



DEVELOPMENT DEPARTMENT

DATE: March 5, 1997

TO: Housing and Revitalization Department

THROUGH: NICK YOVINO, Planning Manager *N.Y.*

FROM: MARION S. DILBECK, Planner III *M.S.D.*
Planning Division

SUBJECT: RESIDENTIAL PARKING IN FRONT YARD

This departments long standing policy has been that parking in the required front yard is prohibited and especially in an area of required landscaping. The following discussion will provide Municipal Code support for this position.

A carport is defined in Section 12-105-C-5 as a permanent roofed structure with not more than two enclosed sides, used or intended to be used for automobile shelter or storage.

A private garage is defined in Section 12-105-G-1 as a detached accessory building or a portion of a main building located on the same lot as a dwelling and used for the housing of vehicles of the occupants of the dwelling, including carports.

A driveway is defined as any vehicular access to an off-street parking or loading facility. The Special Standards of Section 306-N shall apply. Section 306-N-8 reads "A driveway shall be paved with asphalt, concrete or other material approved by the Director, having not less than ten feet in width and not encumbered by any properties to a height under eight feet above the ground provided that in the single family residential districts a driveway may be not less than eight feet in width".

Section 12-306-I-6-a specifies "The parking spaces required for residential use shall be located on the same lot with the main building which they are intended to serve and shall be located to the rear of the required front yard".

It is clear from these definitions and regulations that no parking is allowed in the residential front yard. However, additional landscaping regulations clarify this question further.

A yard is defined in Section 12-105-Y as any open space on the same lot with a building or dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for the projections, accessory buildings or structures, including on-premises signs and flag poles which comply with all applicable provisions of Section 12-306-N-9, permitted by this Zoning Ordinance. Front yard shall mean any space between the front yard setback line and the

Housing and Neighborhood Revitalization

Page 2

March 5, 1997

front lot line or highway setback line, extending the full width of the lot.

Section 12-306-E-2 specifies in the last sentence of the paragraph that the required front yard shall be landscaped with appropriate materials and shall be maintained.

Landscaping is defined in Section 12-105-L-4 with specific regulations listed in Section 12-306-N-24. Section 12-306-N-24-d states that all vegetation shall be maintained free of physical damage or injury from lack of water, excess chemical fertilizer or other toxic chemical, blight, or disease and requires replacement of any such damaged landscaping.

Section 12-306-N-24-j specifies on page 440.163-3.1 at the end of the paragraph that "No parked vehicle shall be allowed to over-hang any portion of the landscaped area that is less than seven feet in depth". This emphasizes the need to keep vehicles out of landscaping.

These regulations prohibit parking in or damaging required landscaping (the front yard).

Finally, Section 12-306-I-1 references parking requirements for all districts, Section 12-306-I-2.1 specifies nonresidential requirements, Section 12-306-I-2.2 gives requirements for specific nonresidential use, Section 12-306-I-3 does not specifically reference commercial or residential uses but simply states treatment of parking areas, Section 12-306-I-4 addresses agreements regarding maintenance of off-site parking, Section 12-306-I-5 addresses parking space standards and Section 12-306-I-6 specifies residential parking standards.

All of the subsections of 12.306-I are titled to indicate the subject. Since only subsections 2.1, 2.2 and 6 specify either residential or commercial, this department has historically considered all other subsections of Section 12-306-I to be generic, applying to all parking. This position has consistently been supported by the attorney's office.

Based on these code sections and past Department Policy, The Development Department requires all parking to be paved, to the rear of all front yards and clear of required landscape areas. All residential front yards must be landscaped and open from the ground to the sky.

JCD:frg:A:ARESPARK.MEM