CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: September 4, 2018

ITEM: Amendment to City Code – Amend Title 9 (Zoning), Chapter 15 (Off-Street Parking and Loading), Section 4 (General Off-Street Parking Regulations) and Section 6 (Design Standards) to modify regulations for individual residential driveways – City Initiated – AO-004009-2018

ORDINANCE: Approval of First Reading of the Ordinance

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Development Services Staff requests an amendment to the following noted chapter and sections of Title 9 (Zoning) to amend regulations pertaining to the design of individual residential driveways:

- Title 9 (Zoning), Chapter 15: (Off-Street Parking and Loading)
  - Section 4 (General Off-Street Parking Regulations)
  - Section 6 (Design Standards)

This proposed amendment is recommended by staff to make the regulations for individual residential driveways consistent with how a majority of residential driveways have been constructed in the City.

Plan and Zoning Commission Action:
Vote: 6-0 Approval, with Commissioner Drake Absent
Date: August 27, 2018
Motion: Approve a resolution recommending the City Council approve the first reading of the amendment to Title 9, Zoning

Plan and Zoning Commission Discussion: Staff indicated that this request was presented to the Development & Planning Subcommittee to get input on the proposed driveway design. The two Council Members present (Mickelson and Trevillyan) were split on the specific design of individual residential driveways, with one of the Council Members preferring the design as proposed by staff (Attachment C, which allows a driveway to flare out where the driveway meets the sidewalk to allow additional vehicle parking) and the other Council Member preferring a driveway design that allows the pavement for extra vehicle parking to tie in directly to the sidewalk without a flare (Attachment D). A few of the Commissioners stated that they felt the driveway design as proposed by staff was a better design to keep vehicles from creating ruts in the City right of way. The Plan and Zoning Commission voted to recommend that the driveway design as proposed by staff (Attachment C) be recommended to the City Council for approval.

OUTSTANDING ISSUES: There is one outstanding issue: which driveway design should be allowed. Staff requests direction as to which design should be allowed. If necessary, Staff will update the proposed amendment language accordingly to reflect the design determined after the first reading of the ordinance by the City Council.

The following items of interest are noted in the attached Plan and Zoning Commission report (see Exhibit I):

- Applicant's Request
- City Council Subcommittee - *Development & Planning: April 16, 2018 **Note, subcommittee members were split on which driveway design to allow.*
- Staff Review and Comment
  - *Paving Maximums*
  - *Driveway Design*
- Noticing Information
- Staff Recommendation and Conditions of Approval

RECOMMENDATION: Based upon the preceding review the Plan and Zoning Commission recommends the City Council approve the first reading to amend City Code to modify regulations for individual residential driveways with the driveway design that flares at the sidewalk, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Brian Portz, AICP BP

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	JBW
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register
Date(s) Published	August 17, 2018
Letter sent to surrounding property owners	N/A

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	April 16, 2018		
Recommendation	Yes ☐	No ☐	Split X

ATTACHMENTS:

Exhibit I - Plan and Zoning Commission Communication
- Attachment A - Plan & Zoning Commission Resolution
  - Exhibit A - Proposed Ordinance (*moved to Exhibit II*)
- Attachment B - Driveway design per code
- Attachment C - Driveway design with flare from sidewalk
- Attachment D - Driveway design with no flare required

Exhibit II - Ordinance

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: August 27, 2018

Item: Amendment to City Code – Amend Title 9 (Zoning), Chapter 15 (Off-Street Parking and Loading), Section 4 (General Off-Street Parking Regulations) and Section 6 (Design Standards) to modify regulations for individual residential driveways – City Initiated – AO-004009-2018

Requested Action: Recommend approval of an Amendment to City Code

Case Advisor: Brian S. Portz, AICP BP

Applicant's Request: Development Services Staff requests an amendment to the following noted chapter and sections of Title 9 (Zoning) to amend regulations pertaining to the design of individual residential driveways:

- Title 9 (Zoning), Chapter 15: (Off-Street Parking and Loading)
  - Section 4 (General Off-Street Parking Regulations)
  - Section 6 (Design Standards)

This proposed amendment is recommended by staff to make the regulations for individual residential driveways consistent with how a majority of residential driveways have been constructed in the City.

City Council Subcommittee: At the April 16, 2018, Development & Planning Subcommittee meeting, the following aspects of current city code requirements related to paving within single family lots were discussed:

- Current code restricts the total amount of paving to 50% within the front yard and 7% within the whole lot. Aerial map analysis indicated that approximately 97.5% of single family lots abide by the 50% front yard regulation, but only 25% have 7% or less paving within the entire lot. The Council Members present were supportive of leaving the total front yard paving percentage at 50% but increasing the percentage of paving on the whole lot to 20% from the current 7%. With an increase in the percentage to 20%, the number of lots compliant increases to approximately 96.7 % of the single family lots.
- City code provides that extra paving for single family driveways be that as shown in Attachment B; however, there are multiple driveways within the city installed as illustrated in Attachment C. The two Council Members (Mickelson and Trevillyan) were split on the specific design of individual residential driveways, with one of the Council Members preferring the design as proposed by staff (Attachment C, which allows a driveway to flare out where the driveway meets the sidewalk to allow additional vehicle parking) and the other Council Member preferring a driveway design that allows extra vehicle parking to tie in directly to the sidewalk without a flare (Attachment D).
- To assist in gaining property owner compliance to design and paving percentage regulations, the Council recommended implementing a paving permit process which would allow for opportunity to educate property owners prior to installation, as well, as provide better opportunity for enforcement against those properties that proceeded incorrectly as they would have known prior to installing.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment. There is one outstanding issue: which driveway design should be allowed. Staff would summarize the following key points of interest:

- *Paving Maximums:* Current City Code requires that paved driveways and any associated off-street parking area within the front yard of a single family detached residence not occupy greater than 50% of the area between the building setback line and public right of way. Staff is proposing to keep the same percentage based on research of existing driveways in the City and from direction from the Development & Planning City Council Subcommittee.

Another provision in City Code requires that the total pavement on a site not exceed 7% of the lot. Through our research, staff found that only 25% of properties surveyed meet this requirement. If the percentage of total lot coverage were increased to 20%, approximately 96% of the residential properties would be in compliance. The Subcommittee recommended that the total lot coverage for driveway/parking areas be increased to 20% to be more in line with what is occurring in the City.

- *Driveway Design:* Current City Code requires that driveways for individual single-family detached or attached townhouse-style residences not be greater than 20' in width between the public street roadway and a point of setback 10' from the right of way (see Attachment B). Through our research, staff found that only 32% of properties surveyed meet this requirement. The disparity in actual construction vs. code design standards is being attributed to the increase in vehicles per household and new homes being constructed with three or more garage stalls. It is difficult to accommodate vehicle turning movement for the expanded drive widths within a typical 30-35 foot front yard setback when the drive is limited to 20 feet for the first 10 foot of depth. Staff is proposing an amendment to the driveway design standards section of the Code to allow individual residential driveways to be designed such that they are allowed to flare out where the driveway meets the sidewalk toward a point 10' from the right of way line to allow for addition vehicle parking areas adjacent to the main driveway (Attachment C). This provision would still require that the driveway width at the right of way line not exceed 20' in width as required in the City's standard construction specifications for subdivisions. As indicated in the Subcommittee summary section above, one of the Council members indicated a preference to allow the extra paving to extend directly down to the sidewalk without any flare. No change to the paving approach within city ROW is proposed. Staff's concern with allowing the drive to extend to the sidewalk is the possibility that vehicles will cut the corner, thus creating a 'worn cow path' in the ROW. Also, Staff requests direction as to which design should be allowed. If necessary, Staff will update the proposed amendment language accordingly to reflect the design determined after the first reading of the ordinance by the City Council.

Noticing Information: On August 17, 2018, notice of the August 27, 2018, Plan and Zoning Commission and September 4, 2018, City Council public hearings for this project was published in the *Des Moines Register*.

Staff Recommendation and Conditions of Approval: Staff recommends the Plan & Zoning Commission approve a resolution recommending to the City Council approval of the amendment to City Code. Note: the Commission will need to provide specific recommendation as to which driveway design they support.

ATTACHMENTS:

Attachment A	-	Plan & Zoning Commission Resolution
Exhibit A	-	Proposed Ordinance
Attachment B	-	Driveway design per code
Attachment C	-	Driveway design with flare from sidewalk
Attachment D	-	Driveway design with no flare required

ATTACHMENT A

RESOLUTION NO. PZC 18-054

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, IOWA, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN AMENDMENT TO CITY CODE, TITLE 9 (ZONING), CHAPTER 15 (OFF-STREET PARKING AND LOADING), TO MODIFY REGULATIONS FOR INDIVIDUAL RESIDENTIAL DRIVEWAYS

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the City of West Des Moines requests an amendment to amend Title 9 (Zoning), Chapter 15 (Off-Street Parking and Loading), Section 4 (General Off-Street Parking Regulations) and Section 6 (Design Standards) to modify regulations for individual residential driveways;

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, on August 27, 2018, this Commission held a duly-noticed public hearing to consider the application for an amendment to ordinance;

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report, dated August 27, 2018, or as amended orally at the Plan and Zoning Commission hearing of August 27, 2018, are adopted.

SECTION 2. The AMENDMENT TO ORDINANCE (AO-004009-2018) is recommended to the City Council for approval with a driveway design as illustrated in Attachment ____ and as stated in the staff report dated August 27, 2018.

PASSED AND ADOPTED on August 27, 2018.

Craig Erickson, Chair
Plan and Zoning Commission

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on August 27, 2018, by the following vote:

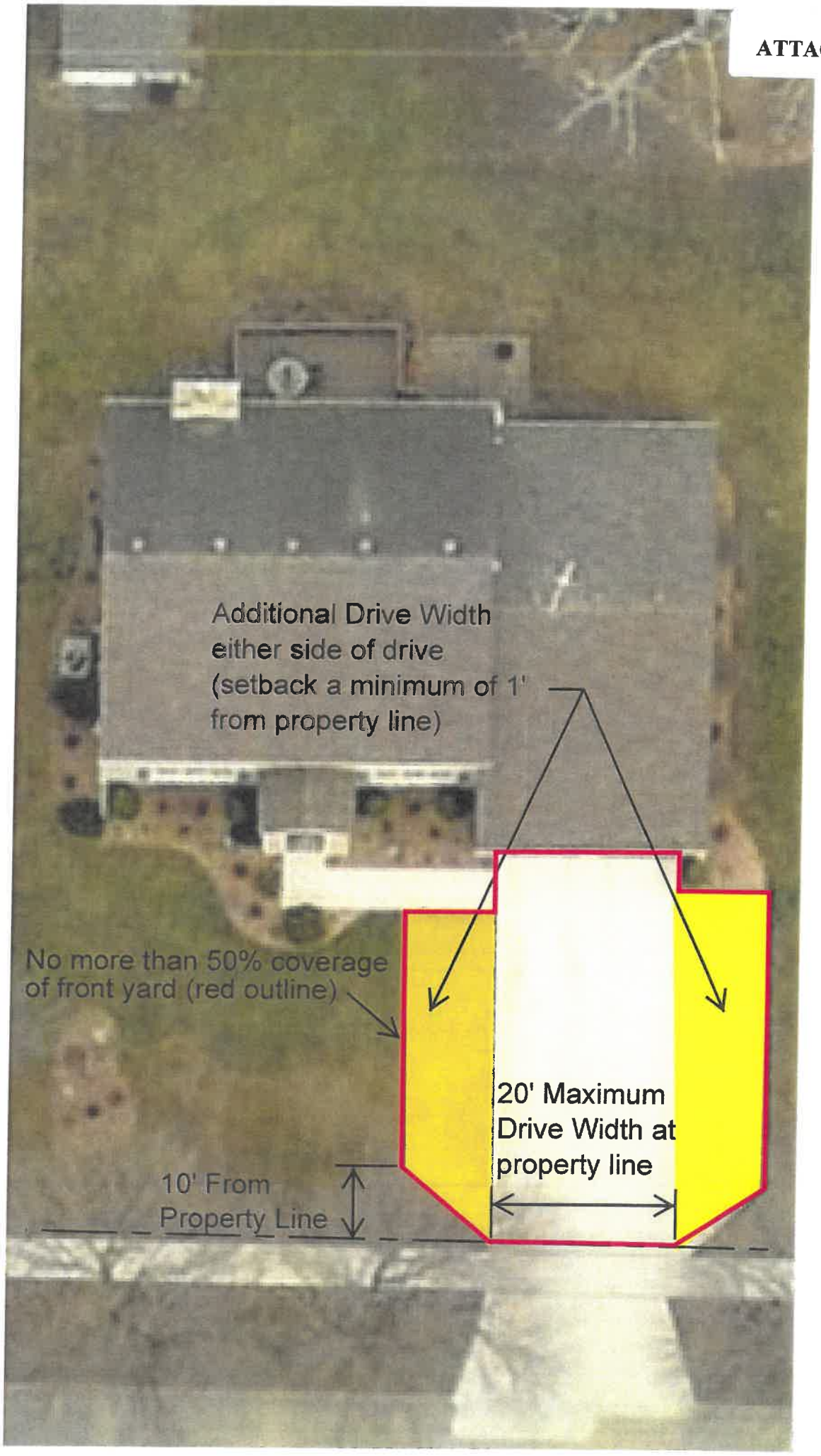
AYES: Andersen, Costa, Crowley, Erickson, Hatfield, Southworth
NAYS:
ABSTENTIONS:
ABSENT: Drake

ATTEST:

Recording Secretary

ATTACHMENT B

ATTACHMENT C



ATTACHMENT D

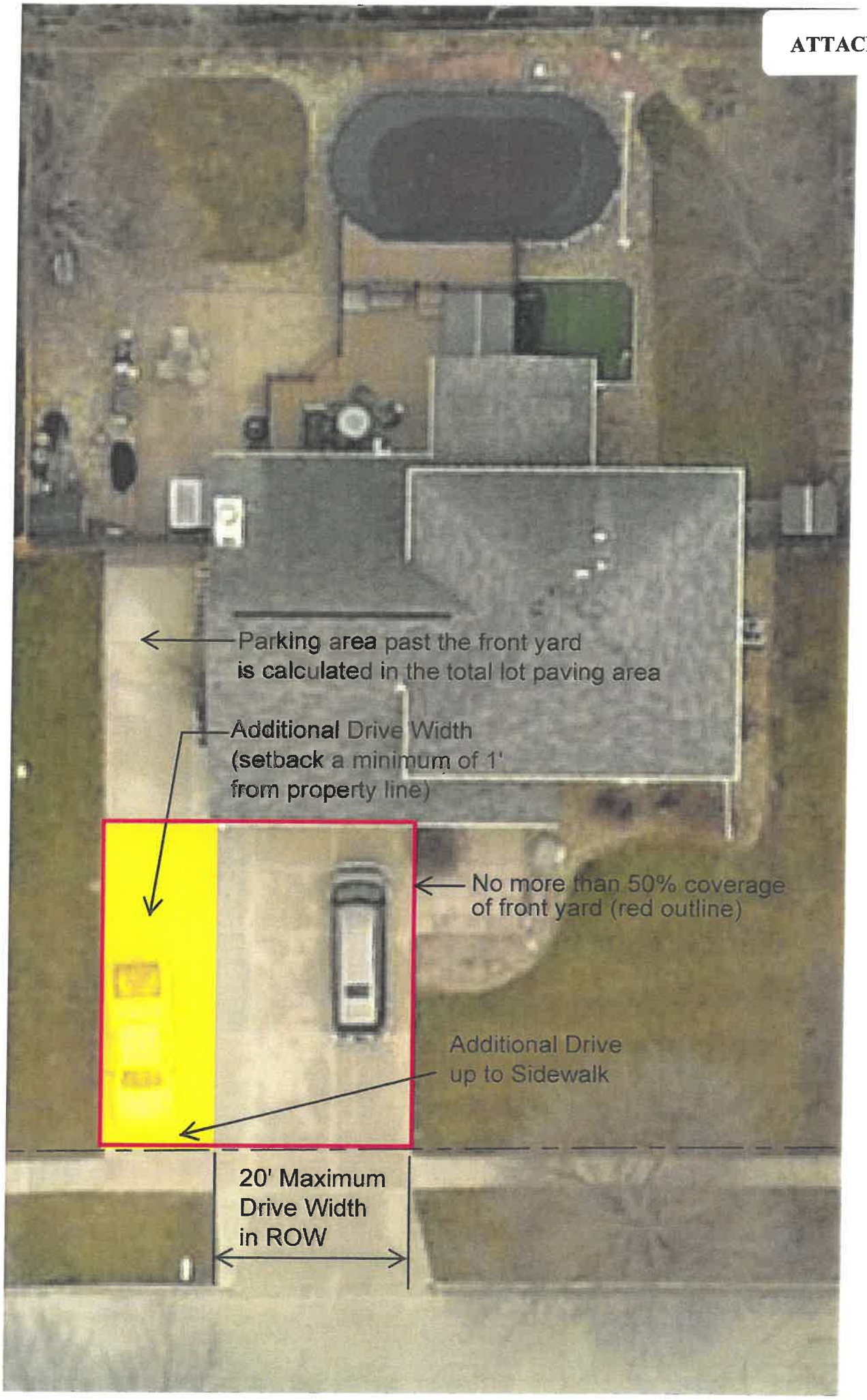


EXHIBIT II

Prepared by: B. Portz, West Des Moines Development Services, PO Box 65320, West Des Moines, IA 50265, 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, TITLE 9 (ZONING), CHAPTER 15 (OFF-STREET PARKING AND LOADING), SECTION 4 (GENERAL OFF-STREET PARKING REGULATIONS), AND SECTION 6 (DESIGN STANDARDS) TO MODIFY REGULATIONS FOR INDIVIDUAL RESIDENTIAL DRIVEWAYS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

Section 1. Amendment. Title 9: Zoning, Chapter 15 (*Off-Street Parking and Loading*), Section 4 (***OFF-STREET PARKING REGULATIONS***), Subsection B (*Provisions for Residential Uses*) is hereby amended by deleting the highlighted strikethrough text and adding the text in bold, italicized lettering:

B. Provisions For Residential Uses:

1. Paving Required: All parking of vehicles, excluding recreational vehicles and trailers for residential uses that comply with subsection 9-5-4A1 of this title, shall occur on paved areas and on private property only, and the entire length and width of the vehicles must be on paved surfaces. All parking of recreational vehicles and trailers for residential uses that comply with subsection 9-5-4A1 of this title shall occur on hard surfaces other than gravel sufficient to support the weight of the recreational vehicle or trailer in question and on private property only, but only the parts of the recreational vehicle or trailer that contact the ground shall be required to be placed on a hard surface. The parked recreational vehicles and trailers which only have the parts that contact the ground placed on a hard surface must be parked adjacent to the existing driveway, garage, or alley. City right of way between the property line and the street shall not be used for parking vehicles. Gravel parking areas existing prior to September 1, 1996, may continue in use; however, in no case shall the total pavement and gravel parking area exceed ~~seven~~ ***twenty*** percent (~~7~~ ***20%***) of the square footage of the lot. Paved driveways and any associated off street parking areas within the front yard of a single-family detached residence shall not occupy greater than fifty percent (50%) of the area between the ~~building setback line~~ ***primary wall of the front plane of the dwelling structure*** and public right of way. ~~Any off street parking area at a residence other than a paved driveway shall also not provide greater than one parking space in addition to that provided in the traveled portion of the driveway.~~

Section 2. Amendment. Title 9: Zoning, Chapter 15 (*Off-Street Parking and Loading*), Section 6 (***DESIGN STANDARDS***), Subsection C (*Driveways*) is hereby amended by deleting the highlighted strikethrough text and replacing it with the text in bold, italicized lettering:

C. Driveways: With respect to driveways, all of the following shall apply:

~~3. Driveways for individual single-family detached or attached townhouse style residences on private property shall not be greater than twenty feet (20') in width between the public street roadway and a point of setback ten feet (10') from the right of way.~~

3. ***Individual residential driveways on private property shall not be greater than twenty feet (20') in width at the street right of way line. The driveway may flare out at an angle on both sides of the driveway toward a point situated ten feet (10') from the right of way line to create additional parking spaces within the driveway as long as the total paving for the parking of vehicles does not exceed fifty percent (50%) of the area between the right of way line and the primary wall of the front plane of the dwelling structure. All paving must maintain a minimum setback of one foot (1') from a side property line. Any retaining walls must comply with setbacks as defined in Chapter 14 of this title.***

Section 3. Repealer. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

Section 4. Savings Clause. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

Section 5. Violations and Penalties. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

Section 6. Other Remedies. In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

Section 7. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council on the ____day of _____, 2018, and approved this ___ day of _____, 2018.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T Jacobson
City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2018, and was published in the Des Moines Register on _____, 2018.

_____
Ryan T. Jacobson
City Clerk