

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

MARCH 4, 2021

A meeting of the Planning and Economic Development Committee was held Thursday, March 4, 2021, at 7:00 p.m. via teleconference.

Chairman Tencza

As Chairman of the Planning and Economic Development Committee, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:

To access Zoom, please refer to the agenda or the City's website for the meeting link.

To join by phone: 1-929-205-6099 - Meeting ID: 840 0606 2636 Passcode: 265251

We previously gave notice to the public of the necessary information for accessing the meeting, through public postings. Instructions have also been provided on the City of Nashua's website at www.nashuanh.gov and publicly noticed at City Hall and the Nashua Public Library.

If anyone has a problem accessing the meeting via phone or Channel 16, please call 603-821-2049 and they will help you connect.

In the event the public is unable to access the meeting via the methods mentioned above, the meeting will be adjourned and rescheduled. Please note that **all votes** that are taken during this meeting shall be done by roll call vote.

Let's start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-To-Know Law.

Alderman Laws called the roll and asked them to state the reason he or she could not attend, confirmed that they could hear the proceedings, and stated who was present with him or her.

The roll call was taken with 5 members of the Planning and Economic Development Committee present:

Alderman-at-Large David C. Tencza
Alderman Jan Schmidt
Alderman Thomas Lopez
Alderman-at-Large Ben Clemons
Alderman-at-Large Brandon Laws

Also in Attendance:

Alderman Richard A. Dowd
Alderman Patricia Klee
Sarah Marchant, Community Development Director

ROLL CALL

Chairman Tencza

I am present, I am alone in the room and so far, I can hear everyone.

Alderman Schmidt

I am present and alone in the room and can hear everyone.

Alderman Lopez

I am present, I am alone in the room and I am participating this way because this is a virtual meeting so there's nowhere to be.

Alderman Clemons

I am here, I can hear everyone and I am by myself.

Alderman Laws

I am here, surrounded by dogs but otherwise by myself and I can hear everyone. Chairman Tencza, also in attendance we have Alderman Dowd, Alderman Klee and Community Development Director Sarah Marchant.

Chairman Tencza

Great. Thank you. The purpose of tonight's meeting is to hold a Public Hearing on two pieces of Legislation. The first is O-21-048 and the second is O-21-049. Director Marchant would you like to talk about these both at once now or separately?

Alderman Dowd

Just one thing before you start David. This is a Public Hearing which you have, you have a majority of the Board of Aldermen, you need a majority of the Board of Aldermen for a Public Hearing, if it is a formal Public Hearing and you have it, you have 8 people.

Chairman Tencza

Ok thank you. Sarah, I'm so sick of saying this but you are on mute. Not to you, just in general.

Alderman Klee

You're still muted.

Alderman Dowd

There you go.

Sarah Marchant, Director of Community Development

Can you hear me?

Chairman Tencza

Yes.

Director Marchant

OK thank you. I am on my phone too because, of course, my computer is not cooperating in the last 10 minutes. So yes, thank you, this is a Public Hearing of the Planning & Economic Development Committee because we are looking at changes to the Land Use Code. I would be more than happy to speak to both at once if that is the pleasure of the Board.

Chairman Tencza

I think that'd be fine, yes, thank you.

Director Marchant

OK thank you. Ok first Ordinance O-21-048, Amending the Driveway Section of the Ordinance. The purpose of this Legislation is to take independent sections that are spread out across different parts of the Land Use Code and through DPW's standards. And to consolidate them into one spot so it is very clear that we are talking about residents, all residential driveways and then to update them to comply with current best practices and ADA standards. So there are no changes to the dimensional standards from the existing Ordinance as in right now you can't have a driveway within 50 feet of an intersection or another driveway. So the standard is still the same. Your driveway can't be wider than 24 feet within the front setback, that standard is still the same. So we are not proposing to change any of the standards just to put them all in one section and then to refer to Public Works standards for anything more detailed than that essentially.

Today you should have received the golden rod copy of the amendment, the amended version which is taking out number 4 which had talked about approach length. In reviewing that with Public Works, Fire, Building and Code there were some conflicts in other areas that we didn't initially see. So the easiest way was to take that section out so we don't have any conflicts and to let the Public Works Standards dictate the right situation at the right time, versus putting it into the Zoning Code which needs a variance to change. So that's the proposal there. I'd be happy to answer any questions? Or keep going?

OK the Conservation Subdivision Regulations is actually just adding one sentence and it is the same sentence that was added into the Elderly Housing Standard not that long ago. There is no change to the purpose of this Regulation which is simply to allow the same density as the underlying zoning district but instead of spreading houses out throughout an entire parcel to create longer roads and more divided up open space; the idea is you get the exact same density and you cluster that together to give us less road, for less long-term maintenance and better resiliency and to keep our open space whole. So nothing is changing, the sole purpose of this change is to allow the form of ownership to be equal.

So for right now if we have two equal plans coming in for the same parcel, say it was a very large parcel and you could have 30 houses on it, if you were coming in and you were subdividing each lot out, you could go right to the Planning Board. But if you wanted to do it as a condo, same layout, same form, same dimensional standards, same road, you would have to go to the Zoning Board of Adjustment for a variance first and then to the Planning Board. So we want to clarify that and just put this one sentence in that says it doesn't matter the type of ownership, we are making it equal across the board. So that is the goal of that change as well; again no density is changing, no dimensional standards are changing, no design or form is changing here. And I'd be happy to answer questions on either.

Chairman Tencza

Questions from anyone? Alderman Lopez.

Alderman Lopez

Yeah, Director Marchant, are you specifically aware of any programs either proposed, under development or maybe in discussion with the City of Nashua that might benefit from the second change?

Director Marchant

There is nothing before the Board at this time. The Board has reviewed several applications over the past several years that have faced this kind of a dilemma. And I don't know of any that are coming in, I think there's always something coming in. I have not had discussions about any specific applications coming in but my guess in this development, in the market that we are in right now is that are likely to be some in the next couple of years, absolutely.

Alderman Lopez

OK are any of them likely to be put on top of former tannery site or anything like that.

Director Marchant

No.

Alderman Lopez

Just making sure; I've got to check what is relevant to the Ward.

Director Marchant

Yeah, no problem. I would also like to add the Conversation Commission did discuss this last night and voted unanimously to recommend approval. The Planning Board is discussing this as we speak and so if they finish before we do, I'll let you know the outcome.

Chairman Tencza

Thank you. Anything further, Alderman Lopez? I don't see any. OK, Alderman Clemons, you have a question?

Alderman Clemons

Yes, I did want to recognize the fact that we are supposed to take testimony in favor and opposition although I don't see anybody on the lines other than the Aldermen that are here. I don't know if we had to run through that formality.

Chairman Tencza

So we are going to run through that formality, I figured because we get testimony it made sense to hear from Director Marchant.

Alderman Clemons

OK I do have questions, should I ask them now?

Chairman Tencza

Why don't you, sure.

Alderman Clemons

OK. I guess my question is related to ADA Compliance on the driveways, I am curious what that is.

Director Marchant

Yes certainly, that's a great question. It is very specifically regarding driveways that have sidewalks over at the end where the intersection of the driveway and the right-of-way include the sidewalk. What those standards

now say is what we have been practicing through Public Works but it hasn't lined up with this Ordinance and that is that you have to meet the 2% slope on either side of the paved driveway surface to make sure that the connections to the sidewalk meet ADA Grade Requirements. So if you are putting in a new driveway and you have to take out a section of the sidewalk to do that, you have to update when you put it in, the sides that meet the sidewalk have to meet ADA standards, which is a 2% grade and the special bumpy surface. I'm sure it has a more technical name that is escaping me at the moment.

Alderman Clemons

That's OK. So does this only affect new driveways or would this affect an existing driveway if somebody wanted to let's say repave it or if they wanted to do something. Or on the other hand, if the City was to upgrade the sidewalk next to it, how might this impact an existing driveway.

Director Marchant

Great questions. So first, if the City was updating the sidewalks in that area, it would be the City's responsibility to meet ADA Standards with the sidewalks. Second, if somebody say has a very old driveway and it is not paved and they are now going to pave the driveway, yes, they would have to comply with this standard. Or if somebody had a 12 foot wide driveway right now and they, for many reasons, want to go to a wider driveway, right? Suddenly you have teenagers and there 3 or 4 cars in the driveway instead of the 2 that used to be there. If they wanted to go up to the 24 feet of width, they would have to comply with these new standards, which they would have to do now anyways, it is just a convoluted process of how we get there. But yes, it would apply to existing driveways who are making changes as well as new driveways.

Alderman Clemons

OK and so I assume that if the City, because I live on a driveway like that and it's actually noncompliant because we are living in a house that's almost 100 years old. But, nevertheless, I mean someday the sidewalks might be updated around here and I am just wondering. So that cost would not be on the owner of the house it would be on the City to make sure they do that correctly. Am I understanding that correctly?

Director Marchant

If the City was upgrading sidewalks, the City would be responsible for ADA compliance of the sidewalk tip down to the driveway. If the homeowner is updating a driveway, then they are responsible for the ADA compliance of the intersection of the driveway and the sidewalks.

Alderman Clemons

OK thank you, I appreciate that. Thanks.

Chairman Tencza

I see Alderman Dowd and then Alderwoman Klee.

Alderman Dowd

Just a question, you know, I think in Ward 3 and Ward 4 specifically maybe even some in Ward 6 and there could even be other places in the City that we have driveways right now that are non-compliant, particularly with the length, people have sort of made a driveway out of their front yard and the cars sometimes stick out of the sidewalk. This prohibits that; is that in violation or is it only if they decided to pave it and that wasn't long enough or wide enough.

Director Marchant

That's a great question. Existing, non-conforming driveways that have been existing non-conforming for, as Alderman Clemons said, 100 years, I mean we have amazing aerial photography through pictometry every

few years going back 20 something years, right. We don't have the capacity nor do we have any intention just like we don't yesterday of making all of these driveways come into compliance. The point is, if you are upgrading if you are doing something different than you need to come in compliance. If it exists at it exists, it will not be any different than it was before.

Alderman Dowd

The other question I have is if you are going to be paving your driveway, do you have to pull a building permit?

Director Marchant

You do not, you pull a driveway permit with the Department of Public Works.

Alderman Dowd

Ok so they would be the ones to tell them about the sidewalk requirement and all that. OK.

Director Marchant

Yes, they are making sure that the slopes are appropriate for drainage and you are not dumping water on to City roads. They are making sure that all those kinds of design and engineering details that are required to preserve the City's road system and make it a safe approach for the driveway are met through that permitting process.

Alderman Dowd

How do people know that they are supposed to contact the Department of Public Works? Because I have seen a lot of people do driveways and I doubt they even know that they had to talk to anybody.

Director Marchant

If they ask, we tell them. I think there's many things that people should pull permits for that they don't always know about. We do the best that we can and if anybody asks or if we are actively seeing something especially if it looks unsafe or somebody calls and complains, that's kind of how we know. We certainly aren't a very proactive system nor do we have the capacity to be so. But if anybody asks, all the Departments work together very well and we point them in the right direction.

Alderman Dowd

So if somebody did a driveway and didn't check with DPW and we found out they weren't in compliance what's the action we would take?

Director Marchant

They would get an after-the-fact driveway permit and they'd have to make sure that the driveway is in compliance with the standards. That's the same thing that would happen now.

Alderman Dowd

OK, all set.

Chairman Tencza

Thank you. Alderwoman Klee?

Alderman Klee

Thank you. To kind of add to what Director Marchant said, Alderman Dowd, I had a constituent who paved first and applied later and more because I don't want to say so much she was caught, but yeah that's kind of what happened. And it was just a mix of misunderstandings it truly was. But then she went in front of the Zoning Board and she got all the variance, because in her particular case it was wider than it would have been, it was beyond the 24 feet. So like for instance my driveway is beyond the 24 feet, I'm pretty sure it is, I've never really measured but I am pretty sure it is. But it was that way when we got it, I have a feeling nothing was ever done officially and if we went to pave it, we would then have to get all the variance and so on. It could be denied, we would hope it wouldn't be but it could be denied.

But my question to you Director Marchant, is with all the paving that we do and I know that when Royal Oak was paved which is where my driveway is, the City, I don't have sidewalks so it's not going to be quite the same thing but I know that on (inaudible) when they've done it, the City does what they call the apron of the driveway so that everything marries in. When they do that, they go into the sidewalk aspect of that. So at that point, the City would make sure that all the grade was appropriate for the sidewalk and it would not be the resident's responsibility. If I understood you that's what you were saying, correct.

Director Marchant

That is correct.

Alderman Klee

Follow up Mr. Chairman. My follow up is that I had a constituent that they decided that while the City was doing it they might as well pave it. So it was kind of one of those things that kind of becomes a little bit mushy sort of making sure the grade was done and everything else like that. In that case, do you think that they would just have to negotiate with the City as to who is going to make sure the sidewalk does that?

Director Marchant

It is the call of Public Works but it also has very much to do with timeline; who is doing what first. And so I think that that's really critical. We all know that with paving our roads and redoing our sidewalks that there is many layers to that process that have different time components, right? There is many weeks between where we have to let things settle. So the timeline of when the driveway gets paved and exactly where it is in our paving process would also add to that situation. So it would be unique and it would be part of their driveway permit process with Public Works and I think Public Works would what they can to be as fair as possible but it also depends on the availability of their contractor and our contractors to figure that out.

Alderman Klee

OK. The only reason I ask is because I do know that they just released the paving project and I have had a few people who have said to me, I'm going to get my driveway paved before then and now that we are talking about this, I just want them to know, coordinate and work with the City so that everything is done properly and something doesn't get dug up after you've done all that work. So thank you so much, I appreciate your answers.

Chairman Tencza

Any other questions or comments for Director Marchant? Alright, thank you Director Marchant. Seeing none, I think we will move to the Public Hearing portion of the meeting.

PUBLIC HEARINGS

O-21-048 AMENDING THE RESIDENTIAL DISTRICTS ORDINANCE WITH RESPECT TO RESIDENTIAL DRIVEWAYS

TESTIMONY IN FAVOR - None

TESTIMONY IN OPPOSITION - None

TESTIMONY IN FAVOR - None

TESTIMONY IN OPPOSITION - None

The public hearing was declared closed at 7:22 p.m.

O-21-049 AMENDING THE CONSERVATION SUBDIVISIONS SUPPLEMENTAL USE REGULATIONS

TESTIMONY IN FAVOR - None

TESTIMONY IN OPPOSITION - None

TESTIMONY IN FAVOR - None

TESTIMONY IN OPPOSITION None

The public hearing was declared closed at 7:23 p.m.

Chairman Tencza

Everyone must be at the Planning Board testifying this evening for and against these pieces. Alderman Lopez?

Alderman Lopez

Yeah I wanted to point that out, can we maybe in the future try not to schedule both meetings at the same time? It feels a little bit Harry Potter-ish like if somebody did object how do they go to two meetings.

Chairman Tencza

And that's a good point, I think this was just a matter of timing because of the Public Hearing you need to give so much notice and this was the first day that it would have worked out.

Alderman Lopez

I am going to send a polite letter to Donna and be like, can you keep an eye out for this next time.

Chairman Tencza

But that being said, I will ask for the minutes of the Planning Board Meeting to see what the discussion was and if there was anyone who showed up there in opposition or in favor.

Alderman Lopez

I mean I believe that the Public has the opportunity to speak out and if they were unclear about one meeting now they have two. But it just seems like we as Aldermen didn't get to entertain any objection if there was any.

Alderman Dowd

Correct me if I'm wrong, but it is going to go to the Full Board as well.

Alderman Lopez

That's true, so they can talk there. But I mean there's a public hearing for a reason, awkward to have a public hearing outside of the public's hearing.

Chairman Tencza

Like I said, the other point I'll make Alderman Lopez is that anyone is free to reach to us via email or otherwise and I don't believe we have received any positive or negative comments.

Alderman Lopez

That email is spelled T-E-N-Z-C-A.

Chairman Tencza

Close, C-Z-A.

Alderman Lopez

C-Z-AD@NashuaNH.Gov.

Chairman Tencza

Ok that's right. OK we will move on to the regular meeting now of the Planning & Economic Development Committee.

Regular Meeting

PUBLIC COMMENT - None

DISCUSSION - None

COMMUNICATIONS - None

UNFINISHED BUSINESS – None

NEW BUSINESS – RESOLUTIONS - None

NEW BUSINESS – ORDINANCES

O-21-048

Endorsers: Mayor Jim Donchess
Alderman Richard A. Dowd
Alderman Linda Harriot-Gathright

AMENDING THE RESIDENTIAL DISTRICTS ORDINANCE WITH RESPECT TO RESIDENTIAL DRIVEWAYS

MOTION BY ALDERMAN LAWS TO AMEND O-21-048 AS RECOMMENDED BY DIRECTOR MARCHANT BY ROLL CALL

A viva voce roll call was taken which resulted as follows:

Yea: Alderman Schmidt, Alderman Lopez, Alderman Clemons, Alderman Laws,
Alderman Tencza 5

Nay: 0

MOTION CARRIED

MOTION BY ALDERMAN LAWS TO RECOMMEND FINAL PASSAGE OF O-21-048 AS AMENDED BY ROLL CALL

A viva voce roll call was taken which resulted as follows:

Yea: Alderman Schmidt, Alderman Lopez, Alderman Clemons, Alderman Laws,
Alderman Tencza 5

Nay: 0

MOTION CARRIED

Chairman Tencza

Director Marchant, there were no amendments that you were recommending to O-21-049, correct?

Director Marchant

That is correct, final passage, please.

O-21-049

Endorser: Mayor Jim Donchess

AMENDING THE CONSERVATION SUBDIVISIONS SUPPLEMENTAL USE REGULATIONS

MOTION BY ALDERMAN LAWS TO RECOMMEND FINAL PASSAGE OF O-21-049, BY ROLL CALL

A viva voce roll call was taken which resulted as follows:

Yea: Alderman Schmidt, Alderman Lopez, Alderman Clemons, Alderman Laws, Alderman Tencza 5

Nay: 0

MOTION CARRIED

TABLED IN COMMITTEE - None

PUBLIC COMMENT - None

GENERAL DISCUSSION

Alderman Dowd

Yeah Alderman Laws, it was just a little confusing because the Resolution, I mean the Ordinance was to amend a document that currently exists, it wasn't amending this particular Ordinance. It was for final passage, so it is just a little confusing the way it is written.

Alderman Laws

I just got a little confused there, I appreciate that.

Chairman Tencza

Alderman Lopez?

Alderman Lopez

Yeah just a heads up to the Committee. Director Cummings sent us a letter about the Mohawk Tannery, that was probably what I was asking Director Marchant again about because I don't know whether this is helpful for them or not or anything, because I don't know what they are building. But it might have been condos so I felt like I should probably just check. He sent a communication to the Board of Aldermen more as a warm up.

He does plan on doing an update presentation to kind of build general knowledge of it. It is a pretty big project. So it should be coming down the pipe a little bit, he just wanted a little more time to figure out what he was going to do. I think we have to figure out from the developer how far they are into. It is open to Public Comment for people who are interested on the EPA's Website as well. So if you have thoughts, that's the project where we are figuring out how to move the contained asbestos site, the Mohawk Tannery waste and all that kind of stuff in the area most appropriate in order to allow development of that site.

Chairman Tencza

Great thank you Alderman Lopez. Alderman Dowd.

Alderman Dowd

I believe if it developed through the State as a condominium association, we have very limited control of what they do on condominium grounds. Director Marchant, would you agree with that?

Director Marchant

Partly. We have full zoning control, we have full initial design control, they have to meet our land use code, whatever development happens on that site or any site, condominiums anywhere. The State AG's office has control over the terms of the terms of the condominium and what it means to the owners of that condominium and that conveyance. But as far as the actual form of the development and the zoning that is all within the City's purview.

Alderman Dowd

Right but if they were like repaving driveways and things, they wouldn't have to get a permit from the City.

Director Marchant

Yes, they would.

Alderman Dowd

Well they don't in a lot of condominium associations I know.

Alderman Lopez

Just make a note of that Director Marchant. Just to be clear, I don't know at all what the project is going to be. I don't if it is going to be condominiums or housing. I just wanted to make sure I wasn't accidentally either throwing a monkey wrench or greasing the wheel without knowing. I'll do either one if I think it is the right thing to do but I didn't know what the project was, so I figured I should check.

Alderman Dowd

I'm not sure they do.

Chairman Tencza

Alderman Dowd, I think there's a difference between existing condominium associations and new development right? They would have to come and Director Marchant can speak more to this but in order for the initial approval of the plan they would have to come and present what the site plan was.

Alderman Dowd

I was talking about repaving driveways at some point because condominium associations themselves, at least our condominium association, they are responsible for repaving the driveways and I doubt they pull permits. I'm not even sure they pull permits when they redo the streets.

Chairman Tencza

Director Marchant would you speak to that.

Director Marchant

I think I will just lightly say that it is most important to the City that permits are pulled when any private road or private driveway is intersecting with the City system, again to ensure that drainage and slopes and ADA compliance. I believe that driveways on private roads are held to the same standards, they have to meet the standards and are still subject to ADA requirements, they are still subject to all the drainage requirements per their site plans and so that permit would ensure that compliance. So as a blanket statement, all repaving of driveways requires a permit.

Chairman Tencza

Alderman Lopez?

Alderman Lopez

So the first condominium association to screw that up is going to find out one way or another, but we are not looking for trouble.

Chairman Tencza

And on this discussion, you know, I would assume that reputable paving companies when they pave a driveway or pave a road know that they need to pull permits. So that may be happening without the owner even knowing that it is happening. I mean I would assume that especially the larger condo associations, the companies that they are contracting with probably are doing other jobs for the City and want to stay in the City's good graces. So hopefully they are doing everything that they should be doing as far as pulling permits.

Alderman Lopez

So not the ones dumping their left over junk in Walmart?

Chairman Tencza

Exactly.

Alderman Lopez

The reputable ones.

Chairman Tencza

Yes. OK any further general discussion?

REMARKS BY THE ALDERMEN – None

POSSIBLE NON-PUBLIC SESSION – None

ADJOURNMENT

MOTION BY ALDERMAN LAWS TO ADJOURN BY ROLL CALL

A viva voce roll call was taken which resulted as follows:

Yea: Alderman Schmidt, Alderman Lopez, Alderman Clemons, Alderman Laws,
Alderman Tencza 5

Nay: 0

MOTION CARRIED

The meeting was declared closed at 7:36 p.m.

Alderman-at-Large Brandon Michael Laws
Committee Clerk



ORDINANCE

AMENDING THE RESIDENTIAL DISTRICTS ORDINANCE WITH RESPECT TO RESIDENTIAL DRIVEWAYS

CITY OF NASHUA

In the Year Two Thousand and Twenty-One

The City of Nashua ordains that Part II “General Legislation”, Chapter 190 “Land Use”, Part 2 “Zoning Districts and Supplemental Use Regulations”, Article III “Base Districts”, Section 190-17 “Residential Districts (R-40, R-30, R-18, R-9, R-A, R-B, R-C)” of the Nashua Revised Ordinances, as amended, be and hereby is further amended by deleting the struck-through language and adding the new underlined language as follows:

“§ 190-17. Residential Districts (R-40, R-30, R-18, R-9, R-A, R-B, R-C) and Residential Uses.

Purpose: These districts implement the following Master Plan recommendations:

- *Protect the character of existing neighborhoods through zoning regulation and enforcement.*
- A. No application for development approval in the R-40, R-30, R-18, R-9, R-A, R-B, R-C Zoning Districts or residential uses in other Districts shall be approved unless the proposed use and/or development conforms to the requirements of this article and a building permit is issued in accordance with Part 3. If subdivision and site plan approval are required the proposed development shall comply with the requirements of Parts 4 through 8.
- B. Only one principal structure shall be permitted on a lot, except where otherwise provided by this chapter.
- C. All proposed uses shall comply with the ~~parking standards (Article XXVIII)~~ and sign regulations (Article X) regardless of whether a site plan is required.

- D. Specific residential district criteria. The following standards apply to all residential districts: All two-family dwellings (duplexes) shall be structures

ORDINANCE

MARCH 3, 20121 PROPOSED AMENDMENTS TO O-21-048

consisting either of two separate dwelling units on separate floors or of two separate dwelling units connected and separated by a common wall connecting living spaces, perpendicular to the longest dimension of the structure, and having a common length equal to at least: (i) 90% of the widest part of each structure measured perpendicular to the longest dimension, if the longest dimensions are parallel; or (ii) 90% of the widest part of one unit measured perpendicular to the longest dimension, and 50% of the longest dimension of the other unit, if the longest dimensions are perpendicular to each other.

- E. Driveways for residential uses shall be subject to the following provisions:

- (1) Driveways where they meet the public right of way and continuing to the rear line of the front yard setback shall be no more than 24 feet in width. Such width may be divided between two approaches to the right of way but no more than two. "Width" shall be measured along a line generally perpendicular to the line of intended vehicular travel.
- (2) Driveways shall be located a minimum of 50 feet from an intersection.
- (3) Driveways crossing a sidewalk shall maintain and continue the sidewalk width and cross slope (2% maximum). Sidewalk approaches shall be reconstructed in kind as necessary to make smooth transitions to the driveway crossing. Sidewalk width and grades at driveway crossings shall comply with ADA standards.
- (4) Driveway approach angle. The angle of the driveway approach shall be approximately 90° for two-way driveways and between 60° and 90° for one-way driveways.
- (5) Driveways shall be paved within the right of way and constructed per Division of Public Works standards, including permitting and inspection requirements."

This ordinance shall become effective immediately upon passage.