

2. **ZOTA 2012-15: PARKING, PRIVATE WALKWAYS AND PAVED AREAS IN RESIDENTIAL ZONES** – petition for a Zoning Ordinance text amendment to modify the definition of “driveway, for single-family and two-family dwellings;” to create new definitions for “paved area” and “private walkway;” and to limit the size, material, and configuration of private walkways and driveways, in the front yard of single-family and two-family dwellings.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: *(Copies of the proposed text are available upon request)*

The Zoning Committee Recommended: Approval of the revised staff alternative text, for the reasons provided by staff.

The Staff Recommends: Approval of the Staff Alternative Text, for the following reasons:

1. The proposed text amendment will enhance zoning compliance and enforcement by clarifying parking regulations and closing certain loopholes that were being used to circumvent the Zoning Ordinance requirements for maximum parking, landscaping and stormwater controls.
2. Adoption of the staff alternative text will further the intent of the Zoning Ordinance by clarifying certain design standards related to parking for single- and two-family homes, thereby reducing the potential for zoning violations.

Staff Presentation: Mr. Sallee presented the staff report, noting that the proposed text amendment was initiated by the Planning Commission. He added that Mr. Emmons had done at least one presentation for the Commission on this topic at a work session, outlining the proposed changes to the Zoning Ordinance.

Mr. Sallee noted that the Commission members' notebooks included the text recommended for approval by the Zoning Committee at their last meeting, and that the staff had prepared a PowerPoint presentation that included photographs depicting the types of issues that precipitated this request, to which he would be referring throughout the staff's presentation.

Mr. Sallee stated that some of the issues with which the staff has been dealing recently relate to the proximity of walkways and driveways in residential areas. The main concern is that, in close proximity, walkways and driveways can allow for vehicles to use those areas for parking. The first proposed addition to the Zoning Ordinance would require that an encroachment permit be obtained for any walkway located between the sidewalk and curb, which is also a requirement for driveway aprons. Also included in this proposed section of the Ordinance would be a new definition for “paved area,” to include permeable pavers or other hard surface material. Another new definition is also proposed for “walkway.” Referring to a photograph of a residence with a very wide driveway, which allows three vehicles to park in front of a single garage, Mr. Sallee said that a change is proposed to the definition of “driveway” to require that, outside of the defined Infill & Redevelopment Area, 24' would be the maximum allowable width for a driveway, to account for a two-car garage door. Inside the I/R Area, the maximum driveway width would remain 10', as it has been for a number of years. He noted that the situation depicted in the slide might have been requested for a front patio or walkway directly adjacent to the driveway. One of the main portions of the proposed text would require that walkways be designed in a way that a vehicle cannot drive on them, in order to prevent the use of those areas for parking spaces.

Mr. Sallee stated that a change is proposed to the R-3 and R-4 zones for single family residences and duplexes to require a 6' setback from the front lot line and/or side street lot line, and a 2' setback from the side and rear lot line for proposed driveways designed to accommodate more than one vehicle. The purpose of this change is to prevent the construction of circuitous driveways, intended to expand the amount of parking beyond the typical driveway. Referring to the same photograph as the previous proposed change, Mr. Sallee said that where “decorative rock” or a similar product is being driven on or used for parking, it shall be considered loose aggregate, and prohibited. He noted that loose aggregate and gravel are already prohibited in the same sections of the Ordinance; this change is intended to clarify that those materials are not to be used for walkways or vehicular parking.

Referring to a photograph of two residences, each with a “patio” area in front of the front porch, Mr. Sallee stated that language is proposed to clarify that, within the required front or side street side yard, private walkways must be restricted to 10% of the yard area. The intent of this proposed change is to prevent the construction of a space within a front yard that would allow enough space for a vehicle to perpendicular park there. The next proposed change would require that any private walkway be designed in such a way that a vehicle cannot drive on it, or use it as a parking space or vehicular use area.

Referring to a photograph of a residence with a car parked in a graveled area directly alongside it, Mr. Sallee said that many of these situations have developed incrementally, over a number of years, and the proposed modifications were intended to remedy that situation. Proposed language would also require that permits be obtained for private walkways, parking, loading, or unloading areas. Those permits will not be issued until they meet the requirements of various divisions of the LFUCG, including some review for storm drainage requirements.

Mr. Sallee displayed several photographs of examples of walkways that would not be permitted under the proposed text amendment. He added that there is a new section of the Ordinance proposed for non-conformities, since some areas do not have off-street parking for residences. In the I/R Area, and where that is the case, where Council has established a permit parking program or Pedestrian-Oriented Business district, there would be no requirement for off-street parking. In addition, outside the Infill & Redevelopment Area, a change to the Ordinance is proposed to require that the driveway width not exceed 50% of the requirement; in addition, another 10% would be allowable for pedestrians to travel from the sidewalk to the front of the house.

Mr. Sallee stated that the Zoning Committee recommended approval of the Staff Alternative Text at their meeting on January 10<sup>th</sup>, and the staff is recommending approval as well, for the reasons as listed in the staff report and on the agenda.

**Commission Questions:** Mr. Cravens asked if the 10' driveway width would apply when there was a house with a two-car garage. Mr. Sallee answered that it would apply in the Infill & Redevelopment Area. He added that, in most neighborhoods in the I/R Area, the garages are detached and in the rear yard; once the driveway passes the house, it can widen to equal the width of the garage. Mr. Sallee displayed a photograph of a residence that, if it were located in the I/R Area, would require a variance to the width of the driveway, since it was wider than 10'. Mr. Cravens asked what the requirement would be for a three-car garage outside the I/R Area. Mr. Sallee answered that the limit in that situation would be a 24' driveway width up to the building line; behind the building line, it could expand. He noted that, currently, the limit is 20'. Mr. Cravens asked if a variance would be required for a true three-car driveway, and Mr. Sallee answered affirmatively.

**Action:** A motion was made by Ms. Plumlee, seconded by Mr. Wilson, and carried 8-0 (Beatty, Brewer, and Penn absent) to approve ZOTA 2012-15, for the reasons provided by staff.