

ORDINANCE O-__-11
AN ORDINANCE RELATING TO PAVING OF DRIVEWAYS AND PARKING LOTS

Introduced by Aldermen Taylor and Zelinski.

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) 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 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.
1. 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.
 2. For residential 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.
 3. For residential properties with existing shared driveways and/or driveway aprons that are not surfaced with a durable dust-free material, all property owners shall be notified via certified mail at the time of sale of the first

property that surfacing shall be required. It is recommended that such surfacing take place prior to or within nine (9) months of the sale of the first property. If the adjacent owner(s) do not agree to surfacing at that time, the requirement for surfacing will be held in abeyance until such time that the adjacent property is sold. Then the shared driveway and/or driveway apron shall be surfaced prior to or within nine (9) months of the sale of the parcel(s) adjoining the first property.

- f. 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.
 - g. An Excavation Permit from the Department of Public Works shall be required prior to installation of any driveway apron per Sec. 6-2-3.
- (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 within nine (9) months of site plan or parking lot plan approval or in accordance with the 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.

City of Menasha Driveway Installation Policy

1. This Driveway Installation Policy has been adopted by the Common Council as a supplement to Section 13-1-51(b)(1) of the Municipal Code and applies to R-1, R-1A, R-2, and R-2A zoning districts. It is intended to assist with interpretation and application of the section but may not cover all situations encountered.
2. A Driveway Permit and Zoning Permit from the Building Inspection Office 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 or parking area in relation to all property lines, structures, service walks, sidewalks, and street rights of way along with specifications showing the proposed materials and cross sectional dimensions.
3. The following standards shall apply:
 - a. All driveways, driveway extensions, parking areas, and driveway aprons shall be surfaced ("paved") with a durable dust-free material acceptable to the Department of Public Works. Alternative materials shall be approved prior to installation by the Director of Public Works as part of the Driveway Permit application. This paving requirement shall not apply to parking areas utilized solely for storage of recreational vehicles in compliance with Sec. 13-1-52.
 - b. Approved paving materials include concrete, asphalt, brick, and similar durable, dust free materials acceptable to the Department of Public Works. Durable, dust free pervious paving materials specifically designed to reduce stormwater runoff are encouraged and may be utilized upon approval by the Director of Public Works.
 - c. The minimum width of any paved driveway or parking area shall be nine (9) feet. If a property does not have a garage, carport, or rear yard parking area, the property owner shall be required to have a minimum area of 320 square feet of paved area per dwelling unit. The minimum paved area shall be adjacent to the driveway apron.
 - d. The following minimum installation standards shall apply:
 - Concrete shall be finished to a minimum thickness of 4" and installed on a minimum 4" base of ¾' crushed aggregate;
 - Asphalt shall be finished to a minimum thickness of 2 ½" and installed on a minimum 6" base of ¾" crushed aggregate;
 - Paving bricks shall be no less than 2 ¼" thick and installed on a minimum 4" base of approved granular material.

- Similar durable, dust-free materials approved by the Department of Public Works shall be installed in a manner that is consistent with professional installation standards.
- e. The following restrictions apply to the front yard area:
- In no case shall a driveway or parking area be widened to extend in front of the dwelling for parking or driving purposes.
 - Paved pedestrian walkways in the front yard that are immediately adjacent to a driveway and lead to an entry or service door may be approved by the Zoning Administrator and/or designee at the time of permit application. Such walkways may not be utilized for parking or driving purposes.
 - Pavers and similar decorative surfaces installed in the front yard as landscaping or aesthetic amenities shall not be used for parking or driving purposes.
4. Any other areas beyond the minimum requirements that are used for parking or driving purposes must either be paved according to the standards above or converted to a grass/lawn surface by completely removing any gravel or non-conforming driveway surface and installing a minimum of 2" of topsoil prior to seeding.
5. If a driveway is to be completely removed, the driveway apron shall also be completely removed and the area restored to grass/lawn area as stated above and the full curb section reinstalled. Replacing the curb requires an Excavation Permit and must be performed in accordance with City specifications.
6. Repairs to existing hard surfaced driveways shall be made with materials of the same type as the existing hard surface unless the entire driveway is being replaced.
7. Extent of Surfacing Requirements:
- a. All driveway aprons shall be paved in accordance with City specifications.
 - b. When a garage is present, the entire length of driveway from the street right of way to the face of the garage must be paved.
 - c. When a carport is present, the entire length of the driveway from the street right of way along with the base of the carport must be paved.
 - d. When no garage or carport is present, any portion of the driveway or parking area that falls within the front and/or side yards of the property and any portion leading to and including a rear parking area must be paved.
 - e. On properties with existing unique physical or structural characteristics that are not addressed herein, the Zoning Administrator and/or designee shall make the final determination regarding the extent of required surfacing.