

ORDINANCE NO. 964

AN ORDINANCE AMENDING CHAPTER 135.10 DRIVEWAY ENTRANCES, DRIVEWAYS, AND DRIVEWAY EXTENSIONS OF THE CITY CODE OF ORDINANCES

BE IT ENACTED by the City Council of Perry, Iowa:

SECTION 1. SECTION MODIFIED: Section 135.10 of the Code of Ordinance of the City of Perry, Iowa is replaced and the following is hereby adopted in lieu thereof:

165.10 DRIVEWAY ENTRANCES, DRIVEWAYS AND DRIVEWAY EXTENSIONS.

1. Driveway Entrance. "Driveway entrance" shall mean that portion of street right-of-way between the curb line and the lot line providing access to private property. It is unlawful for any person to construct a driveway entrance across any parking or street area unless said driveway entrance is of hard surface construction. "Hard surface construction" shall be defined as concrete, asphalt, or pavers constructed over an appropriate base material and/or bedding. Driveway entrances that do not conform to this section but are in existence as of the date of the ordinance codified by this section (February 4, 2002) shall be treated as a legal nonconforming use.

2. Driveways. "Driveway" shall mean a continuation of a driveway entrance located on private property for the purpose of parking or enclosure of vehicles. New driveway surfaces shall be of hard surface construction. Only one driveway is allowed in a front yard per street frontage. No driveway shall be located in front of a dwelling, but must be to the side of the dwelling, except for any dwelling area portions attached to and located above or behind a garage. If the dwelling has an attached garage, the driveway must be located on the same side as the garage. A driveway shall be connected and lead to only one curb cut or entrance. The use of gravel is not permitted on any new driveways. Driveways, combined with all other buildings and/or structures, located in a rear yard may not exceed 30 percent of the rear yard square footage.

3. Driveway Extension. "Driveway extension" shall mean an addition to a driveway, contiguous to the driveway, no wider than ten (10) feet, and for the purpose of parking one additional vehicle. A driveway extension surface shall be of hard surface construction. A driveway extension must be contiguous and parallel to the driveway and must be located between the driveway and the side property line in the direction away from the dwelling if there is sufficient space. The use of gravel is not permitted on any driveway extensions. Driveway extensions, combined with all other buildings and/or structures, located in a rear yard may not exceed 30 percent of the rear yard square footage.

4. Driveway sizes. Driveways may be up to 12' wide for every garage stall, or covered parking area, with one 10' extension permitted. Properties without a garage, or driveways in rear yards not connecting to a garage, may construct a 12' driveway with one 10' extension permitted.

5. Exceptions. Lots greater than 0.5 acres and with a front yard depth greater than 75 feet are exempt from the hard surface requirement and the single curb cut or entrance requirement, however, the parking area and driveway entrance are required to be hard surfaced. The width will correspond to the number of parking stalls or a minimum of 12' and the length will be 20'. Existing gravel driveways may be maintained with gravel. Commercial, industrial, multi-residential units

requiring parking lots, and agricultural properties are exempt from size, location, and number of entrance requirements.

6. Sidewalk Construction. The construction or repair of sidewalks is required with the new construction or the reconstruction of driveways.

SECTION 2. REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in full force and effect upon its approval and publication as required by law.

PASSED AND APPROVED by the City Council of the City of Perry, Dallas County, Iowa on the ____ day of _____, 2022.

First Reading:

Second Reading:

Final Reading:

John Andorf, Mayor

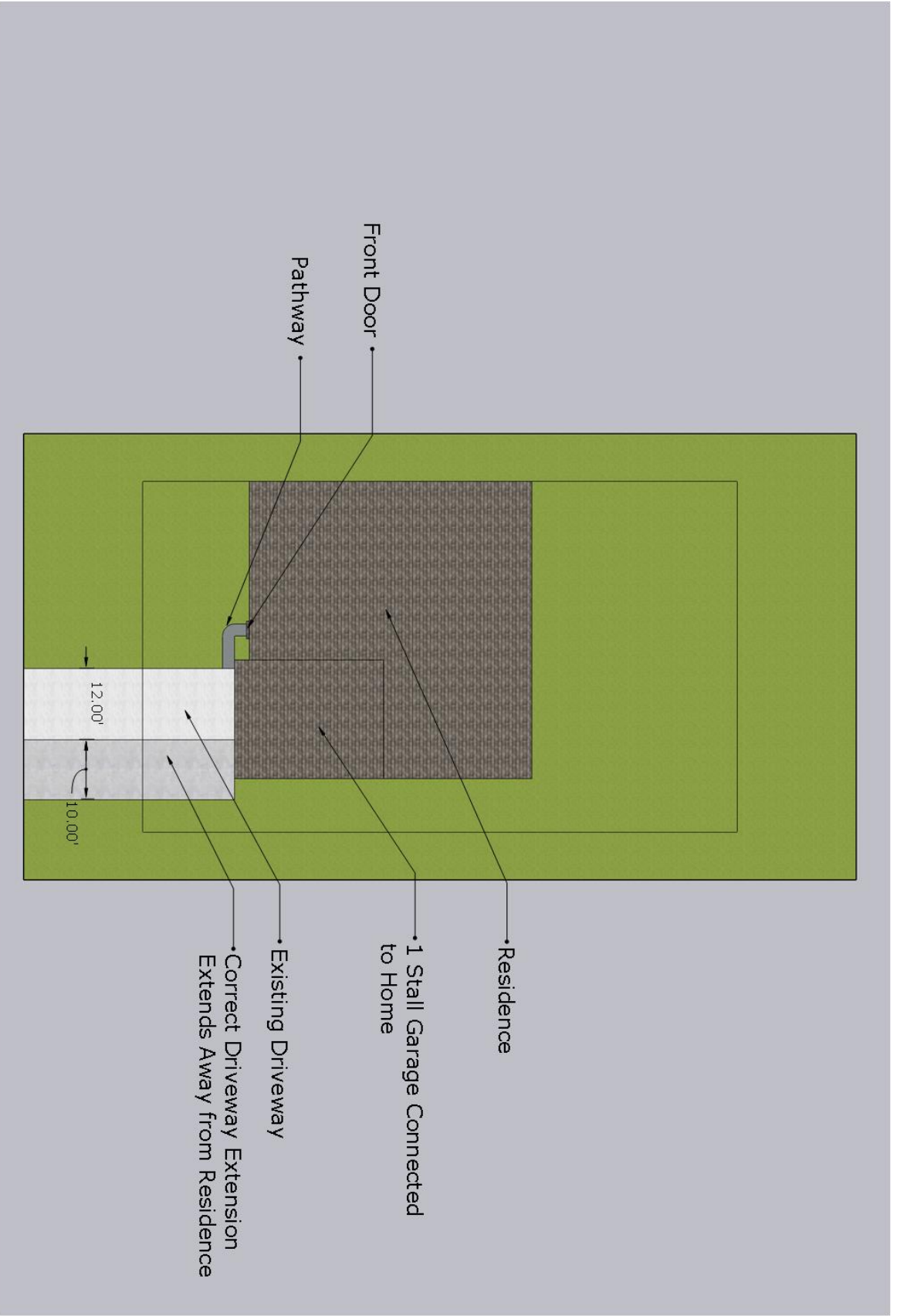
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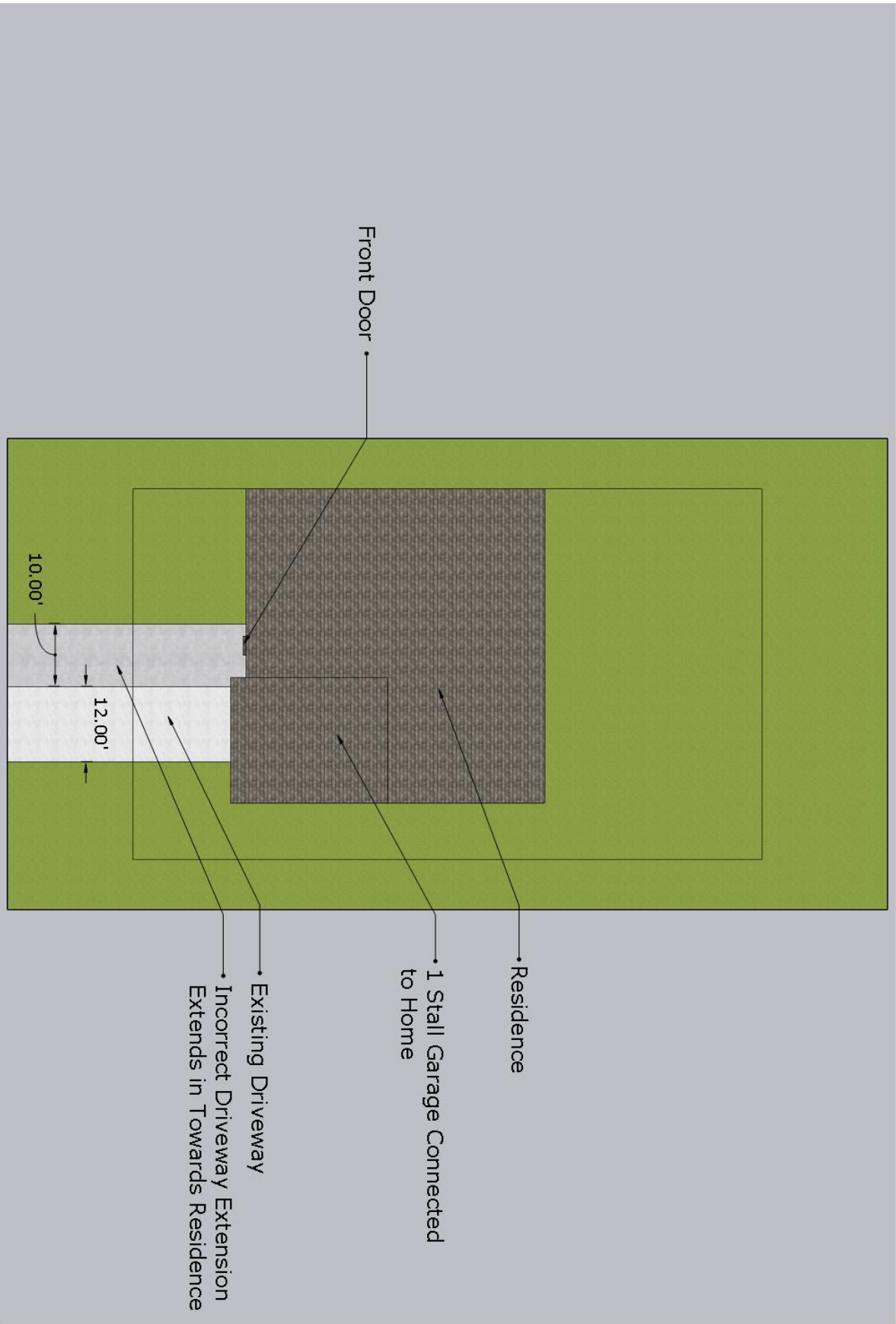
Elizabeth Hix, City Clerk

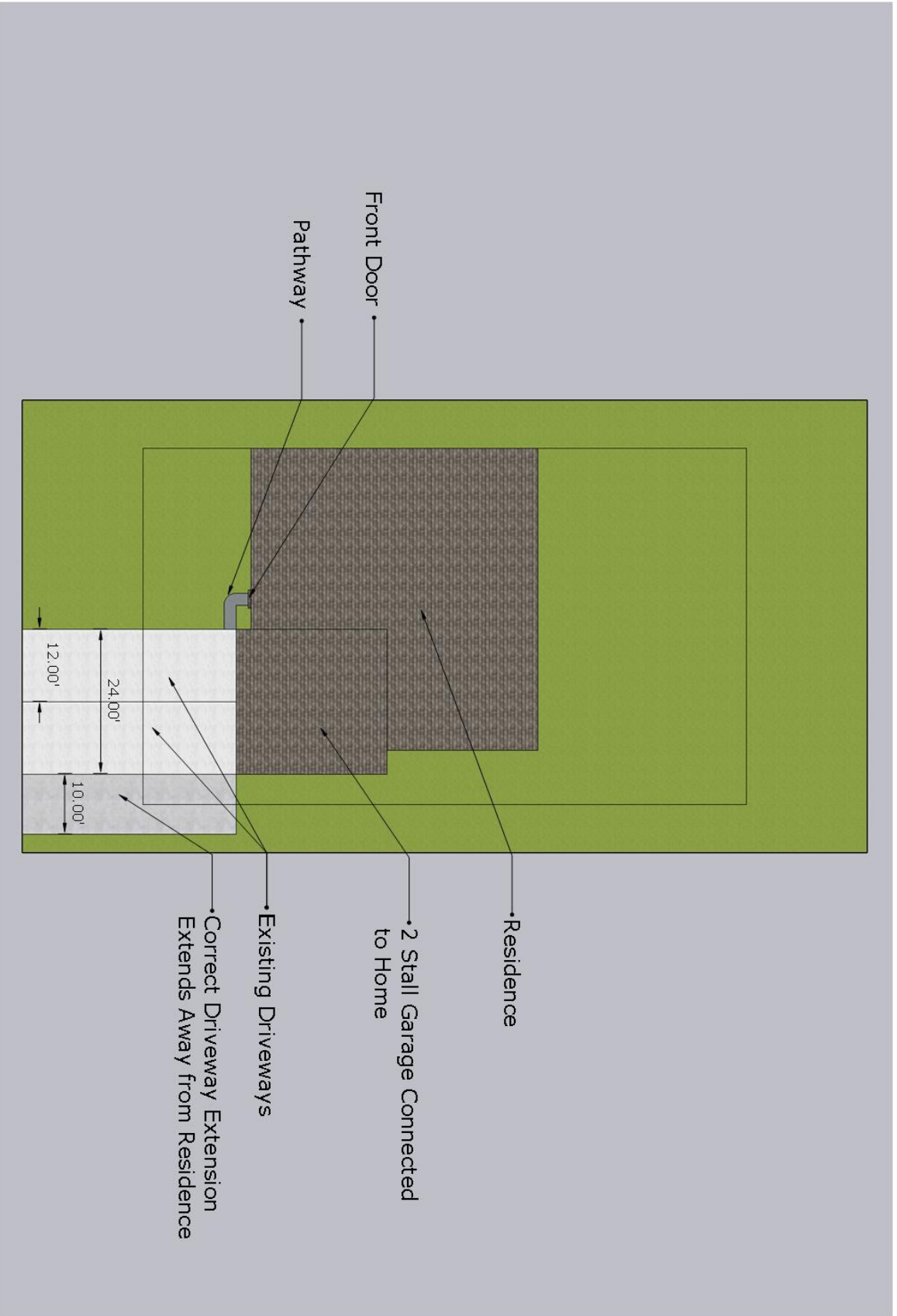
Clerk's Certification

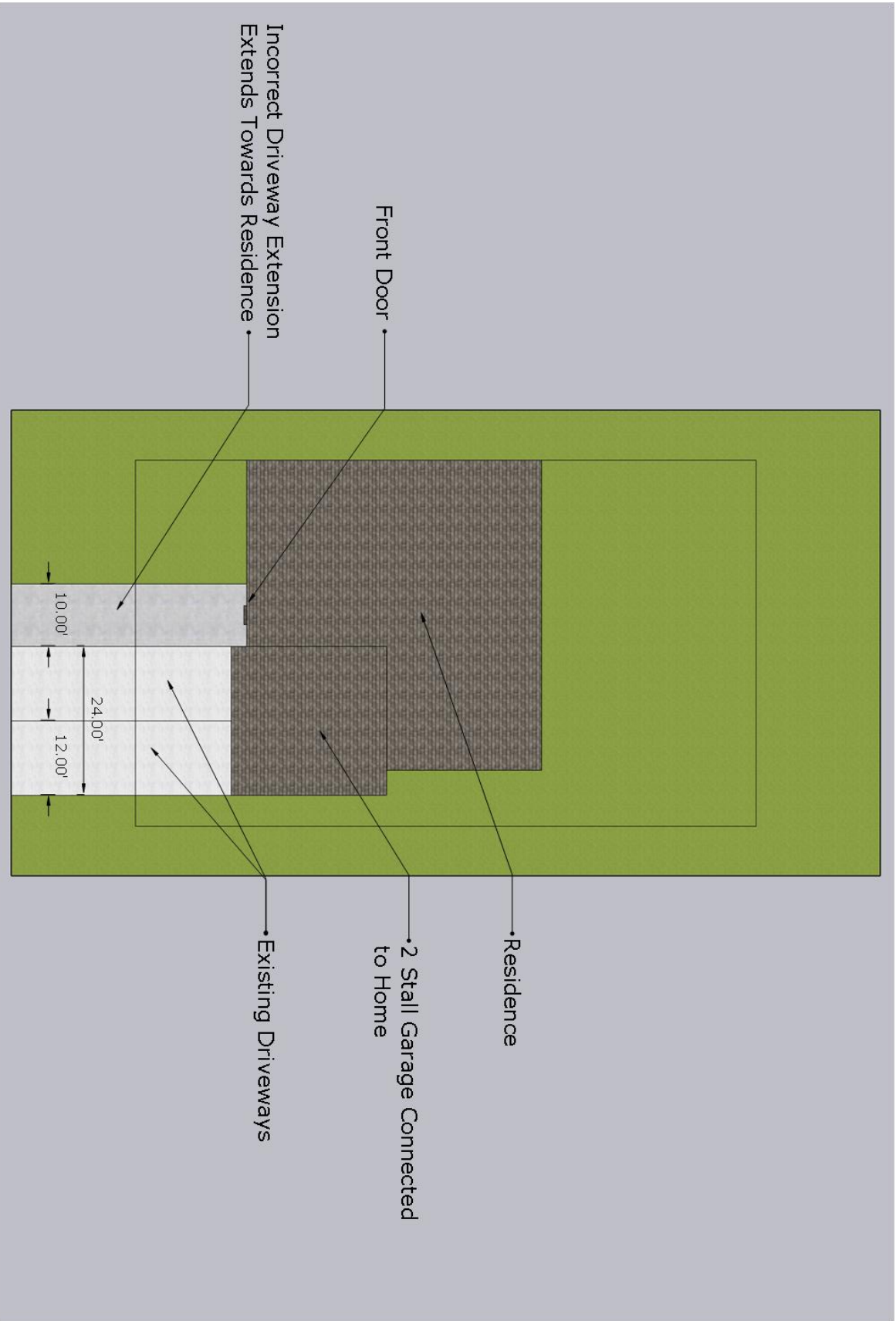
I certify that the foregoing was published as Ordinance No. 964 on the ____ day of _____, 2022.

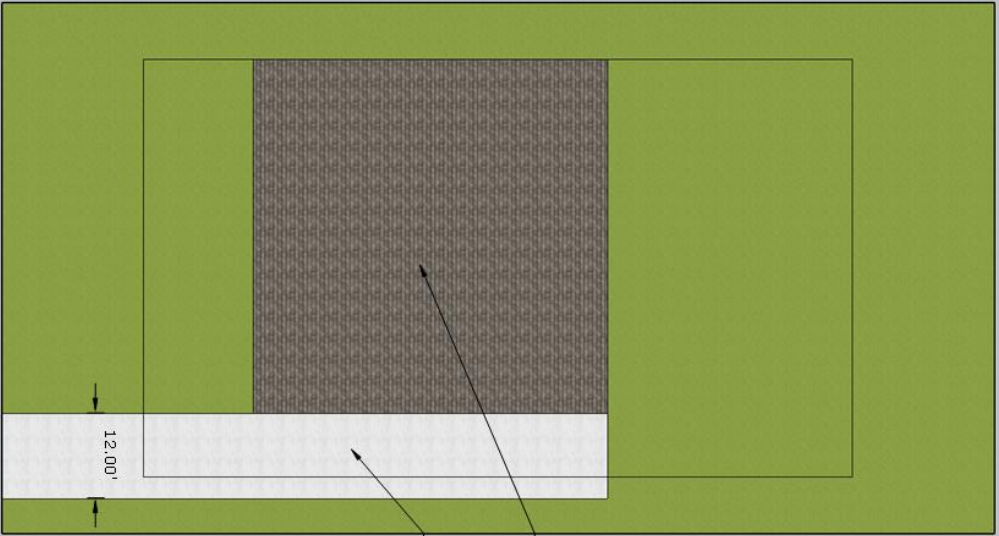
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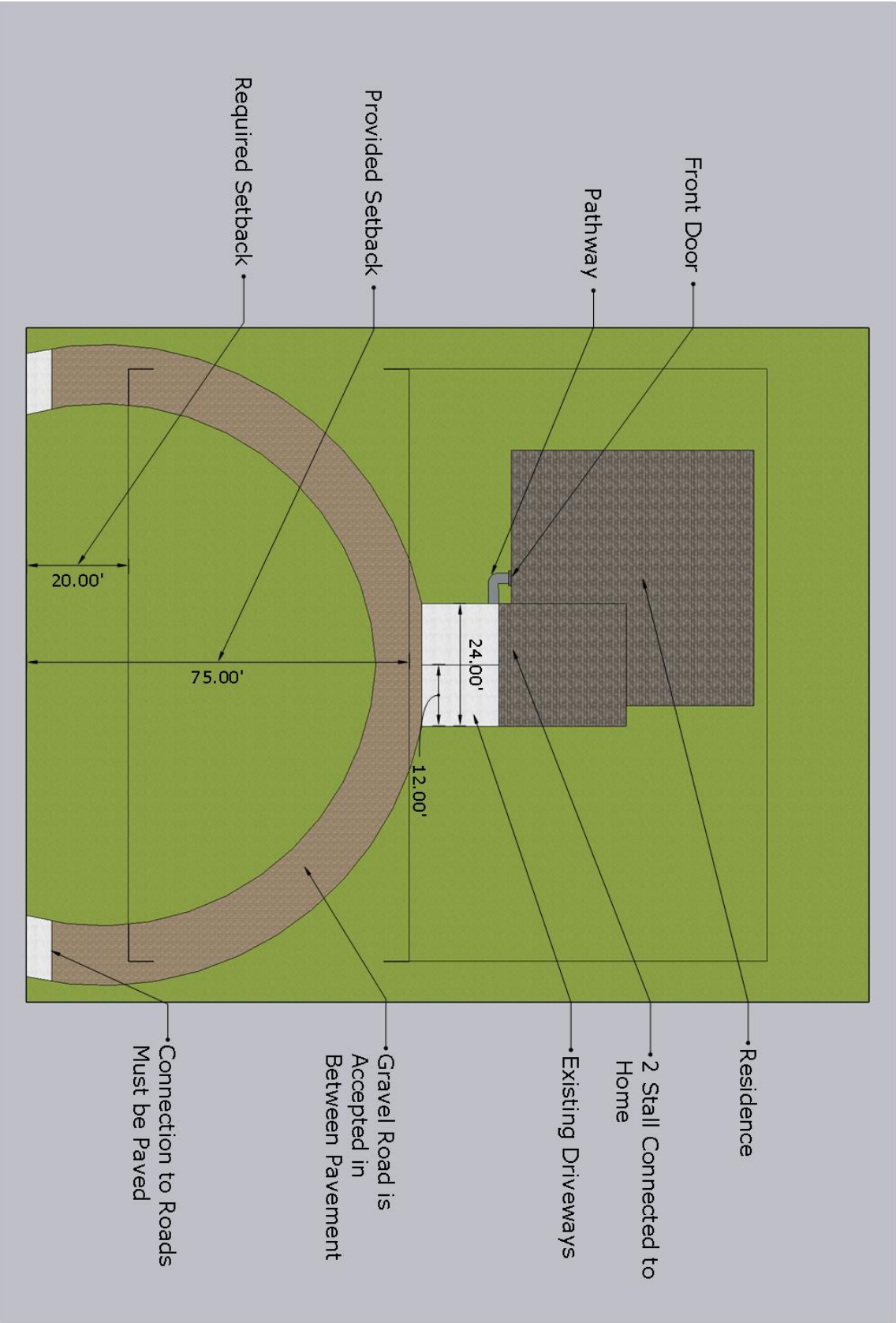






Existing Driveway

No Stalls connected to Residence



Front Door

Pathway

Provided Setback

Required Setback

Residence

2 Stall Connected to Home

Existing Driveways

Gravel Road is Accepted in Between Pavement

Connection to Roads Must be Paved

20.00'

75.00'

12.00'

24.00'