



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

1.1.8 B Interpretation

*(2) In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the zoning map may be made to the commission. **Notwithstanding the foregoing entence, the following shall prevail in the case of a parcel or subdivided lot which is split-zoned with two or more zoning designations. When a parcel line is revised or a lot is combined which contains two or more zoning designations, the application shall constitute a rezoning and shall be reviewed by the Commission per Section 1.3.5.***

Explanation: Staff are now seeing requests for lot line revisions, which may impact the zoning district boundaries across the city. Without review by the Commission, the impact of these requests would potentially give more or less intense development rights to the Applicant without the benefit of a public hearing.

1.3.1 Common Application Procedures

*Section 1.3.1.B.(4) Application Submittal Requirements. Applicants **must complete the online application form and attach all required corresponding documentation. If the Applicant is unable to access or use the online application, a paper copy shall be made available to them. If a paper application is submitted, supporting documents must be submitted in the following format:** 3 edge-bound paper copies of all plans and paperwork, folded 8.5 inches by 11 inches or smaller if fewer than 12 sheets, or rolled if 12 sheets or more, and collated into 3 separate packets. Applications must also be ~~saved and properly installed on a USB flash drive, labeled with the property address.~~ Applications must include materials and information to assist the staff and the decision-making bodies in their consideration of the application, with specific application requirements further outlined in 1.3.2 through 1.3.8. Explanation: Request to update this information to reflect what has been happening.*

1.3.1.I Bonds

- 1. The decision-making body is expressly authorized to require applicants for zoning permits, site plan permits, and special permits to post a bond with the decision-making body in a form and on such terms as are acceptable to the corporation counsel, and in such amount as the decision-making body deems necessary*

to ensure the faithful performance and completion of the work in accordance with the provisions of the approved permit. **The amount of such financial guarantee shall be calculated so as not to exceed the anticipated actual costs for the completion of such site improvements or the implementation of such erosion and sediment controls plus a contingency amount not to exceed ten per cent of such costs.**

5. **Notwithstanding any other provision of this paragraph, the bond terms may provide for partial, proportionate release of the bond as work is completed. For any site plan that is approved for development in phases, the financial guarantee provisions of this section shall apply as if each phase was approved as a separate site plan.**

Explanation: CT General Statutes allows for the use of financial guarantees (bonds or similar instruments). The Commission requested additional clarity around how to set these. This language is aligned with Section 8-3G.

1.3.7 Certificates

A. Certificate of Zoning Compliance.

(1) *No land may be occupied or used, and no building hereafter erected or altered may be occupied or used in whole or in part for any purpose whatsoever until a certificate of zoning compliance has been issued by the zoning enforcement officer stating that the premises or building complies with all the provisions of these regulations, except that where the alteration does not require the vacating of the premises or where parts of the premises are finished and ready for occupancy before the completion of the alteration, or in the case of a new structure, before its completion, a conditional certificate of zoning compliance may be issued.*

(2) *A certificate of zoning compliance must be issued within 10 days after the inspection by the zoning enforcement officer of a completed building project, if the zoning enforcement officer determines the work to be in conformity with the provisions of these regulations.*

(3) *[omit] A record of all certificates must be kept on file in the division of licenses and inspections. A Certificate of Zoning Compliance may also be issued to confirm an existing use.*

Explanation: Omit the reference to record storage with L&I as we have a shared system where records are maintained by the individual divisions but accessible to the others. Add the language about existing uses so there is a formal mechanism for the Planning Division to use to collect data when there is no change of use taking place (e.g. HHS needs confirmation from zoning when a restaurant changes owner).

1.3.7 Certificates

[NEW] D. Zoning Verification Letter

- 1) **Zoning Verification Letters are issued for informational purposes to support a real estate transaction. These letters verify the zoning district of a property and any special overlay districts. They may also provide a list of allowable uses; they may indicate whether there are open zoning violations and whether or not a specific proposed use can be permitted.**
- 2) **If requested, with research, Zoning Verification Letters can further verify conformance or nonconformance of existing structures or uses on site, existence of variances or valid special permits, neighborhood context, additional development history.**
- 3) **A Zoning Verification Letter does not authorize the property owner to proceed with a specific development or formally establish a new use.**

Explanation: Staff already receive requests for zoning verification letters that have been completed in the past in letter format and via a form. There is an established fee in the fee schedule, which has been set by Council. This addition will formalize the process in place.

[NEW] 1.3.11 FIRST CUT/LOT SPLIT/LOT LINE REVISION/LOT COMBINATION REQUIREMENTS

- A. Powers. A “first cut” is the ability to create a lot without the need for a formal application and approval by the Planning & Zoning Commission, pursuant to the municipality’s subdivision regulations.*
- B. Applicability.*
 - 1. The Connecticut General Statutes generally define a “subdivision” as the division of a tract or parcel of land into three (3) or more parts or lots made subsequent to the adoption of subdivision regulations.*
 - 2. The City of Hartford’s subdivision regulations were originally adopted in the Municipal Code in 1977 (§§ 30-125—30-130). Any individual parcel of land existing as of the date of subdivision regulations adoption, that has not been divided since the date of adoption and which can be divided in a manner that results in a lot that otherwise complies with zoning requirements may be eligible for a “first cut”.*
- C. Review Criteria.*
 - 1. Before a “first cut” can be created/ recorded, any proposed split or lot line revision must be reviewed by the zoning administrator in order to ensure compliance with these regulations.*
 - 2. To determine that a lot is a lawful building lot, it must be demonstrated that the lot has been duly recorded by deed on the land records.*
 - 3. Unapproved lots must be addressed prior to additional changes being made. All taxes must be up to date prior to a “first cut” being made.*
- D. Process.*
 - 1. All requests for the determination of eligibility for a free split without a subdivision (or resubdivision) approval must be submitted to the Planning Department for review with the following information:*
 - a. A completed application form for a zoning permit.*
 - b. Title Search - A title search should be conducted by a qualified professional. (Title Company, Attorney etc.) to ascertain that a property is eligible for first cut.*
 - c. Affidavit – An affidavit from the person conducting the search shall be provided to the Zoning Administrator for review. The affidavit shall certify that the person conducting the title search has searched the land records (including maps on file) of the Town Clerk and the property has not been divided since the original date of adoption of the Hartford Subdivision Regulations.*
 - d. Paper prints showing the existing and proposed conditions drawn to class A-2 Survey standards*
 - e. A mylar plan with a revised Legal Description of the property shall be prepared for submission after staff indicate that a preliminary review is complete.*
 - 2. Review by the Tax Assessor’s Office. The commission shall make a good faith effort to notify and consult with the Tax Assessor in exercising these powers.*

Explanation: Lot splits and lot line revisions are not subject to the subdivision regulations. The zoning regulations do not address them presently. Staff are requesting to add this language to create a standard procedure for review and approval in accordance with other Connecticut municipalities.

[Renumbering] 1.3.12 DECISIONS ON STREETS, STREET LIGHTING, & BUILDING LINES

Explanation: Proposed renumbering to incorporate the above referenced modification, 1.3.11 [NEW]. Renumbering shall apply throughout this section.

1.4.7.B Non-Emergency Matters

*B. Non-Emergency Matters. In the case of violations of these zoning regulations that do not constitute an emergency or require immediate attention, the zoning enforcement office must give notice of the nature of the violation to the property owner by personal service, U.S. first class mail, by posting notice on the premises **or by other provable methods of service**. Notices of violation must state the nature of the violation and the time period for compliance, and the nature of subsequent penalties and enforcement actions, should the situation not be corrected.*

Explanation: The Zoning Enforcement Officers sometimes need to utilize methods other than those allowable by the regulations to contact violators. These methods include US Marshal or private carrier. These are methods which still provide confirmation of receipt but that are not presently allowed per the written regulations.

1.5.1 GENERAL

*A. Intent. The adoption and amendment of the zoning code text and map, beginning with the adoption of the city's first zoning code **February 26, 1968, establishing the zoning within Hartford Municipal Code Chapter 35**, has resulted in some lots, uses, and structures becoming nonconforming -- that is, they were established in compliance with regulations in effect at the time of their establishment, but were prohibited under subsequently adopted regulations.*

Explanation: Adding the date for reference purposes.

1.5.1.C.

*(2) If a nonconforming structure or a structure occupied by a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and a final order of vacation or demolition is entered by any duly authorized official by reason of physical condition, it may not thereafter be used, restored, or repaired, or rebuilt except in conformity with the provisions **or spirit** of the district in which it is located **unless a certificate of nonconformance is obtained**.*

Explanation: Written to better align the zoning regulations with Gen Statutes 8-2.

1.5.5 Nonconforming Signs

B. Alterations or Changes

*(2) A change shall not include the changes of Manually Changeable **or Digital** Copy on a sign and shall not include normal maintenance activities.*

Explanation: Need to modernize our sign code to address the distinction between dynamic Displays and Digital Copy.

1.6 Definitions

February 28, 1968 – The date which established zoning within Hartford Municipal Code Chapter 35,

Explanation: add to definitions for clarity

Building – Any structure having a roof, supported by columns or by walls and intended for the shelter, housing, or enclosure of any person, animal, or ~~chattel~~ tangible property.

Explanation: Staff find that this language is outdated and may be replaced. NOTE from Corporation Counsel: "legal term of art - I would suggest keeping it."

*Yard, rear - A yard extending from the rear building façade along the rear property line between the side yards or, on a corner lot, the corner side and side yards. Refer to Figure 1.6-B – Yards. **For purposes of parking and detached garage locations, the rear yard shall be defined as the area behind the principal structure not to include the corner side yard.***

Explanation: The definition of a rear yard does not agree with the allowed locations for garages. This modification will reduce conflict in the regulations.

[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.

1.7.1.A 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 the available funds shall be budgeted over 3 fiscal years at minimum to support continuity in implementation over time. Each year, the Bicycle and Pedestrian Coordinator in the Department of Development Services will develop and/or update the rolling 3-year 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 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.

1.7.2.A 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 2 - DISTRICTS

Figure 2.2-A Table of Districts - Add # to the shorthand end of the N district names listed in the "District Type & Intent" column.

Explanation: Chs. 2 and 3 (Table of Principal Uses) appear contradictory in meaning because the typology (specifically the use of the #) varies.

Figure 2.2-A Table of Districts

Neighborhood N district: The N districts are intended to serve neighborhoods throughout the city that mainly include residential building types with no more than 3 units. [OMIT]

Explanation: same as above. Note: the existence of the N-1-4 district on the Hartford zoning map renders the above referenced line false.

CHAPTER 3 - USES

Fig. 3.2A Table of Principal Uses

Strike Micro/Efficiency Units

Explanation: CT PA-21-29 removed minimum unit sizes.

Fig. 3.2A Table of Principal Uses

Add Neighborhood Retail by Right to CX-1

Add Neighborhood Service with Conditions to CX-1

Add Eating Places by Right to CX-1

Explanation: Per Figure 2.2-A, the CX-1 district is intended to allow “an innovative mix of office, residential, and low intensity industrial uses, along with supporting retail and service uses.” Staff recommend adding these uses to the table to be consistent with the intent of the district.

Fig. 3.2A Table of Principal Uses

Add General Service by (Special Permit or By Right) to ID-1

Explanation: The form of permitted buildings in the ID-1 zone is accommodating to many of the uses listed under General Service. The building types, such as Workshop/Warehouse, would retrofit easily as “batting cages, bowling alleys, motion picture theaters, commercial indoor recreation or skating rinks”. Increasing the availability of spaces for these uses is consistent with the POCD’s goal to make Hartford a year-round city.

Fig. 3.2A Table of Principal Uses

Add Column N-#-4 with 1-4+ residential uses

Explanation: The zoning map and Section 2.1.3 Number of Dwelling Units in N districts are the only instances where this zoning district is referenced. N-1-4 is an N-1 district that permits 4 or more unit per House Type A building. In this regard, it is a true form-based zoning district. The Table of Principal Uses does not include this as a zoning district, but it already exists on the zoning map.

Fig. 3.2-A Table of Principal Uses

Service Uses Category

[NEW] Neighborhoods Shops use permitted subject to special permit in NX-#, N-#-2, N-#-3, and N-#-4.

Explanation: These uses 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 the activation of nonconforming Storefront Building types in NX and N districts and support development in line with the form-based element of the Regulations.

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.

3.3.1 Residential & Lodging Uses

A. Household Living

[OMIT] ~~(5)Efficiency/Micro-Unit. A dwelling unit with at least 300 square feet and no more than 500 square feet of usable floor area, and only one combined living and sleeping room. The unit may also have separate rooms containing only kitchen facilities or bathroom facilities. (a)When noted as subject to conditions ("O") or requires a special permit ("O") in Figure 3.2 -A Table of Principal Uses, efficiency/micro units shall be part of a campus overlay (refer to 5.0 Special Overlays).~~

Explanation: CT PA-21-29 removed minimum unit sizes.

B. Bed and Breakfasts

(2) ~~The bed & breakfast shall be located in a structure, of ~~75~~ 50 years of age or greater, which was historically used for residential purposes.~~

Explanation: The year should correspond to the state's historic designation eligibility.

3.3.2.E School – Pre-K/Primary/Elementary/Intermediate. Public or private education facilities with classrooms and offices, which may also include associated indoor facilities such as ball courts, gymnasium, theater, and food service. 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) **Minimum Lot Area.** There shall be a minimum lot area of 5 acres for ~~pre-kindergarten~~, primary, and elementary schools, and 10 acres for intermediate schools, except in the DT districts, where there is no minimum acreage required.
- (2) **[NEW] Pre-kindergarten and facilities that only offer kindergarten and pre-kindergarten shall comply with the lot size, lot size per child, and outdoor space requirements of the Child Day Care Center per Section 3.3.5.G.**

Explanation: A minimum lot size of 5 acres does not seem necessary for pre-kindergarten establishments.

3.3.3.D Parks

Section 3.3.3.D.(2)(a) ~~The commission shall review and approve, through a public hearing and the site plan review process of 1.3.3., the design of any and all pieces of furniture (including but not limited to benches, chairs, and tables), trash receptacles, drinking water fountains, lighting fixtures, fencing, buildings, structures, historic and monument sites, playground equipment, athletic equipment, decorative fountains, man-made ponds and water features, sculpture, signage programs, and artwork within any park, prior to such items being installed.~~

Explanation: Proposed changes are mostly to clarify the process required. In addition, parks are often public space on publicly owned land and therefore staff find it reasonable to require a public hearing for such site plan applications.

3.3.3.G. [NEW] Outdoor Market

An outdoor use, which is not a Temporary Use or an Accessory Use, intended to activate vacant 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 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. Mobile vendors, shall not be permitted to remain on-site overnight unless the Outdoor Market site includes gray water disposal and grease traps per the requirements of HHS.*
 - F. Restrooms shall be available within 200' of the site. This may be demonstrated through an executed agreement with a nearby establishment, permanent bathrooms on-site, or a contract with a portable restroom supplier and plans shall be approved by HHS.*
 - G. 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.*
 - H. Dumpsters shall comply with the requirements of Section 6.12.*
 - I. 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 Retail Uses

Figure 3.3.-A. Typical Retail Uses

[OMIT] "~~Cigar, Cigarettes, and Tobacco Store~~" from Figure 3.3.-A.

Explanation: This will eliminate this use from the Retail Uses section and align it with the changes made to the Smoking Places Sections.

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 ("O") 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.

Figure 3.3-C Typical Service Uses

Strike "Coffee Shop" from Figure 3.3-C Typical Service Uses

Explanation: To better streamline permitting needs between HHS and DDS, staff would like to classify all food-service based establishments as Eating Places.

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 paraphernalia yields at least 75 percent of gross revenues. When noted as subject to conditions ("O") or requires a special permit ("0") 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.

[NEW] Section 3.3.5.P. Neighborhood Shops. A storefront facility that is allowed by special permit in existing nonconforming building types in residential zones, subject to the following conditions:

(1) Neighborhood Shops are limited to any of the following uses:

- a. Neighborhood Retail per Section 3.3.4.A*
- b. Neighborhood Service per Section 3.3.5.A*
- c. Eating Place per Section 3.3.5.J.*
- d. Craftsman Industrial per Section 3.3.7.B.*

(2) The Neighborhood Shops use is only permitted within an existing Storefront Building type.

Explanation: These uses 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 facilitate the use of nonconforming Storefront Building types in NX and N districts. (e.g., explain that we are explicitly not expanding this use to Commercial Cottage).

3.3.6 – Adult Establishments

Adult establishment means adult bookstore, adult cabaret, adult mini-motion-picture-theater or adult motion picture theater, or any combination thereof.

*A. Adult Bookstore. An establishment having as a substantial or significant portion of its stock (**more than 25%**) in trade motion pictures, video recordings, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to ~~obscene activities~~ **specified anatomical areas or specified sexual activities** for observation by patrons thereof or an establishment with a segment or section devoted to the sale, rental or display of such material.*

*B. Adult Cabaret. A nightclub, bar, restaurant or similar establishment that regularly features live performances that are characterized by the exposure of **specified anatomical areas** or by **specified sexual activities**, or films, motion pictures, video cassettes, slides or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by any emphasis upon the depiction or description of **specified activities or anatomical areas**.*

*C. Adult Mini-Motion-Picture-Theater. An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to ~~obscene activities~~ **specified anatomical areas or specified sexual activities** for observation by patrons therein.*

D. *Adult Motion Picture Theater.* An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to ~~obscene activities~~ **specified anatomical areas or specified sexual activities** for observation by patrons therein.

E. *Conditions.* 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. *Proximity to Certain Uses.* No building or premises shall be used, and no building shall be erected or altered, which is arranged, intended or designed to be used for an adult establishment if any part of such building or premises is situated on any part of a lot within a 1,000 foot radius in any direction of any lot used for, or upon which is located any building used for any household living use; religious institution, medical clinic, medical office, hospital, school, facility attended by persons under the age of 18 (including but not limited to school programs, children's museums, camps, and athletic leagues), park, or other adult establishment.

Explanation: The regulations did not provide a definition of "substantial or significant" and used inconsistent, undefined terminology when referring to adult oriented materials or performances.

3.3.8.A Parking As a Principal Use

Insert reference to Ch. 6 development Standards and reference to 7.2.1.C

Explanation: For clarity in understanding the requirements of the regulations.

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.

3.5.1.A Accessory Dwelling Units

~~(3) The accessory dwelling unit shall be located either: in a detached accessory structure or outbuilding occupied, or formerly occupied, on the first floor by a garage, barn, or similar accessory use; or in a principal structure, provided that there is a separate entrance to the exterior or to an unconditioned porch type space. [OMIT]~~

~~(8) The lot size must be a minimum of 7,500 square feet.~~

Explanation: Bring in line with the State statutes Public Act 21-29.

3.5.1.E Room Rental – Short Term

The temporary rental of part or all of a ~~property~~ dwelling unit to any temporary renters for no more than 21 cumulative days during any 6 month period, with no ~~property~~ dwelling unit being used for such temporary rental more than 3 times during any 6 month period. If the dwelling unit is owner-occupied and does not qualify as a roominghouse, the temporary rental of part of that dwelling unit to any temporary renters shall not be restricted in terms of frequency or duration.

Explanation: We want to provide more flexibility for owner-occupied units to rent out individual rooms while the owner resides in the property, while still regulating short-term rentals and avoiding entire units being off the rental market. In light of the pending Draft Affordable Housing Plan, it may also be worth exploring whether adding provisions around short-term rental to the municipal code makes sense.

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

*B. Incidental Entertainment. Background music provided at an eating or drinking place, the sole purposes of which shall be to enhance the particular ambiance of the establishment. **Live entertainment provided in establishments whose primary use is not entertainment assembly. The addition of incidental entertainment as defined in this section requires a zoning permit unless specified elsewhere in the regulations.** When noted as subject to conditions (-) or requires a special permit (-) in Figure 3.24-A Table of **Principal Accessory Uses** --the following regulations apply:*

- 1. **Format of Entertainment.** Incidental entertainment shall be limited to the following formats:*
 - a. The following entertainment formats are permitted during all customary hours of operation of the primary use:*
 - i. Live music performance in which no more than 3 instruments are played at any one time.*
 - ii. Pre-recorded music played from a preselected play list over the permanently installed sound system of the establishment.*
 - b. **The following entertainment formats are permitted between 10am and 11pm. The hours permitted for these formats may be reduced by the zoning administrator based on the location and context of the subject property and its relationship to surrounding sensitive uses (e.g. residential, education, assembly uses):***
 - i. Live performances may include live bands, disc jockeys, karaoke, plays/shows and comedians.*
 - ii. Minor assembly uses accessory to the principal use such as weddings, private gatherings and birthday parties are permitted but are subject to this section's operating hours.*
- 2. **Volume.** Incidental entertainment shall be permissible provided that the maximum volume of incidental entertainment, irrespective of the format, shall be limited so as not to extend beyond the boundaries of the premises at any time.*
- 3. **Noise Mitigation Plan.** A noise mitigation plan described in 1.3.3.B.(16)(b) is required.*

Explanation: Incidental entertainment as defined in the zoning regulations is unenforceable. Staff are proposing to develop modernized guidelines that will allow for clarity in the means by which the policy is enforced. Staff recommend examining future ways to expand entertainment assembly in the zoning regulations in the future.

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

*4.1.2.K Floor Area for Dwelling Units. No dwelling unit may be less than 300 square feet of usable floor area for efficiency/micro-units, or 500 square feet of usable floor area for all other units. A one-unit dwelling shall have a minimum of 1,000 square feet of usable floor area, and a 2- or 3-unit dwelling building shall have a minimum of 2,000 square feet of usable floor area total for all 2 or 3 units. **Housing units shall not have a minimum square footage except for public health reasons enshrined in building and housing codes.***

Explanation: Public Act 21-29 prevents towns from enacting regulations that require housing units to be a minimum square footage, except for public health reasons like those enshrined in building and housing codes.

4.8.2 General Building Type

4.8.2.C(16)

*Ground Story - Any use permitted by district ~~except retail, service, and Adult Use Cannabis Uses~~ **are is limited to no more than 25% of the ground floor area except that retail, service, and Adult Use Cannabis Uses, may occupy more floor area. Retail, service, and Adult Use Cannabis Uses shall be located at a street façade.***

Explanation: Current wording is confusing. The intention of the regulations is to encourage active ground floor uses. This rewording is aligned with the Commission's interpretation and with the goals of the regulations and POCD.

*4.2.1.C. Roof Materials. Acceptable roof materials include 300 pound or better, dimensional asphalt composite shingles, wood shingles and shakes, metal tiles or standing seam, slate, and ceramic tile, as well as membrane for flat roofs, and any additional materials necessary for the proper installation of green roofs. "Engineered" wood or slate may be approved during the site plan process with an approved sample and examples of successful, high quality local installations. Refer to Figure 4.2-B Roof Materials. An applicant seeking approval for a building with a parapet or flat roof - which contains a use other than a 1-, 2-, or 3-Unit Dwelling, and other than a Retail or Service Use less than 10,000 square feet - shall ~~consider~~ **incorporate** cool roofs, green roofs, and solar panels for roofing materials, and if the application does not include such materials, the applicant must provide an explanation.*

Explanation: It has been a few years since this amendment was added, and it may be worth making this a requirement (not just a "consideration") for larger scale development. Note, although green and solar roofs may require more substantial construction activity, cool roofs can be added with paint alone.

4.18 Explanation & Measurement of Regulations Specific to Building Types

D. Front or Primary Street Build-to Zone

(1) Encroachments.

(a) *Building-supported awnings, canopies, balconies, eaves, and cornices are permitted to encroach beyond the building line up to 5 feet ~~from~~ over the lot line, provided they allow a minimum of 8 feet vertical clearance in any public right-of-way. No additional support is permitted.*

Explanation: Changing this wording will provide clarity and increase the sensibility of this provision.

4.18 Explanation & Measurement of Regulations Specific to Building Types

D. Front or Primary Street Build-to Zone

(1) Encroachments.

(b) *A porch or stoop may project into the front yard for a distance not less than ~~6~~ 5 feet and not exceeding 10 feet, or the established veranda line, whichever is more restrictive. This shall be interpreted to include porches which may be enclosed by removable windows or fixed canopies.*

Explanation: Change 4.18.D.1(b) to 5' because the porch definition states that porches shall be a minimum of 5' deep.

Section 4.18.1.D(1) (c)

*[OMIT] A ramp needed for accessibility of a residential use must be constructed in the rear or side yard, unless, in the opinion of the zoning administrator: (i) the applicant has submitted scaled drawings that clearly demonstrate the impossibility of physically constructing such ramp in the rear or side yard, and (ii) the existing topography, vegetation, buildings, or other structures physically prevent a ramp from being constructed in the rear or side yard. **Ramps are preferred in the side or rear yard and shall not encroach into the respective setbacks. If a ramp is to be located in the front yard, it shall not encroach beyond the veranda line or other setbacks. Exception to the requirements of front yard placement may be given by the zoning administrator if a Reasonable Accommodation form is completed and placed on file with the Planning Division.***

Explanation: This requirement causes undue burden on individuals under ADA. Need to address the sentence about ramps not being permitted in front yard.

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.*

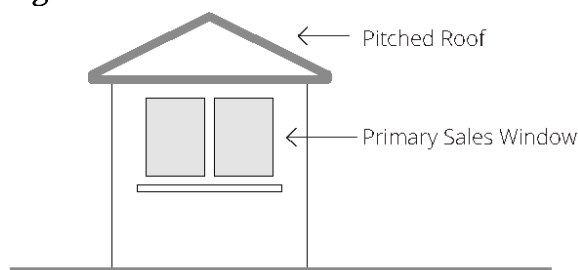
(1) **Yard.** *Permitted in all yards.*

(2) **Use.**

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

(b) In the [omit] 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** Front and corner [omit] 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.

4.20.4. G. Gazebo. A freestanding roofed structure with open sides, **whose primary purpose is for seating and which shall not be used for storage of any kind.**

Explanation: Not to be confused with carports, which are not expressly allowed in the regulations.

CHAPTER 5 – OVERLAY DISTRICTS

5.1.2.A Campus Overlay

A. **Special Permit.** Special permit for a master plan for the entire campus, showing the location of buildings, landscaping, and other development features, **including an inventory of existing signage**, in accordance with special permit application requirements outlined in 1.3.4 Special Permits, except that a master plan application shall not be required to include the following documents:

Explanation: Campus Master Plans provide an opportunity to gain more insight into the development and future plans for what are otherwise insular sites. Staff often receive requests for new signage at these sites and struggle to ensure that the signs comply with the provisions in the regulations. Obtaining a sign inventory at the master plan stage will help to better aid staff in making these types of decisions in future applications.

5.1.2.C. *Special permit review for ~~Civic Building Type~~ buildings not shown on a previously approved master plan, as may be amended from time to time*

Explanation: Not all buildings in campus overlays are civic type buildings. Removing the specific requirement for this to apply to Civic Building Types will either allow for more oversight by the commission or encourage more applicants to complete master plans.

Section 5.4.3. Uses. *Uses shall include only Multi-Unit Dwelling, Bed & Breakfast, Hotel/ Apartment Hotel, Assembly, School, Transit Station, Airport, Neighborhood Retail, Neighborhood Service, Child Day Care, Drinking Place, Eating Place, **Entertainment Assembly**, Office, Craftsman Industrial, Park, Intensive Park Uses, and Temporary Events, as well as Accessory Uses to these Principal Uses.*

Explanation: The CT River Overlay is meant to encourage development. Staff find that allowing entertainment assembly in these areas will contribute to addressing some of the limitations that currently exist around establishing entertainment districts in the city.. Two of the Transformative Project Areas are also zoned with this Overlay and the City's Brainard Airport study provides an option which imagines the footprint of the area as a play where residents can live work and play.

CHAPTER 6 – SITEWORK AND LANDSCAPING

Section 6.12.2. Screening Requirements

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

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

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

6.8.1.B(5) (5) *Outdoor storage yard per 3.3.9 C. **Medium or large shade trees at least every 40' and a fence consistent with Section 6.13 are required along any right-of-way frontages.***

[NEW] 6.9.1.B. (5) *Outdoor storage yard per 3.3.9.C. **Side and rear buffers are required, except where Outdoor Storage Yards are immediately adjacent to Infrastructure Uses and Industrial Uses.** [renumber notes 5, 6, 7]*

Explanation: Desire to be more flexible for this use given likelihood that similar uses may be located nearby.

6.14.2 Stormwater & Low Impact Development

6.14.2 C. Stormwater Management Plan.

- (1) *Requirement. A stormwater management plan shall be required to be submitted and implemented at any property for which a zoning permit is sought, which is not exempted pursuant to subsection (4.3) of this section.*
- (2) *Evaluation Criteria. The decision-making body shall review stormwater management plans for compliance with the following criteria and shall reject plans that fail to meet the following criteria:*
 - (a) *Basic and stormwater system requirements of 6.14.2 A. and 6.14.2 B.*
 - (b) *To the maximum extent feasible, ~~t~~**The Water Quality Volume 90 percent of the average annual storm events shall be captured (including release to any off-site land, waterway, or facility in accordance with this section) and treated on site subject to 6.14.2 C.(3). Water Quality Volumes shall be calculated pursuant to the Water Quality Volume equation found in section 7.4.1 of in accordance with the latest version of the Connecticut Stormwater Quality Manual.***

- (c) *Pollutants shall be controlled at their source to the maximum extent feasible in order to contain and minimize contamination. Methods include but are not limited to sweeping of streets and parking lots, especially in the early spring, the use of oil traps and sediment basins prior to infiltration, the use of pervious surfaces, and the encouragement of sheet flow to filter strips.*
- (d) *Stormwater management systems shall be designed and maintained to manage site runoff in order to eliminate surface and groundwater pollution, prevent flooding and, where required, control peak discharges and provide pollution treatment.*
- (e) *Treatment systems shall trap floating material, oil and litter through devices such as oil and grit separators or trash hoods.*
- (f) *On-site storage of stormwater shall be employed to the maximum extent feasible. On-site storage methods include but are not limited to landscaped depressions, grass swales, infiltration trenches, and retention or detention basins.*
- ~~(g) *Stormwater treatment systems shall be employed where necessary to ensure that the average annual loadings of total suspended solids following the completion of the proposed activity at the site are no greater than such loadings prior to the proposed activity. Alternatively, stormwater treatment systems shall remove 80% of total suspended solids from the site on an average annual basis.*~~
- ~~(3) *If for whatever reason the requirement in 6.14.2 C.(2)(b) cannot be achieved, then alternative compliance may be achieved through either of the following means:*~~
 - ~~(a) *Implementation of off-site practices or infrastructure that will divert from any public stormwater drainage system an amount of stormwater equivalent to the amount of stormwater that is required to be diverted pursuant to 6.14.2 C.(2)(b) but cannot prudently or feasibly be managed on site; or*~~
 - ~~(b) *Payment into the city green infrastructure fund of \$3 per gallon at the peak time, or for a lot in the federally-designated North Hartford Promise Zone \$1.50 per gallon at the peak time, for each gallon that cannot be managed on the lot for which the zoning permit is sought and is not being managed by off-site improvements.*~~
- (4.3) Exemptions.** *The following activities are exempt from compliance with 6.14.2.A (2) and 6.14.2 C.:*
Explanation: This change is proposed in order to make our zoning regulations for stormwater consistent with the State stormwater manual. This change further intends to ensure that the City of Hartford that there is not conflict with the standards that a developer would be required to meet to tie into the MDC system.

CHAPTER 7 – PARKING

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

Explanation: To support the development of Outdoor Markets

Fig. 7.2-A Required Off Street Automobile Parking

*Change title and column header to **Maximum Parking Requirements***

Explanation: For clarity and so applicants better understand applicability

Fig 7.2-B Bicycle Parking

*Change to **Minimum Required Bicycle Parking Spaces***

Explanation: For clarity and so applicants better understand applicability

7.2.2.B

*Parking Spaces Required **Maximum Parking Requirements**. The "Required Number of Off-Street Parking Spaces **Maximum Parking Requirements**" column in **Figure 7.2-A** indicates the ~~required~~ **maximum***

number of off-street parking spaces **allowed** in ~~Figure 7.2-A Required Off-Street Automobile Parking~~, which may be subject to credits and other reductions as are detailed in this section.

Explanation: For clarity and so applicants better understand applicability

Fig. 7.2-C Parking Time Periods Per Use
[OMIT Section]

7.2.3 Multiple Use Reductions

~~Before imposing any vehicular parking requirements through the special permit process, the commission must consider evidence presented regarding: the possibility of multiple use reductions as shown in Figure 7.2-C Parking Time Periods Per Use; the provision of bicycle parking; the proximity to transit stations or bus stops; the provision of on-site or nearby car share services; and transportation management plans promoting carpools, vanpools, subsidized transit passes, walking, biking, or regional ride sharing.~~

Explanation: Some uses that are permitted by special permit do not have a parking maximum. In this case, the commission may weigh in on what amount of parking is appropriate. The Commission should consider the Multiple Use Reduction in weighing what an appropriate parking maximum may be, however, the language has been updated to reflect the proposed removal of the Parking Time Periods Per Use table.

Fig 7.3-A Parking Space Dimensions

~~Lower the minimum one-way travel lane width to 11' and minimum two-way travel lane width to 22'~~

Explanation: More efficient design and effective use of space as well as potential to slow off-street vehicular traffic.

7.5.3.A. ~~Curb Cuts and Driveway Width at Property Line. All driveways~~ **curb cuts** shall have a maximum width **in the public right of way** as required by the department of public works. Maximum driveway width **at the property line** shall be 22', unless a turning lane is required by Public Works. The following specific requirements apply based upon use:

- (1) ~~Curb cuts~~ **Driveways** in any NX and N district shall be no wider than 10 feet at the property line and within any front or corner side yard, except **that** buildings with more than 12 units, and buildings with primarily nonresidential uses, are permitted up to an 18 foot driveway where a greater width is necessary to the function of the use.

7.5.3.C. ~~Distance Between Two Curb Cuts~~ **Driveways**. The minimum distance between 2 ~~curb cuts~~ **driveways** shall be 10 feet.

7.5.3.D. ~~Distance from Side Lot Line.~~

(1) A minimum distance of 2 feet from side property lines shall be maintained at the ~~curbline~~ **back of sidewalk** for all ~~curb cuts~~ **driveways** in residential districts.

(2) A minimum distance of 5 feet from side property lines shall be maintained at the ~~curbline~~ **back of sidewalk** for all ~~curb cuts~~ **driveways** in all districts other than residential districts.

Explanation: Provides more clear guidance and distinction between what is owned by public works versus what is the responsibility of planning and zoning. Eliminates perceived conflict between the zoning regulations and the DPW Rules and Specifications Regulating Curb and Walk Layers and Street Excavation (rev. July 2014)

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

8.12 Dynamic Display

8.12.1 Definition

*Any element of a sign or sign structure capable of displaying words, symbols, figures, images or messages that can be electronically or mechanically changed by remote or automatic means. This also includes any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows a sign to present a series of images, messages or displays. This does not include signs with Manually-Changeable Copy Boards **or Digital Copy at fueling stations. Digital Copy shall be defined as static, non-flashing electronic letters and numbers intended specifically for conveying pricing.***

Explanation: Despite the regulatory restriction on dynamic displays, fueling stations have installed electronic price boards on their monument signs and at fuel pumps. Staff finds that fueling stations are a unique use with unique features including that they feature self-serve pumps where customers may conduct business without entering the store or interacting with any employees of the business, and that the primary product has frequently changing prices.

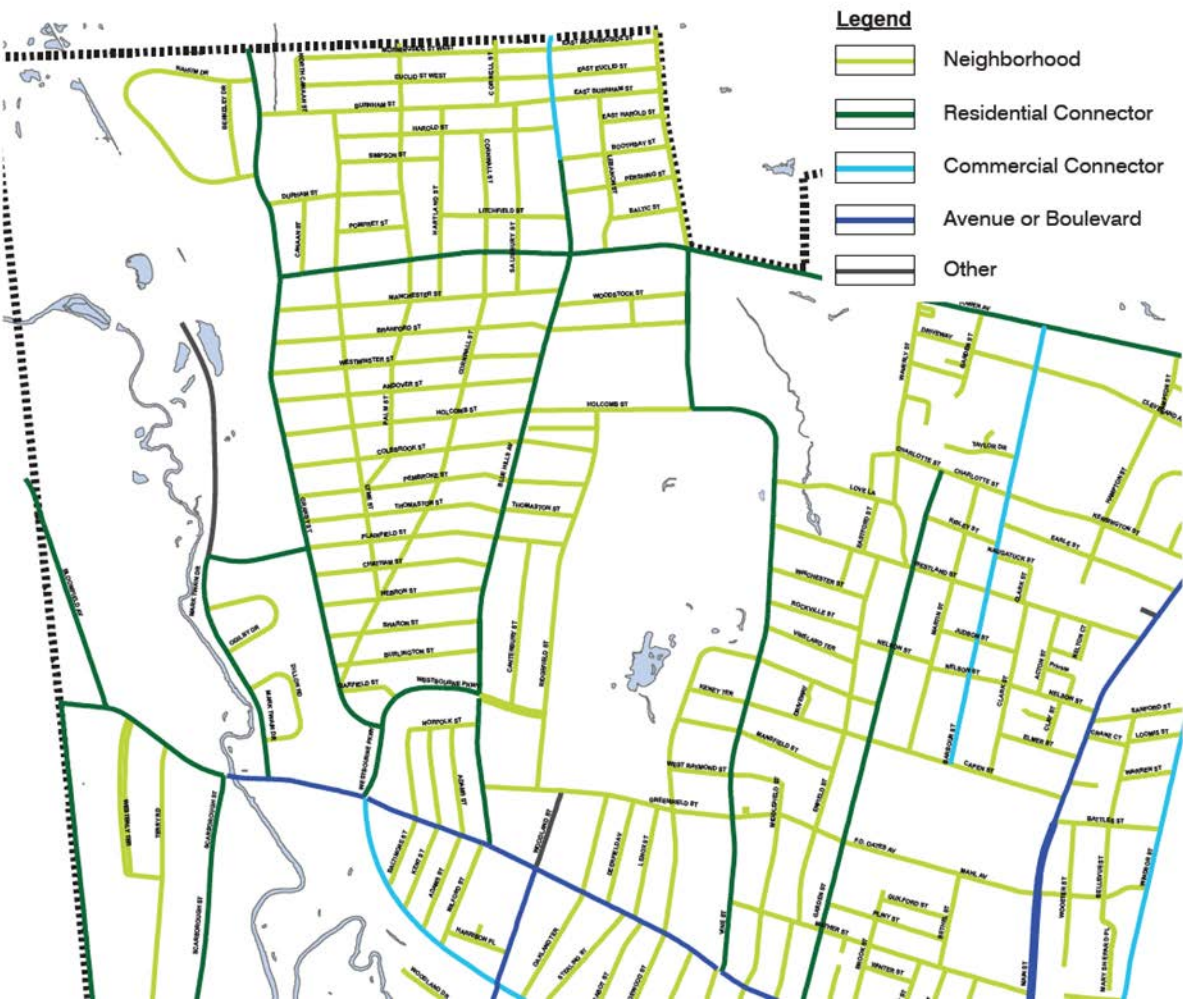
8.3.2.C Murals Signs. Murals Signs, a type of Wall Sign painted onto the building face displaying the business name or activity, are prohibited on front facades. **Mural Signs shall be identified separately from murals, which do not contain advertisement.**

Explanation: The zoning regulations do not govern artwork.

CHAPTER 9 – STREETS

Hierarchy of Street Types

[NEW] Add map of street classifications



K:\Planning\CITYWIDE PROJECTS & STUDIES\Planning_Studies\Planning Grants-2011\Transit Oriented Development Pilot Program\Zoning Chapters\Draft_Chapters\Second_Draft_1115