

- ORDINANCE NO. 2514

INTRODUCED BY: - - - - - ALLEN-THOMAS, CHACON, DOUGLAS, FORD,
HURST, HUSEMAN, KIM, MADERA, NOBLE

AN ORDINANCE AMENDING SECTION 21-7205 OF THE CITY OF COMMERCE CITY LAND DEVELOPMENT CODE TO ADD CONSTRUCTION STANDARDS FOR RESIDENTIAL DRIVEWAYS

WHEREAS, development in the City of Commerce City in recent years has been extensive including substantial buildout of residential neighborhoods;

WHEREAS, as residential development has occurred, a deficit in consistent standards for the construction of residential driveways has resulted in inconsistent construction techniques and variances in durability, longevity, and the quality of residential driveways leading to premature spalling and cracking of concrete driveways;

WHEREAS, the premature deterioration of residential driveways detracts from the beauty of Commerce City's residential neighborhoods and burdens the residents therein by necessitating maintenance costs to preserve both aesthetic beauty and value in the property;

WHEREAS, the City Council of the City of Commerce City, in an effort to ease such burdens on the residents of the City, and in order to protect the aesthetic beauty of residential neighborhoods and property values, and in exercising its lawful police powers, desires to regulate the construction of residential driveways through minimum construction standards to be applied to all newly constructed residential driveways; and

WHEREAS, the City Council desires to amend section 21-7205 of the City of Commerce City Land Development Code to include uniform construction standards for residential driveways.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. Amendments. Section 21-7205 Driveways, of the City of Commerce City Land Development Code is hereby amended as set forth in Exhibit A to this ordinance, with the specific changes as depicted in Exhibit B to this ordinance.

SECTION 3. Repealer. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency.

SECTION 4. Effective Date. This ordinance shall be effective as provided in the City Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED
THIS 24TH DAY OF JULY, 2023.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS 14TH DAY OF AUGUST, 2023.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk

EXHIBIT A TO ORDINANCE 2514

Sec. 21-7205. Driveways.

- (1) *Width.* The width of driveway openings (or curb cuts) shall be:
 - (a) Single-Family Residential.
 - (i) Non-shared driveways. For buildings with two or less garage spaces, no curb cut shall be less than 12 feet wide or more than 20 feet wide. For buildings with more than two garage spaces, no curb cut shall be less than 12 feet wide or more than 30 feet wide. Although wider driveways may be necessary to accommodate approved paved recreational vehicle pads, curb cuts shall not be wider than the standards provided herein.
 - (ii) Shared driveways. No curb cut shall be less than 20 nor more than 24 feet in width.
 - (b) Multi-Family Developments. No curb cut nor driveway shall be less than 24 feet wide. No curb cut shall be more than 36 feet wide unless the city engineer determines that a wider curb cut is required based on the number of trips generated or the need for turning lanes. The exact width of the curb cut shall be determined by the city engineer.
 - (c) Other Uses. Access widths for all other uses shall be based on 12 feet of width for every travel lane.
- (2) *Total Coverage.* Except as may be necessary to comply with (1) above, driveways and other impervious surfaces shall not comprise more than the percentage of the front yard specified in the table below. Parking may be provided in the rear or side yards, and access may be provided through alleys where the front yard is insufficient to accommodate a driveway.

Table VII-1. Front Yard Side-on-Street Maximum Paving

Use	Maximum Percent of Front Yard (Paving)
Single-Family Detached	50
Single-Family Attached	50
Multi-Family	60
Commercial	N/A
Industrial	N/A
Public/Institutional	N/A

- (3) *Materials.* In order to reduce run-off and increase stormwater travel times, alternative materials for driveway surfaces, such as pervious pavers, are permitted in any residential zoning district.
- (4) *Construction.* Driveways of single-family dwellings are regulated as follows:
 - (a) Construction standards:

(i) Driveways shall be composed of a minimum four-inch thick concrete slab-on-grade and shall comply with the minimum properties of a carport or garage slab as specified in the Commerce City Residential Code. Where a driveway is greater than 300 feet, the building official may approve alternate materials provided such materials have similar weathering and load-bearing properties to the reinforced concrete specified herein.

(ii) The slab shall be reinforced with #3 reinforcing steel (3/8-inch diameter) at 24 inches on center or sheets of welded wire fabric (WWF) with an equivalent area of steel. Rolled WWF shall not be permitted. Reinforcing steel or WWF shall be located in the mid-depth of the slab.

(iii) The driveway slab shall be constructed on a minimum six-inch thick subbase compacted to ninety-five percent (95%) standard proctor at optimum moisture.

(iv) Expansion and control joints shall be installed in accordance to the Engineering Construction Standards and Specifications (ECSS).

(b) Repair or Replacement of Existing Driveways.

(i) Except as set forth below, driveways existing prior to June 10, 2023, may be repaired or replaced with substantially the same material and to the same standards existing at the time of original construction.

(ii) Any driveway predating the adoption of this section and comprised of gravel, dirt, or rock, when replaced or repaired shall conform to the requirements of this section 4.

(5) *Driveway Aprons.* Driveway aprons shall be installed between the street and private drive. Driveway apron design and location shall conform to the ECSS and the Americans with Disability Act (ADA) standards for sidewalks and walkways. Driveway aprons serving industrial uses and heavy commercial uses may be as wide as 50 feet.

(6) *Visibility.* Driveways shall be designed and located to provide a vehicle in the driveway with an unobstructed view of the roadway in compliance with the ECSS.

(7) *Loading Area Design.* The design of driveways and on-site maneuvering and loading areas for commercial and industrial developments shall include the anticipated storage length for entering and exiting vehicles, in order to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. In addition, all loading areas shall comply with section 21-7243 (Loading Requirements).

(8) *Shared Driveway—Additional Standards and Recommendations.*

(a) A concept and/or site plan depicting how the driveway will sit on the affected properties shall be submitted in conjunction with the building permit. The plan must demonstrate compliance with the setback requirements outlined in this section.

(b) Based on the width of the driveway at the intersection of the right-of-way, the setback between garage doors for the adjacent properties shall be:

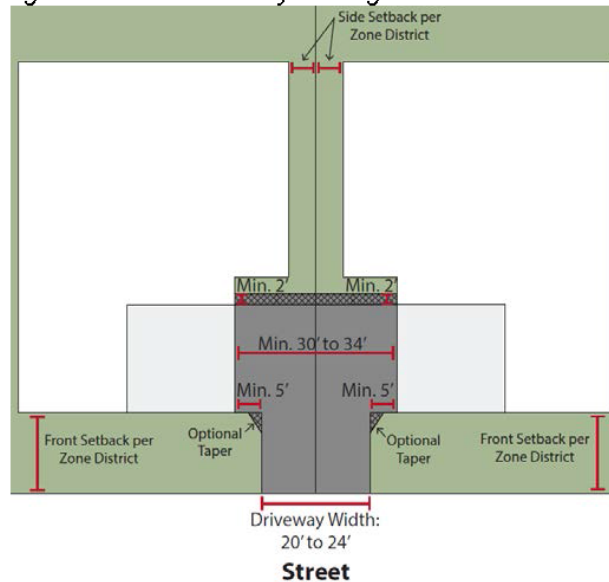
Table VII-2. Setback Between Garage Doors for Adjacent Properties (based on driveway width)

Driveway Width	Setback Between Garage Doors (minimum door-to-door)	Garage Setback from Driveway Aisle (minimum)
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20 feet	30 feet	5 feet
22 feet	32 feet	5 feet
24 feet	34 feet	5 feet

- (c) The driveway shall extend a minimum of 2 feet beyond the garage door along the rear of the driveway.
- (d) A taper for the driveway is recommended and may be beneficial.

Figure VII-1. Driveway/Garage Setbacks



- (9) *Exceptions.* Exceptions to the requirements of this section may be approved by reasonable discretion of the city engineer unless specified otherwise within this section, if the following criteria are met.
 - (a) Physical conditions upon the affected property make it impossible or impracticable to require strict compliance with the requirements of this section; or
 - (b) The driveway in question is used so infrequently that the expense of strict compliance with this section would be prohibitive; or
 - (c) Other conditions exist which would make the requirement of strict compliance with this section an unreasonable hardship upon persons affected thereby.

EXHIBIT B TO ORDINANCE 2514

(Underlined text indicates new material; strikethrough text indicates deletions.)

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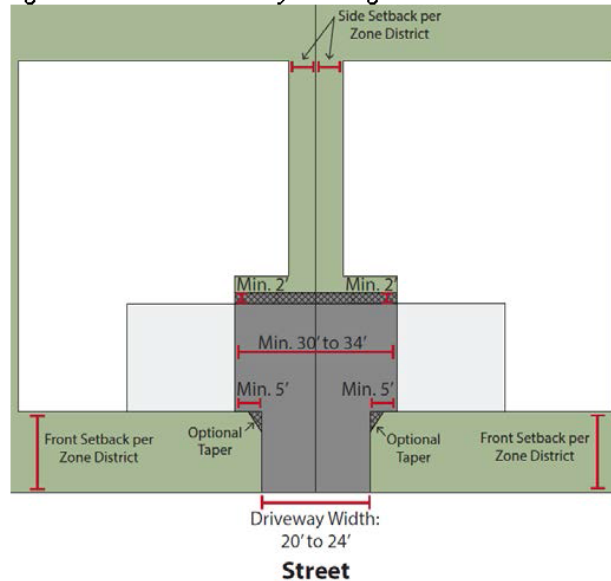
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