



PLANNING & DEVELOPMENT MEMORANDUM
#29-2022

DATE: Oct. 24, 2022

TO: Honorable Mayor Meredith Leighty and City Council Members

THROUGH: Heather Geyer, City Manager 

FROM: Brook Svoboda, Director of Planning & Development 

SUBJECT: Parking on an Unapproved Surface

PURPOSE

To provide City Council with information on regulations governing parking on an unapproved surface, and to seek Council feedback on what policy direction they would like to consider moving forward.

BACKGROUND

History

The original regulations for parking on an unapproved surface emerged from a community stakeholder committee that formed in 2000 and brought forth several policy recommendations to Council related to improving the community. One of those recommendations was to regulate parking on unapproved surfaces on residential properties. The adopted policy identified that any parking areas in existence before 2003 would effectively be exempted from the regulations as a legal non-conforming use. However, without an inventory of the parking surfaces of the roughly 9,400 single-family residences, enforcement is extremely difficult. Still, this policy is widely known and is often mentioned as a means of seeking relief when Neighborhood Services staff engages residents.

When the Unified Development Ordinance (UDO), Chapter 11 of the Municipal Code, was adopted in 2019, there were additional amendments undertaken, moving several code enforcement provisions out of the UDO and into the nuisance regulations of the Municipal Code. As part of these amendments, the 2003 exception was removed from the code, in part because of the near-impossible challenge of determining whether a parking area was in place before 2003.

Policy Language

Attachment 1 includes the following Municipal Code sections that apply to parking on an unapproved surface:

- Section 9-11-28.5 Parking of Vehicles
- Section 11-4-5, (f) Driveways & Access, parts 1-2
 - General Standards
 - Residential Driveways
- Section 11-7-6, Other Terms Defined - Hard Surfaced

Section 9-11-28.5 - Parking of Vehicles, is the provision enforced for parking on an unapproved surface. The provision states vehicles shall be parked on a hard surface, as defined in Chapter 11 (UDO) of the Municipal Code.

The key sections in Chapter 11 determine how and where parking can occur in the front of a residential property:

- Driveways must be constructed with a hard-surfaced material.
 - Exceptions include concrete and permeable pavers with approval by the Planning Department Director
- No single driveway can be wider than 30 feet.
- Driveways shall not exceed 40% of the lot width of the front of the property.
- Hard Surfaced is defined as follows (Section 11-7-6, Other Terms Defined - Hard Surfaced): *Hard surfaced shall mean surfaced with asphalt, concrete, paving stone or surfaces as approved by the City Manager or the City Manager's designees; provided however that asphalt shall not be used as a surface for single-family residential driveways or parking surfaces.*

Current Enforcement

Parking on an unapproved surface is not proactively enforced by staff; enforcement action is only taken when a complaint is received.

Over the last five years, this item consistently ranks in the top 10 violations, #6 on average. Additionally, this item is the top non-proactive violation in the top 10 violations list. The table provides a breakdown of the number of violations since 2018:

Year	Violations
2018	85
2019	104
2020	59
2021	69
2022 (YTD)	62
Total	379

This number represents approximately 4% of the single-family properties in Northglenn.

If staff can determine that the parking area in question was in place before 2003, via aerial imagery and other means, then the area is allowed to continue as a legal non-conforming condition. This has proven to be difficult as 2003 aerial information has very poor resolution, and often is inconclusive.

Policy Direction

This discussion surrounds a policy question of: "Does Council wish to change the front yard standards for residential properties?" Below outlines possible approaches to addressing this question but are by no means the only options available:

1. Reinstate the previous provision. With this option, staff would change the previous date from 2003 to 2009, as aerial imagery is better at determining whether an area in question was in place before 2009.
2. Allow parking in the front yard that does not exceed 40% of the front yard area, and not on grass.
3. Develop a new policy that would establish a permitting requirement, which would define the parking areas in the front yard that would include types of allowable surfaces.
4. Maintain the current policies in place.

Parking on an Unapproved Surface

Oct. 24, 2022

Page 3 of 3

BUDGET/TIME IMPLICATIONS

There are no financial or time impacts to the City.

STAFF RECOMMENDATION

This is an informational item. Staff is seeking direction from Council.

STAFF REFERENCE

If Council members have any questions, please contact Brook Svoboda, Director of Planning & Development, at bsvoboda@northglenn.org or 303.450.8937.

ATTACHMENTS

1. Related Municipal Code sections
2. Presentation

ATTACHMENT 1

Related Municipal Code Sections

Chapter 9, General Offenses and Nuisance Control

Section 9-11-28.5. Parking of Vehicles.

(a) No vehicle, motor vehicle, recreation vehicle, boat, or detached camper shall be parked or stored on premises in any residential zone:

(1) Obstructing the sidewalk or public right-of-way;

(2) Unless located on a full pad hard surface as defined in Chapter 11 of the Northglenn Municipal Code, extending the entire length and width of the vehicle; except for occasional parking such as while washing vehicles or performing home maintenance or improvements such as landscaping, painting, cleaning or construction. No vehicle shall cause visible rutting in the moving to and from an approved hard surface;

(3) In a manner as to create a fire or safety hazard.

(A) Storage of a detached camper must be on an approved hard surface, and must be lowered to the lowest limit of its jacks or loading apparatus; provided also that any detached camper not equipped with jacks or loading apparatus shall be parked or stored on blocks or supports not more than six (6) inches in height.

(B) Every boat, detached camper, and vehicle except a motor vehicle so stored or parked shall, except when securely attached to a motor vehicle, be securely blocked or restrained from moving, toppling or falling.

(4) In the rear or side yards unless access from the adjacent public street is by way of a hard-surface driveway, as defined in Chapter 11 of the Northglenn Municipal Code; excepting for vehicles moved only occasionally whose movement from the adjacent public street does not cause visible rutting of or damage to the yard area.

(b) Any violation of this section is a civil infraction, punishable according to Section 1-1-10(a)(3) of the Municipal Code, as amended, or is a nuisance, punishable according to this Chapter, or both. In no case shall a violation of this section be deemed to be punishable by jail time. The penalty set forth in Section 1-1-10(a)(2) of the Municipal Code does not apply.

Chapter 11, UDO (referenced language)

Section 11-4-5; Access & Circulation

(f) Driveways and Access

(1) General Standards

- (A) All lots shall have sufficient access providing reasonable ingress and egress to and from the property.
- (B) All access points shall be constructed so that:
 - (i) Vehicles may safely enter and exit the property; and
 - (ii) Interference with the convenient flow of traffic and conflict with pedestrians and bicycles is minimized.
- (C) Shared access shall be provided to the maximum extent practicable.
- (D) Driveways shall be hard-surfaced with materials pursuant to the Public Works Standards and Specifications. Alternative surface materials, such as concrete pavers and permeable pavers, may be allowed with approval by the Director. Determining factors for approval of such alternatives include:
 - (i) Whether or not the driveway is a primary driveway or a secondary, rarely accessed driveway;
 - (ii) Whether or not the driveway is intended for vehicle use;
 - (iii) Whether or not the driveway is visible from the public right-of-way; and/or
 - (iv) Whether or not the proposed material is appropriate for the climate and location.

(2) Residential Driveways

In addition to the general requirements above, residential driveways shall comply with the following:

- (A) No driveway shall provide direct access to an arterial or highway unless no other legal access alternative is available.
- (B) No individual driveway for single-family detached dwellings shall exceed 30 feet in width at any point along the driveway.
- (C) Except for lots located on the turnaround or bulb of a cul-de-sac, no individual driveway for a single-family detached dwelling shall exceed 40 percent of the lot width.
- (D) The total width for all driveways on lots with single-family detached dwellings shall not exceed 40 percent of the lot width.
- (E) For single-family detached dwellings with multiple driveways, a minimum of six feet of non-driveway surface shall be maintained between each individual driveway.

11-7-6 Other Terms Defined

Hard Surfaced

Hard surfaced shall mean surfaced with asphalt, concrete, paving stone or surfaces as approved by the City Manager or the City Manager's designees; provided however that asphalt shall not be used as a surface for single-family residential driveways or parking surfaces.

PARKING ON UNAPPROVED SURFACE

Brook Svoboda

Director of Planning & Development

303.450.8937

bsvoboda@northglenn.org

Study Session

Oct. 24, 2022



**CITY OF
Northglenn**

PURPOSE

To provide City Council with information on regulations governing parking on an unapproved surface, and to seek City Council feedback on what policy direction they would like consider moving forward.



HISTORY

- **Community stakeholder committee formed in 2000, recommended regulations for parking on unapproved surfaces to improve the community.**
- **Regulations exempted parking areas that existed prior to 2003.**
- **No inventory was conducted of existing properties.**



HISTORY

CONT'D

- **In 2019, the exempted regulations were removed from the Code due to the difficulty of enforcement.**
- **If staff can determine if the area existed prior to 2003, they are allowed to continue to use area for parking.**



POLICY LANGUAGE

- **Section 9-11-28.5. Parking of Vehicles, is the provision that is enforced for parking on unapproved surface.**
- The provision states the vehicles shall be parked on a hard surface, as defined in Chapter 11 (UDO) of the Municipal Code.



POLICY LANGUAGE

CONT'D

Supporting policy regulations – Chapter 11, Municipal Code

- Driveways must be constructed with a hard-surfaced material.
- Exceptions include concrete or permeable pavers with approval by the Director.
- No single driveway can be wider than 30 feet.
- Driveways shall not exceed 40% of the lot width of the property.



POLICY LANGUAGE

CONT'D

Hard Surfaced is defined as follows:

- Hard surfaced shall mean surfaced with asphalt, concrete, paving stone or surfaces as approved by the City Manager or the City Manager's designees; provided however that asphalt shall not be used as a surface for single-family residential driveways or parking surfaces.



CURRENT ENFORCEMENT

- No proactive enforcement – complaint only
- Parking on unapproved surface: top 10 violation for last 5 years – on average ranks #6
- Top non-proactive violation in list



CURRENT ENFORCEMENT

CONT'D

Number of violations over the last 5 years represents approximately 4% of single-family properties

Year	Violations
2018	85
2019	104
2020	59
2021	69
2022 (YTD)	62
Total	379



CURRENT ENFORCEMENT

CONT'D

- **Exempted areas are allowed if staff can determine the area was in place prior to 2003**
- Through aerial imagery and other means



EXAMPLES



**Two driveways
are approximately
28% of width of
front lot**



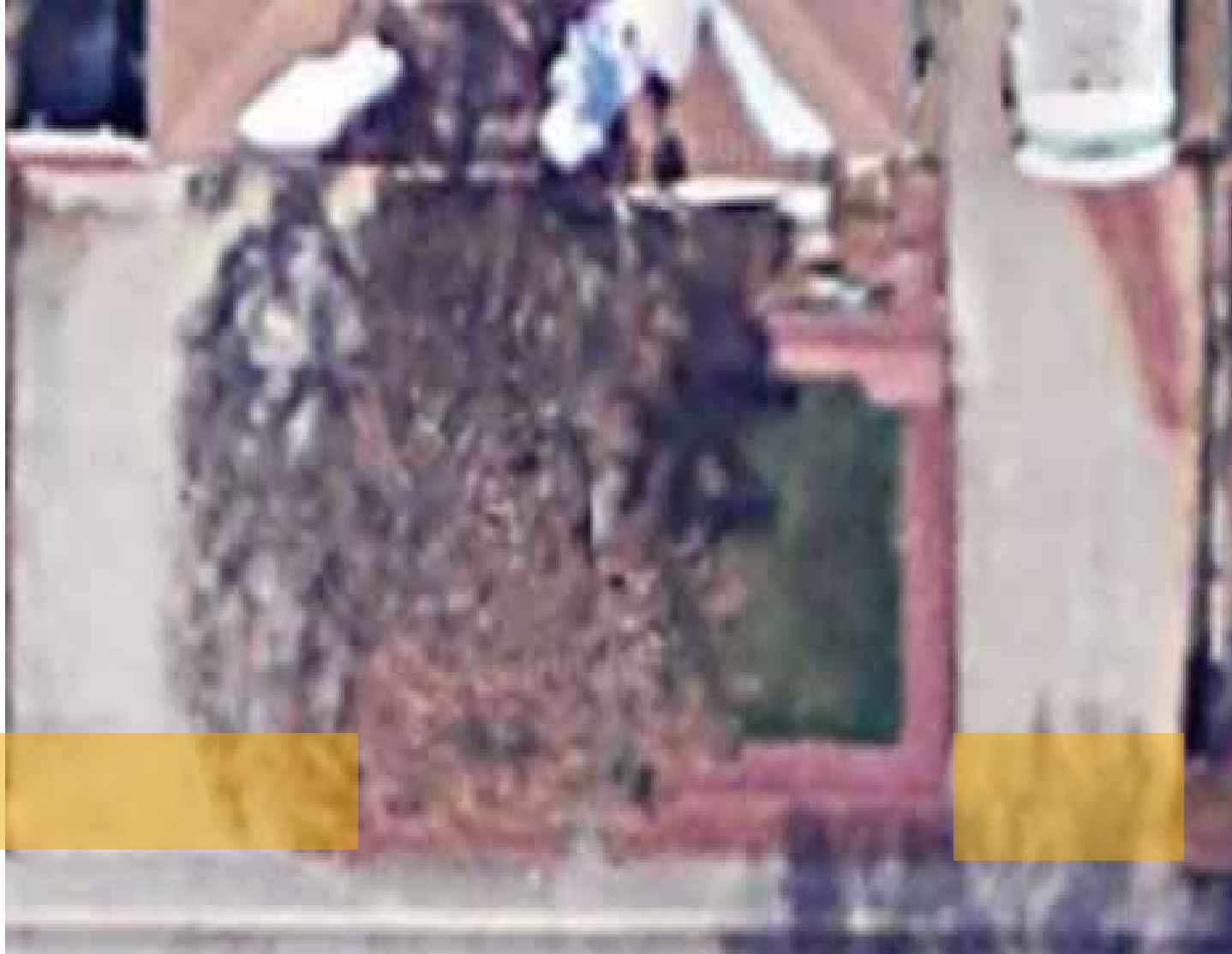
EXAMPLES



Two driveways are approximately 28% of width of front lot



EXAMPLES



Two driveways are approximately 51% of width of front lot.

EXAMPLES



Two driveways are approximately 51% of width of front lot - not in compliance



EXAMPLES



**One driveway
and unapproved
surface parking
approximately
62% of width of
front lot – not in
compliance**



EXAMPLES



Two driveways are approximately 62% of width of front lot



EXAMPLES



**Trailer on
grass –
unapproved
surface**



EXAMPLES



Parked on an unimproved surface



EXAMPLES



In excess of front lot coverage



EXAMPLES



Parked on an unimproved surface



EXAMPLES



Parked on an unimproved surface



SUGGESTED POLICY DIRECTION

1. Reinstate the past provision.

§ With this option staff would change the exemption date from 2003 to 2009, as aerial imagery is better at determining whether an area in question was in place prior to 2009.

2. Allow parking in the front yard that does not exceed 40% of the front yard area, and not on grass.

3. Develop a new policy that would establish a permitting requirement, which would define the parking areas in the front yard that would include types of allowable surfaces.

4. Maintain the current policies in place.



QUESTIONS?

Brook Svoboda

Director of Planning & Development

303.450.8937

bsvoboda@northglenn.org

Study Session

Oct. 24, 2022



CITY OF
Northglenn