

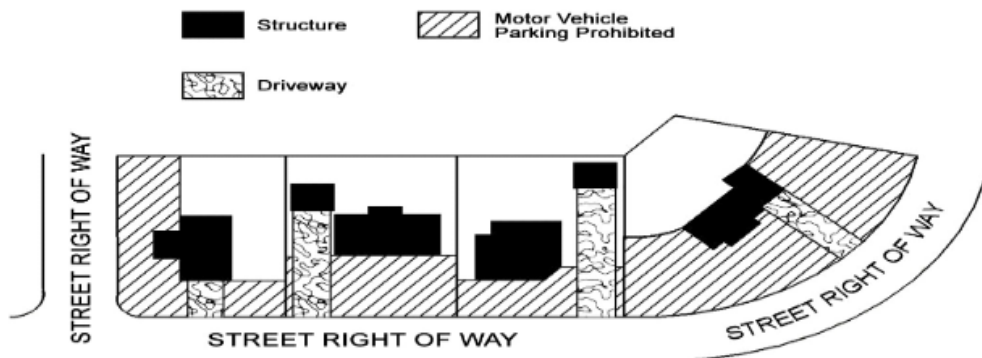
STAFF REPORT

Front Yard Parking Regulations and Driveway Specifications Zoning Text Amendment

October 25, 2022

BACKGROUND:

City Council reviewed a staff report on July 26, 2022 related to front yard parking regulations and potential enforcement issues for noncompliant parking. City Council examined several examples of front yard parking and driveway configurations as they related to 454 properties that had potentially noncompliant front yard parking. Front Yard parking is restricted within Zoning Ordinance Section 29.406 (7) to only being allowed upon driveways that lead to the garage or side/rear yard. The graphic below depicts prohibited parking areas for single and two-family homes.



City Council provided direction to amend the zoning standards rather than seek enforcement on these existing driveways. Additionally, City Council determined it would prefer to allow for additional driveway parking options to encourage onsite parking over street parking. Direction from July 26th included the following:

- Allow for existing driveway configurations to be permitted as preexisting,
- Allow for additional flared parking (to the side of the driveway) when not in front of a house,
- Limit second curb cuts to when a property has at least 150 feet of frontage,
- Set new standards for a minimum driveway exception of at least two cars (20 feet wide) for all properties unless there is compliant two-car parking in a rear yard,
- Create a driveway permit process enforceable by the Planning Director.

In addition to these primary issues, staff noted in July that related issues may also need to be addressed to comprehensively update driveway permitting. Therefore, Staff is now proposing to amend sections of the Zoning Ordinance related to parking, driveway design, and permitting. Staff believes these additional changes will streamline the review process and clarify the intent and purpose of the driveway and parking standards.

ADDITIONAL PROPOSED ZONING AMENDMENTS:

As staff began preparing amendments related to front yard parking and driveways, a number of related issues to continuity of the code language and standards for paving have become apparent to City staff. Staff now proposes to address parking standards and driveways standards broadly to consolidate the review processes and hopefully make the information more readily understandable for the customer. The primary focus is on driveways for single and two-family homes, but additional changes related to nonconformities and parking lot permitting would align with the discussions and process related to driveways. Single and two-family related changes are distinguished from broader additional parking related items of the Zoning Ordinance.

Staff approached the driveway changes with the assumption that City Council intended to allow for all existing paving to be allowed as “pre-existing” compared to nonconforming. This was based upon City Council discussion in July as part of the initial direction. **The difference in the terminology is “pre-existing” allows for something to be reconstructed whether it complies with width, location, or other zoning standards, whereas the nonconforming standard expects eventual conformance to zoning standards, typically at the time of reconstruction.** If City Council did not intend to allow for all front yard paving and driveways to be pre-existing, but instead to be treated as nonconforming, staff would need this direction for the zoning text amendment.

Single- and Two-Family Home Amendments

Driveway Width

Currently no width of a driveway is specified within the Zoning Ordinance. The default is to have a nine-foot-wide driveway, which matches parking lots standards for a parking space. The Rental Code requires a minimum of nine feet for all licensed rentals, regardless of existing conditions. However, nine feet is wider than many older driveways in the City, which can cause issues for repaving. Specifying a minimum driveway width will assist staff in administration of paving existing driveways and for new driveways.

Staff proposes to allow for a nine-foot wide minimum driveway width. This would apply to all new paving for driveways. Existing paved driveways would not need to be widened based upon City Council intent to allow for existing paving to be maintained as a pre-existing improvement. Improvement of unpaved driveways would occur through voluntary paving at the owner's discretion, licensing a property as a rental, or if a garage is added onto and the driveway is required to be improved with the new improvements on a site.

Driveway Approach/Curb Cut Width

The driveway approach (curb cut) width is also proposed to be addressed. Currently the Zoning Ordinance says to use the minimum width specifications of SUDAS, unless circumstances warrant a wider approach. Staff has concerns about the range of allowances with the current language and that it will be consistently applied to match expectations of driveways being proportional to garage width without a more specific standard.

Public Works recommends including the SUDAS guidance of a 10-foot wide minimum driveway approach for all driveways, even if it's is less than 10 feet in width on site. The SUDAS residential maximum is 30 feet, but by the standard of "minimum width necessary" the 30-foot width should not be typically allowed. **Staff also proposes to set a maximum width of 20 feet to 24 feet,** this would not allow for extra wide driveways or driveways that lead directly to three car garages. **Stating a maximum as described by staff will provide for consistency and lead to the tapered driveway design for larger garages and minimize overall paving and interruptions of on-street parking along a curb.**

Define Driveway

Staff proposes changes to "vehicular maneuvering areas" to use the more common terminology of parking lots and driveways for single and two family uses. Corresponding adjustments to definitions will be made as necessary. Staff would also clarify the relationship of a sidewalk and a driveway distinction for single-family homes in Section 29.404 On-Site Sidewalks.

Driveway and Paving Manual

Staff proposes to create a new Driveway and Paving Manual with guidance on how to comply with the paving and driveways standards of the Zoning Ordinance. This Manual will be referenced in the Zoning Ordinance and administered by staff as administrative guidance with illustrations and examples of how to typically meet standards. Staff would update the manual as needed for review of driveway permits.

Permitting

Due to previous ambiguity of not needing a driveway permit within the front yard parking standards section, the standards for parking lots and driveway permitting need to be rewritten to clearly explain expectations for a variety of situations. Current code language references circumstances related to paving and reconstructing parking lots and allowances for nonconformities. None of these processes and standards currently are consolidated into a standard permit process section of Building/Zoning Permits or Site Development Plans.

Staff proposes to modify 29.1502 Building/Zoning Permit section to identify specifically the need for permits related to driveways (single and two family) parking lot striping, landscape changes, and outdoor storage. These are all types of administrative permits that fit within the intended review authority of the new driveway permits and should be listed together. In addition, depending on the outcome of the driveway width paving, the language for pre-existing and nonconforming paving will be modified as necessary with the permitting process.

OTHER PARKING AND PARKING LOT AMENDMENTS:

Front Yard Parking

Staff proposes to retitle Front Yard Parking to include Driveways in the title to use a more common terminology. The proposed new allowances for flared parking and the 20-foot-wide driveway allowance will be written as exceptions to the front yard parking limitations on parking locations. The design standards of driveways will be part of a separate driveway subsection.

Staff also proposes to modify front yard parking in relation to Group Living uses. An allowance exists for group living to have front yard parking in limited circumstances when set behind a primary façade. However, it appears that for corner lots the limitation of parking in relation to the secondary facade is not clear and it should be updated to reflect the intent that front yard parking is not permitted for either yard on a corner lot.

Front Yard Parking references will also be updated to address multiple building sites, such as apartments. Multiple building sites do not neatly fit the front yard parking diagram included in the code. Staff desires to clearly define that the forward most buildings define the front yard as it relates to the street, and it is not an issue when set back buildings are further back on a site.

Staff also proposes to clarify the terminology in the Zoning Ordinance that references “parking between a building and street.” By practice this has meant

literally between a building façade and the street, not the entire front yard. This would now become the definition with the proposed text amendment.

Staff also proposes to acknowledge an exception process for all properties when they have more than two street frontages. An example of this was the Downtown Fareway that exists on a lot with four street frontages, the NC zoning was modified to account for this by restricting parking on two sides. Staff proposes adding a similar exception for all zoning districts as part of the Parking Section.

Parking Standards

The proposed zoning text amendments affect Section 29.406 (Parking) of the Zoning Ordinance. **Staff proposes to modify other parking sections concurrent with front yard and driveway standards.**

The City allows for buildings and uses that existed prior to 2000 to have up to a 10% increase in parking demand before triggering current parking requirements. However, it is unclear how such an allowance works with residential uses. **Staff proposes to clarify the allowance for a change of use within existing buildings as part of 29.9406 (3) to not allow for reversions to other residential uses or increase units in apartment buildings without providing for required parking.** This change will make the parking section consistent with other language in other parts of the code.

Parking Lot Reconstruction Permitting

With the changes to permitting for driveways described above, it leaves parking lot paving and reconstruction awkwardly positioned as part of the parking standards. **Therefore, Staff proposes to clean up the distinction of parking lot reconstruction with a change in the site development plan requirements, which are currently tied into the Parking Lot Striping Plan and front yard parking references that Staff proposes to move.**

The current site development plan standards do not define “redevelopment” and how replacement paving relates to nonconforming conditions. The default is to consider 150 square feet of “new” paving to trigger a site development plan, with an exception for maintenance. However, the Zoning Ordinance does not define either maintenance or redevelopment which creates confusion for customers at times.

Staff proposes to expressly state that parking lot reconstruction is allowable with a Parking Lot Striping Plan rather than a new site development plan if the reconstruction is less than one-acre in size and conforms to the other criteria of the Zoning Ordinance. The one-acre threshold will match the City’s stormwater management threshold of Chapter 5b.

If parking lot reconstruction changes the design or location it would still be subject to the Site Development Plan permit process. The same standards apply to a nonconforming parking lot whether it is a building zoning permit or a site development plan, the Site Development Plan requires a more robust application process that includes the use of licensed design professional, typically a civil engineer. **Staff would also modify the standards of previously approved site development plans and nonconformities to correspond to the proposed permitting changes.**

PLANNING AND ZONING COMMISSION:

Planning and Zoning Commission reviewed a full range of changes related to City Council's direction regarding front yard parking and the related issues at its September 21st meeting. Staff described the circumstances that lead to City Council's review of the issue. Most of the discussion amongst the members focused on the proposed allowances for additional paving and widening of driveways. No one from the public provided input.

The focus was on the two specific issues of allowing for additional paving in the front yard. Staff described the proposed allowance for flared parking towards side property line and the new allowance for all properties to have a 20-foot-wide driveway, even if it was partially in front of the existing house. Staff also noted that in the SF-COD area the 12-foot maximum width driveway limitation would continue to apply. **The Commission voted 3-2 to support most of the proposed changes, including the flared parking option, but it did not support allowing for a 20-foot driveway for all properties.**

One important issue that Staff is requesting direction from the City Council is whether to finalize a draft ordinance that allows the 20-foot driveway for all properties even if the driveway extends partially in front of the house, as proposed by Staff, or to follow the P&Z recommendation, which would not permit paving in front of a house to widen a driveway and only allow for it to be widened as a flare to the side.

STAFF COMMENTS

City Council's intent to create flexibility for homeowners and a clear permitting process related to driveways requires additional direction on specific standards. **Staff believes the combination of changes to both standards and permitting processes that are being proposed will improve compliance with standards and consistency in administration.**

One fundamental issue related to the Planning and Zoning Commission recommendation to not allow for a minimum 20-foot front yard driveway needs to be addressed. Staff originally proposed this as option to create equal side-by-side

parking options for all properties. The impact of this allowance will be focused in the older neighborhoods of the City that have one car garage where adding a flare to the side may not be possible. New neighborhoods already have two-car garages and would not be impacted by the proposal.

In addition to City Council’s direction from July regarding five issues, staff proposes additional amendments described above to improve the usefulness and clarity of parking standards.

The summary of staff proposed amendments described above are as follows:

For Single and Two-Family Houses Amendment

- a. Establish a minimum driveway width of 9 feet for all new paving.
- b. Establish minimum 10-foot and maximum 20-24-foot driveway approaches.
- c. Change “Vehicle Areas” to Parking Lots and Driveway, clarify sidewalk crossings, and update corresponding definition changes as needed,
- d. Move all permitting processes to Article XV Procedures, include new Building/Zoning Permit references for Driveways, Parking Lots, Landscaping, and Outdoor Storage
- e. Reference a Driveway Design Manual administered by staff.

Other Parking and Parking Lot Related issues

- a. Update front yard parking and parking between the building and the street with miscellaneous changes.
- b. Alter the pre-existing buildings prior to 2000 parking rate allowance to not apply to residential uses.
- c. Exempt parking lot reconstruction of 1 acre or less from Site Development Plan review, but require Parking Lot Building/Zoning Permits.
- d. Modify the nonconformities section for paving and parking lots to address preexisting driveways and reconstruction of parking lots.

With City Council’s direction on the issues within this report, staff will then work with the City Attorney’s office to complete drafting of the new ordinance and present it to City Council for approval on first reading at an upcoming meeting.