rear Yard Setback: 50 ft.  
Maximum Height: 35 ft.  
Maximum Impervious Surface Ratio: 0.3

#### 4.8 R-10 Zone

##### 4.8.1 For one dwelling unit on a lot:

Lot Size: 10,000 sq. ft.  
Lot Width: 80 ft.  
Front Yard Setback: 25 ft.  
Side Yard Setback: minimum 8 ft. one side; total of both sides - 20 ft.  
Rear Yard Setback: 40 ft.  
Maximum Height: 35 ft.  
Maximum Building Coverage Ratio: 0.3

##### 4.8.2 For two dwelling units on a lot:

Lot Size: 15,000 sq. ft.  
Lot Width: 120 ft.  
Front Yard Setback: 25 ft.  
Side Yard Setback: minimum 8 ft. one side; total of both sides - 20 ft.  
Rear Yard Setback: 50 ft.  
Maximum Height: 35 ft.  
Maximum Building Coverage Ratio: 0.3

#### 4.8.3 For Bed and Breakfast facilities, see section Section 6.10

##### 4.8.43 For all other uses:

Lot Size: 15,000 sq. ft.  
Lot Width: 120 ft.  
Front Yard Setback: 25 ft.  
Side Yard Setback: minimum 8 ft. one side; total for both sides - 20 ft.  
Rear Yard Setback: 50 ft.  
Maximum Height: 35 ft.  
Maximum Impervious Surface Ratio: 0.3

#### 4.9 R-10s Zone

##### 4.9.1 For one dwelling unit on a lot:

Lot Size: 10,000 sq. ft.  
Lot Width: 80 ft.  
Front Yard Setback: 25 ft.  
Side Yard Setback: minimum of 8 ft. on one side; total of both sides - 20 ft.  
Rear Yard Setback: 40 ft.  
Maximum Height: 35 ft.  
Maximum Building Coverage Ratio: 0.3

#### 4.9.2 For Bed and Breakfast facilities, see section Section 6.10

4.9.2 For all other uses ~~except Bed and Breakfast Facilities~~  
Lot Size: 15,000 sq. ft.  
Lot Width: 120 ft.  
Front Yard Setback: 25 ft.  
Side Yard Setback: 15 ft.  
Rear Yard Setback: 50 ft.  
Maximum Height: 35 ft.  
Maximum Impervious Surface Ratio: 0.3

~~4.9.2 For Bed and Breakfast Facilities per Section 6.10.1(B):  
Lot Size: 22,500 sq. ft.  
Lot Width: 145 ft.  
Front Yard Setback: 25 ft.  
Side Yard Setback: minimum of 8 ft. on one side; total of both sides - 20 ft.  
Rear Yard Setback: 50 ft.  
Maximum Height: 35 ft.  
Maximum Impervious Surface Ratio: 0.3  
(2/11/12)~~

#### 4.10 R-6

4.10.1 For one dwelling unit on a lot and for one principal dwelling unit and one accessory apartment on a lot:  
Lot Size: 6,000 sq. ft.  
Lot Width: 60 ft.  
Front Yard Setback: 25 ft.  
Side Yard Setback: minimum of 8 ft. on one side; total of both sides - 20 ft.  
Rear Yard Setback: 30 ft.  
Maximum Height: 60 ft.  
Maximum Building Coverage Ratio: 0.4

4.10.2 For all other uses:  
Lot Size: 7,500 sq. ft.  
Lot width: 75 ft.  
Front Yard Setback: 25 ft.  
Side Yard Setback: minimum of 8 ft. on one side; total of both sides - 20 ft.  
Rear Yard Setback: 30 ft.  
Maximum Height: 60 ft.  
Maximum Impervious Surface Ratio: 0.5

#### 4.11 Downtown District *(revised 6-19-19)*

4.11.1 For buildings and uses:  
Lot Size: no minimum area  
Lot Width: no minimum

Front Yard Setback: none  
Side yard Setback: 20 ft. only if adjacent to a residential zone  
Rear Yard Setback: 20 ft. only if adjacent to a residential zone  
Maximum Height: 60 ft.

4.11.2 *(eliminated 6-19-19)*

#### **4.12 Local Business**

4.12.1 For non-residential buildings and uses:

Lot Size: 10,000 sq. ft.

Lot Width: 80 ft.

Front Yard Setback: 10 ft.

Side yard Setback: 25 ft. only if adjacent to a residential zone

Rear Yard Setback: 25 ft. only if adjacent to a residential zone

Maximum Height: 50 ft.

Maximum Impervious Surface Ratio: 0.75

4.12.2 For building with one or more dwelling units:

Requirements are the same as for residential buildings in the R-6 zone

## 5.18 Outdoor Food and Beverage Service

The City of Torrington wishes to promote commerce in the DD - Downtown District and LB - Local Business District and recognizes that outdoor sidewalk dining is an amenity that promotes pedestrian traffic and in particular highlights Downtown Torrington. In order to streamline and simplify the permitting process, the City of Torrington has established these procedures and guidelines in order to obtain permits for Seasonal Outdoor Sidewalk Dining on municipal or State sidewalks or walkways. The Planning and Zoning Commission will continue to regulate, by Site Plan Approval, permanent outside patio dining areas for restaurants on private property in the DD, Downtown District and LB, Local Business District.

Seasonal outdoor sidewalk dining areas for permitted restaurant establishments in the DD, Downtown District and LB, Local Business District, are subject to the following general and specific requirements:

### 5.18.1 General Requirements:

- a. Seasonal outdoor sidewalk and private dining areas are permitted as an accessory use to an approved restaurant, subject to Zoning Permit approval on an annual basis by the Zoning Enforcement Officer in accordance with Section 8.6.3 of the Zoning Regulations. In conjunction with the Zoning Permit application, the applicant shall submit a plan drawn to scale showing the area intended for outdoor dining.
- b. Seasonal Outdoor Dining Zoning Permits are valid from April 1<sup>st</sup> to October 31<sup>st</sup> of each year.
- c. The Torrington Area Health District shall at all times have full jurisdiction concerning compliance with appropriate laws, statutes, and regulations regarding the safe handling of food and beverages.
- d. No additional parking is required for outdoor seasonal sidewalk dining.
- e. Sale and consumption of alcoholic beverages for outdoor sidewalk dining areas shall conform to Torrington Code of Ordinances Chapter 75 Alcoholic Liquor.
- f. It is the sole responsibility of the applicant to conform to all local, state and federal laws and regulations regarding the sale, purchasing and serving of alcoholic beverages.
- g. Outdoor dining areas shall not be used to expand a non-conforming use
- h. Any non-vegetative shading devices shall be of a non-permanent type (e.g., umbrellas, retractable Awnings, tents) and shall be safely anchored.
- i. Adequate trash receptacles shall be provided, and the restaurant shall be responsible each day for cleanup of all trash (both on-site and off-site) generated by the outdoor dining area.
- j. Tables and chairs in the outdoor dining area shall be so located as to maintain proper access to the building for emergency services.
- k. Aside from individual table lighting, such as candles, there shall be no additional exterior lighting installed.

- l. At the end of each outdoor dining season, all tables, chairs, trash receptacles, etc., shall be removed from the outside of the premises.
- m. Any signs placed on outdoor umbrellas, awnings or chairs shall be limited to the name of the establishment, products sold by the establishment, or services offered by the establishment.
- n. The seasonal outdoor dining area shall open no earlier than 6:00 a.m. and close no later than 11:00 p.m.
- o. Seasonal outdoor dining areas may be placed on directly adjacent properties by food and beverage service businesses, provided permission has been obtained in writing by such property owner and the adjacent property is zoned for such use

### 5.18.2 Seasonal Sidewalk Dining

#### A. Specific Requirements

All outdoor seasonal sidewalk dining areas in the DD, Downtown District and LB, Local Business District, shall comply with the following requirements:

- a. The submitted plan shall show the limits of the dining area, remaining sidewalk, utility structures and any other sidewalk obstacles.
- b. The seasonal sidewalk outdoor dining area may be located entirely or partially on the public sidewalk adjoining the premises, subject to the receipt of all other necessary approvals relative thereto.
- c. The seasonal sidewalk outdoor dining area shall not create interference with, hazards to, or visibility problems for Pedestrians on sidewalks or for vehicular traffic. A minimum of 4 feet of sidewalk width shall be kept clear for pedestrian travel.
- d. The applicant shall agree to provide the City of Torrington with a Hold Harmless Agreement and provide a Certificate of Liability Insurance covering the effective dates of the permit in the amount of \$1,000,000. In addition the City of Torrington shall be named as an additional insured. The Corporation Counsel shall review and approve the Hold Harmless Agreement and Certificate of Liability Insurance.

### 5.18.3 Temporary Outdoor Dining, Private Property

#### A. Specific Requirements

All private property outdoor dining areas in the DD, Downtown District and LB, Local Business District or property where a valid legal non-conforming food or beverage service use exists shall comply with the following requirements:

- a. The submitted plan shall show the limits of the of off-street parking, traffic and pedestrian travel lanes to ensure safe traffic and pedestrian circulation near the dining area

- b. The seasonal outdoor dining area may be located on or over existing off-street parking spaces. The Zoning Enforcement Officer shall waive the requirement for minimum parking for the duration of the seasonal use.
- c. Permanent structures shall not be installed over off-street parking spaces associated with the outdoor dining.
- d. Travel lanes near or within off-street parking facilities shall not be obstructed by the outdoor dining area or create hazards or visibility problems for pedestrians or vehicular traffic.