



**DEPARTMENT OF DEVELOPMENT SERVICES – PLANNING DIVISION**

*Update Memo: Text Amendment for Assembly Use Lot Size  
for consideration July 12, 2022 – Continued to July 26, 2022*

**UPDATE MEMO**

**TO:** Planning & Zoning Commission  
**PREPARED BY:** Paul Ashworth, Senior Planner  
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**PROJECT:** Assembly Use Lot Size Text Amendment  
P&Z-COMM-2022-0262

**ZONE:** Citywide

**TYPE:** Zoning Text Amendment per Section 1.3.5 to reduce the required lot size in Section 3.3.2.A(c) for assembly uses in the MS, MX, CX and ID districts from minimum three (3) acres to minimum one-half (1/2) acres.

**APPLICANT:** The Church of Jesus Christ of Latter-day Saints  
c/o James D’Alton Murphy, Esq

**KEY APPLICATION TIMELINES**

- Application Submission Date: May 9, 2022
- Date Application Accepted as Complete: May 9, 2022
- Application Date of Receipt: May 24, 2022 (sooner of either: date of next regularly scheduled meeting, or 35 days after acceptance of complete application)
- Public Hearing opened on Tuesday, July 12, 2022; Open Hearing Deadline: July 28, 2022.
- Public Hearing was continued to July 26, 2022.
- Close Hearing Deadline: (35 days after opening) Tuesday, August 16, 2022
- CT General Statutes Sec.8-7D allow that the applicant may consent to one or more extensions of time, provided the total extension of all time periods shall not be for longer than 65 days.

**UPDATE ANALYSIS**

The proposed text amendment to reduce the minimum lot size for assembly uses in the MS, MX, CX, and ID districts would increase the number of potentially viable parcels for new assembly uses. The current three (3) acre requirement in these districts restricts new assembly uses to a limited number of locations. At the July 12, 2022 meeting of the Planning & Zoning Commission, the Commission expressed interest in learning more about how the .5 acre minimum was chosen. This

involves legal precedent (RLUIPA) and a quantitative analysis of the distribution of lots and their sizes within the specified zoning districts.

**RLUIPA**

The Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) was written to protect individuals and religious institutions from “discriminatory and unduly burdensome land use regulations” in furtherance of their practice of faith. The courts, since 2000, have made decisions further defining and elaborating on what constitutes a discriminatory and unduly burdensome land use regulation. The United States Justice Department, in an effort to spread understanding of RLUIPA and its implications, has issued an informative guide on the subject (see Attachment 2). Of particular relevance to the current request are Sections 11 and 15 of the report. Section 15 confirms that the courts have found that land use regulations that “left few sites for construction of houses of worship, such as through excessive frontage and spacing requirements” were unreasonable limitations and thus were in violation of RLUIPA. Further, Section 11 confirms that some courts have ruled “that a municipality’s interests in revenue generation and economic development or aesthetics were not compelling” enough a basis to impose such a regulation under RLUIPA.

**Rational Lot Size Analysis**

The proposed reduction to .5 acres was chosen based on a quantitative analysis of the distribution of lots and their varying sizes within the specified zoning districts in the City of Hartford. The proposed .5 acre minimum would increase the total number of potentially viable lots by 319%. This acreage minimum represents a compromise between the applicant, who sought to have no minimum for places of worship specifically, and Staff. To further illustrate the distribution of lots and their sizes within the subject districts, please Figure 1 and Figure 2 below. While the reduction of the minimum acreage to .5 acres substantially increases the number of viable lots, it is still reasonably restrictive compared to a .25 acre minimum (562% increase), or the elimination of the minimum acreage requirement (1044% increase).

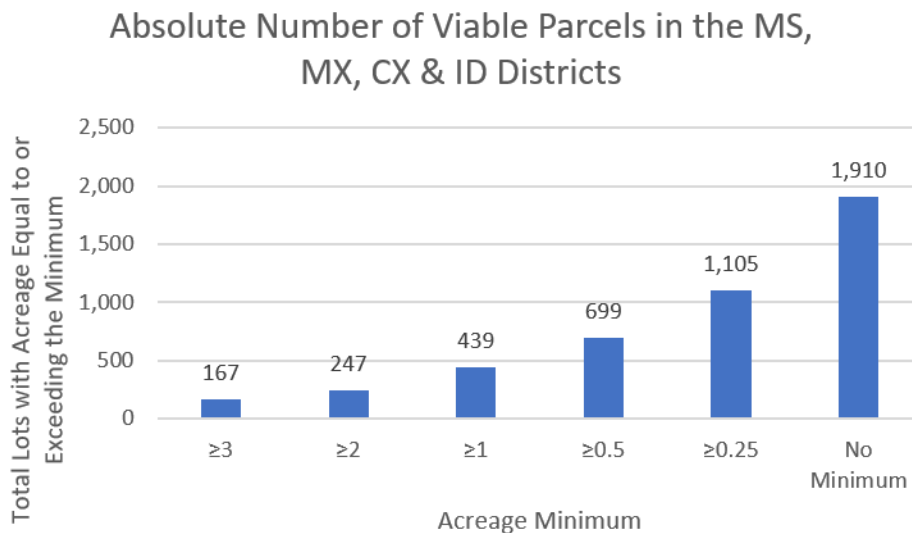


Figure 1. Total Parcels by Acreage – City of Hartford 2022

## Percent Change in Number of Viable Parcels in the MS, MX, CX & ID Districts

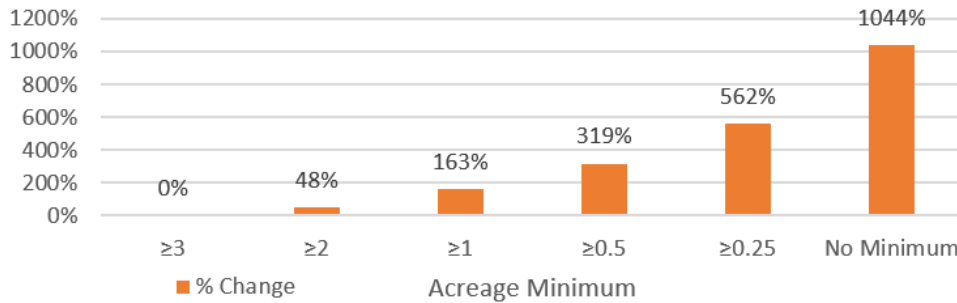


Figure 2. Percent Change in Number of Viable Parcels with Reduction in Acreage Minimum – City of Hartford 2022

\*Information based on City of Hartford Assessor data using parcels with associated lot size data.

Based on this analysis, staff find that the proposed reduction in the minimum acreage requirement to .5 acres adequately relieves the excessive lot size requirement. Further, assembly uses, including houses of worship, are not required to meet a lot size requirement in the DT districts. The expansion of viable lots within the MX, MS, ID and CX districts paired with the “by right” nature of assembly uses in the DT districts provides unburdened opportunity for assembly uses to locate in the city.

### Regulatory Comparison

In order to provide additional context, staff researched other municipalities’ regulations regarding assembly uses and houses of worship.

New Haven – Population ~130,000, Exempt Assessed Value 56.2%

“Religious Institutions” are permitted by right in the Business A and Business D districts which are similar in intent to the City of Hartford’s Main Street and Downtown districts respectively. New Haven also requires automobile parking spaces at a rate of 1 space per 8 seats in the largest assembly space for such uses.

New Britain – Population ~72,000, Exempt Assessed Value 31.6%

“Community Facility Uses – Churches or similar place of worship” are permitted by right in the Business districts, B-1, B-2 and B-3. The church use would be required to meet the minimum lot size requirements for all developments within these districts, which ranges from a minimum 5,000 square feet in the B-1 district, to minimum 50,000 square feet in the B-2 district. Parking is required at a rate of 1 automobile space per 4 permanent seats in the facility.

It should be noted that churches and Community Facility Uses are not permitted in New Britain’s Residential and Office district. This district is more consistent with Hartford’s MX districts. New Britain’s zoning regulations are generally less encouraging of mixing residential and non-residential uses.

West Hartford – Population ~63,000, Exempt Assessed Value 1.6%

“Places of Worship” are permitted by right in all districts. The use would be subject to the minimum lot size requirements of the prevailing district. Lot size requirements range widely per district from some districts having no minimum lot size requirement in the Office District (BO), Neighborhood Business District (BN) and the Residence-Institutional (RI) districts, to a 200,000 square foot minimum in the Shopping Center district (BS), and a 350,000 square foot minimum in the Office-Laboratory district. Parking is also required at a rate of 1 automobile space per 6 seats in the largest place of assembly.

The comparison between Hartford's minimum lot size regulation and other municipalities' regulations is very informative. All municipalities have some additional requirement placed on the use, either explicitly through minimum lot sizes, or by requiring parking which is space intensive. The City of Hartford does not require parking, and generally does not have minimum lot size requirements for districts. In place of these requirements, the Hartford Zoning Regulations include development standards for building types such as minimum lot widths, and standards for where certain uses can be located in buildings. For example, assembly uses, including houses of worship, are not permitted on the ground floor of Storefront Buildings or Commercial Center Buildings. One possible result of the proposed text amendment is that assembly uses may be more likely to locate within buildings not intended for non-residential uses. Assembly uses are currently permitted with a special permit on the ground floor of Row Buildings and House B Buildings, but the proposed reduction in minimum acreage could make the location of assembly uses in these buildings more likely. If the Commission has concerns about this potential outcome, one suggestion would be to consider a future, separate text amendment addressing this regulation.

It should be noted again that the minimum lot size requirement for neighborhood assembly uses applies to uses other than houses of worship. Neighborhood assembly includes secular assembly uses such as community centers and rec centers. The Regulations also include minimum lot size requirements for pre-kindergarten and elementary schools (5-acres, except in DT where there is no minimum), high schools (10-acres, except in DT), and hospitals and higher education facilities (10-acres).

#### Summary

In conversation with Corporation Counsel, it has been contemplated that a separate requirement for houses of worship from other assembly uses within the Regulations will not exacerbate the concerns related to RLUIPA. Further, a review of other jurisdictions' zoning regulations reveals that many jurisdictions do single out requirements for houses of worship rather than to group them in with other assemblies. If the Commission wishes to limit the impact of the proposed change, the text amendment could be altered so as to apply only to houses of worship. Sample text reflecting this change is included as Attachment 1. The original (advertised text is available in the first Staff Report).

Based on the quantitative analysis of the lot sizes within the specified districts, staff recommend the reduction in lot size requirement remain from three (3) acres to one half (1/2) acres.

**STAFF RECOMMENDATION**

Staff recommends approval of the application.

**ATTACHMENTS**

1. Proposed Text Specific to Houses of Worship
2. U.S. Justice Department Memo on RLUIPA

**REVIEWED AND EDITED BY,**

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Aimee Chambers, Director

## Attachment 1 – Proposed Text Specific to Houses of Worship

### New Text Amendment Language

#### 3.3.2.A Assembly

(3) When noted as subject to conditions ("●") or requires a special permit ("○") in Figure 3.2 - A Table of Principal Uses, the following regulations apply:

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(c) **Minimum Lot Area.** The following minimum lot areas for all assembly uses, exclusive of any other uses on the same lot, are required: 5 acres in the N-1 district; 4 acres in all other NX and N districts; and 3 acres in every other district, except Houses of Worship shall only be required to have 0.5 acres; except in the DT districts, where there is no minimum acreage required.