Menasha

Memorandum

To: Common Council
From: Greg Keil, CDD
Date: June 2, 2011
RE: Ordinance relating to the Paving of Driveways and Parking Lots

The above-referenced ordinance, originally introduced in late 2010, has undergone substantive changes due to public comment and other considerations addressed by the Plan Commission and/or Common Council. The major changes are:

- Elimination of the requirement for paving driveways at existing one and two family dwellings at the time of sale
- Addition of paving requirements at the time of sale for properties in multi-family, commercial and industrial zoning districts
- Addition of requirements for paving of driveway aprons
- The establishment of a driveway permit procedure and construction standards for one and two family residential driveways.

The revised ordinance retains the requirement that driveways be paved for all new one and two family dwellings.

ORDINANCE O-6-11

AN ORDINANCE RELATING TO THE PAVING OF DRIVEWAYS AND PARKING LOTS

Introduced by Aldermen Zelinski and Taylor

The Common Council of the City of Menasha does hereby ordain as follows:

SECTION 1: Amend Title 13, ARTICLE E, SEC.13-1-51(b)(1) and (2) and (e)(3) of the Code of Ordinances of the City of Menasha, Wisconsin as follows:

Title 13 – Zoning

ARTICLE E

Traffic Visibility, Loading, Parking and Access

SEC. 13-1-51 OFF-STREET PARKING.

...

(b) **DISTRICT REGULATIONS.** The following regulations shall be applied to each of the described zoning districts:

(1) R-1, R-1A, R-2 and R-2 A Districts.

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e. All driveways, parking areas, and driveway aprons constructed after July 1, 2011 shall be surfaced with asphalt, concrete, brick, or other durable dust-free material acceptable to the Department of Public Works. Driveways and parking areas shall be installed in compliance with the minimum standards set forth in the City of Menasha Driveway Installation Policy as approved by the Common Council. This requirement shall not apply to parking areas utilized solely for storage of recreational vehicles in compliance with Sec. 13-1-52.

f. On parcels with newly constructed one and two family residential structures, such surfacing shall be completed within nine (9) months of receiving an occupancy permit for the dwelling unit(s). Driveway aprons shall be paved within nine (9) months of installation of the permanent street.

g. A Driveway Permit from the Department of Community Development and a Grade Request from the Department of Public Works shall be obtained prior to installation of any driveway, driveway extension, or parking area. Permit applications shall include a site plan drawn to scale showing the location and dimensions of the driveway in relation to all property lines, structures, service walks, sidewalks, and street rights of way along with specifications showing proposed materials and cross sectional dimensions.

h. An Excavation Permit from the Department of Public Works shall be required prior to installation of any driveway apron per Sec. 6-2-3.

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(2) R-3, R-4, C-1, C-2, C-3, C-4, I-1, I-2, and GU Districts.

a. *General Parking Standards*

1. All driveways, parking areas, and driveway aprons shall be surfaced with asphalt, concrete, brick, or other durable dust-free material acceptable to

the Department of Public Works in compliance with the minimum standards set forth in this Section.

(a) For new driveways, parking areas, and driveway aprons, such surfacing shall be completed prior to an occupancy permit being granted for the principal use, or, if conditions are not conducive to paving, in accordance with a timeline established in the Site Improvement Agreement on file with the Community Development Department. Driveway aprons shall be paved within nine (9) months of installation of the permanent street. If a site plan review is not required, a parking lot plan shall be submitted and approved in accordance with Sec. 13-1-51(b)(2)b prior to surfacing.

(b) For properties with existing driveways, parking areas, and driveway aprons that are not surfaced with a durable dust-free material, such surfacing shall be completed prior to the sale of the property or within nine (9) months of sale of the property or, when applicable, in accordance with the timeline established in the Site Improvement Agreement on file with the Community Development Department. For properties without an approved site plan and/or Site Improvement Agreement, a parking lot plan shall be submitted in accordance with Sec. 13-1-51(b)(2)b prior to surfacing. Areas to be surfaced shall comply with all applicable zoning requirements.

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b. *Parking Approval for changes to existing developed sites.* For existing parking lots and driveways, any change in parking configuration, flow of traffic, parking lot size, or reestablishment of parking on a non-conforming lot, shall require prior approval and a Parking Lot Permit. Parking lot plans shall be designed in conformance with the design standards in 13-1-51. Parking lots and driveways to be resurfaced shall be brought into compliance with all applicable zoning requirements. The procedure to obtain parking lot approval for existing developed sites shall be:

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4. If the Zoning Administrator and/or designee determines that an existing non-conforming parking lot and/or driveway cannot be brought into compliance with applicable requirements due to physical constraints of the site, the parking lot plan may be reviewed through application for a Special Use Permit pursuant to Sec. 13-1-11; however, such resurfacing may not increase the degree of nonconformity of the property.

SECTION 2: This ordinance shall become effective upon its passage and publication as provided by law.

Passed and approved this day of 2011.

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Donald Merkes, Mayor

ATTEST:

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Deborah A. Galeazzi, City Clerk