



CITY OF APPLETON

MEMORANDUM

Date: October 9, 2024
To: City Plan Commission
From: Don Harp, Principal Planner
Subject: Informal Public Hearing Proposed Draft Municipal Code Text Amendments-

Chapter 19 Traffic and Vehicles: Sec. 19-91. Parking in front and side yard in residential districts and Sec. 19-92. Recreational and commercial vehicle parking and storage in residential district; and

Chapter 23 Zoning: Sec. 23-22 Words and Terms Defined and Sec. 23-43 Accessory Uses, Buildings and Structures.

GENERAL INFORMATION

At the September 25, 2024, Plan Commission meeting, staff presented the proposed Zoning Ordinance text amendments to the Commission for review and discussion. At the conclusion of the presentation, the Plan Commission directed staff to schedule an Informal Public Hearing.

The Community Development Department Planning and Inspections staff collaborated with the City Attorney's Office and Department of Public Works, Engineering Division on the following proposed draft Chapter 19 Traffic and Vehicle and Chapter 23 Zoning text amendments.

The text recommended to be added is underlined. The text recommended for deletion is identified by ~~strikethrough~~. Staff commentary is identified in *italics* to provide insight/analysis regarding that specific amendment/change.

PURPOSE OF MUNICIPAL CODE TEXT AMENDMENTS

1. Periodic revisions to the Municipal Code are essential to maintain consistency with the Wisconsin State Statutes, Section 62.23(7) Zoning (State Zoning Enabling Act). It's been determined the private property regulations for residential driveways, driveway extensions and vehicle parking listed in Section 19-91 and Section 19-92 of Municipal Code be

relocated to Chapter 23 Zoning to promote consistent administration under the unified zoning ordinance processes and procedures. **(Sections A. thru D.)**

2. Proposed text language does not create more restrictive standards.
3. Amend and create definition terms to promote consistent administration of Chapter 23 Zoning. **(Section C.)**
4. Eliminate duplication of regulations between Chapter 19 Traffic and Vehicles and Chapter 23 Zoning in the Municipal Code and departmental interpretation policies. **(Section B.)**
5. Continue to improve usability and organization of the land use regulations listed in Chapter 23 Zoning. **(Section C. and D.)**

PROPOSED DRAFT TEXT AMENDMENTS

SECTION A:

Chapter 19 Traffic and Vehicles: Sec. 19-91. ~~Parking in front and side yard in residential district~~; Parking on terraces.

Comment: Delete and relocate Sec. 19-91 regulations identified by strikethrough to Section 23-22 and 23-43, Chapter 23 Zoning.

~~—(a) Purpose. The purpose of this section is to clearly define acceptable areas for parking vehicles within the front yard or side yard, as defined in Chapter 23, of private properties in order to address off-street parking issues and maintain the acceptable appearance of City neighborhoods.~~

~~—(b) Residential driveway. Residential driveway means that area leading directly from the street to a garage, carport, or rear yard parking area.~~

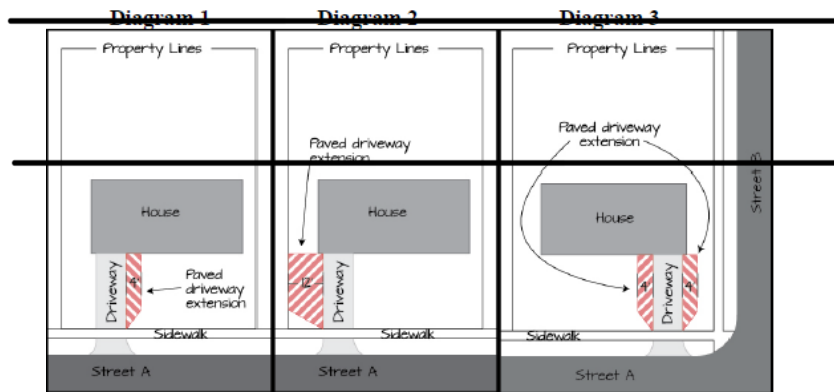
~~—(c) Front yard. No person shall park or store any motor vehicle, or recreational vehicle of 26 feet or less, i.e., a “camping trailer”, “fifth-wheel trailer”, “motor home” or “recreational vehicle” as those terms are defined by §340.01, Stats., as well as boat trailers and boats, utilities trailers, trailered snowmobiles, trailered jet-ski(s) or fishing shanties in the front yard of any residential district except upon a residential driveway and shall be subject to temporary recreational vehicle parking restrictions set forth in §19-92. No recreational vehicle or boat greater than 26 feet in length may be parked or stored in the front yard of any residential district. Any vehicle parked in the front yard, shall be parked within the driveway area in such a manner as to maintain all wheels on the driveway surface, and shall neither obstruct the sidewalk nor extend onto the driveway apron. Carriage style driveways with a minimum of 2-foot wide strips paved with concrete, asphalt or brick and maintained grass medians in accordance with Sec. 12-59(c)(3) are permitted.
(Ord 84-15, §1, 10-27-15)~~

~~—(d) Side yard. No person shall park or store any motor vehicle, “camping trailer”, “fifth-wheel trailer”, “motor home” or “recreational vehicle” as those terms are defined by §340.01, Stats., as well as boat trailers and trailered boats, pick-up camper tops, utilities trailers, trailered snowmobiles, trailered jet-ski(s) or fishing shanties in the side yard of any residential district unless it is parked on a hard surface and subject to the requirements of this section, including the requirement for a permit for the installation of said hard surface.~~

— (e) *Permits.* The Inspections Supervisor shall issue a driveway extension permit or a side yard parking pad permit upon the filing of a proper application, which shall be on a form furnished by the Director and shall describe the nature of the work, material to be used, measurements, plans and/or specifications of the proposed extension as well as such other information as may be required for inspection. Permits shall be issued prior to the start of the work. Fees for this permit shall be kept on file with the City Clerk.

— (f) Extensions to the driveway surface, beyond the area previously described in section (d), are permissible provided all of the following apply:

- (1) The property owner has obtained appropriate driveway extension permit; and,
- (2) Both the extension and driveway are paved as provided in sec. (d) above; and,
- (3) The extension is no greater than twelve (12) feet wide on the side nearest the side lot line (See Diagram 2) and no greater than four (4) feet wide in front yard closest to the dwelling (see Diagram 1). Extensions to driveways on corner lots may extend no more than four (4) feet on both sides of the driveway (See Diagram 3); and,



- (4) The paved area is no longer than the length of the driveway, extending from the edge of the City's right-of-way to a carport, rear yard parking area or garage. For the purpose of creating a parking pad, the paved area may extend along the side of the principal structure on the property and may extend to the rear plane of said structure; and,
- (5) Driveway extensions shall be flared at an angle from the sidewalk per Diagrams 1, 2, and 3 above;
- (6) This section shall not apply toward paved circular driveways.
- (7) The paved area shall meet any other requirements of the Municipal Code including, but not limited to, zoning requirements and the Driveway Installation Policy.

— (g) Appeals to the requirements of this section shall be filed with the Inspections Supervisor and heard by the Municipal Services Committee. In hearing and deciding appeals, the Committee shall have the power to grant relief from the terms of this section only where there are unusual and practical difficulties or undue hardships due to an irregular shape of the lot, topographical, or other conditions present, as contrasted with merely granting an advantage or convenience. Decisions of the Committee shall be consistent with the purpose and intent of this section.

~~—(h) Relief granted by the Municipal Services Committee, pursuant to (g) above, shall run with the land.
(Ord 85-15, §1, 10-27-15)~~

~~(†) (a) **Penalty. parking on terraces.**~~

- ~~(1) *First offense parking forfeiture.* Any person to whom a ticket has been issued for a violation of this section shall incur a forfeiture of forty-five dollars (\$45.00), which may be satisfied by paying twenty dollars (\$20.00) within fifteen (15) days of the date of the ticket. The procedures in Sec. 19-90(i), (k), and (l) apply to first offenses of this section.~~
- ~~(2) *Second and subsequent violations of this section.* Any person who violates any provision of this section more than one time in a twelve (12) month period shall be subject to a penalty as provided in Sec. 1-16 of the Municipal Code.~~

SECTION B:

Comment: Delete Section 19-92. Eliminates duplication of regulations already listed in Section 23-43, Chapter 23 Zoning.

Chapter 19 Traffic and Vehicles: Sec. 19-92. ~~Recreational and commercial vehicle parking and storage in residential district.~~

~~—(a) *Definitions.* For the purposes of this section, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise.~~

~~—*Recreational vehicle* means a “camping trailer”, “fifth-wheel trailer”, “motor home” or “recreational vehicle” as those terms are defined by §340.01, Stats. It also includes trailers and boats, pick-up camper tops, utilities trailers, trailered snowmobiles, trailered jet-ski(s) or fishing shanties.~~

~~—(b) When associated with residential dwellings:~~

~~—(1) The outdoor storage of a commercial vehicle or commercial trailer shall be restricted to a vehicle or trailer owned or leased by the occupant(s) of the lot upon which the vehicles are stored.~~

~~—(2) The enclosed parking or storage of not more than one (1) commercial or service vehicle rated at Class A—D may be permitted within an attached garage, attached carport, detached garage, and/or detached carport, provided that such vehicle is used by the occupant(s) of the lot upon which the vehicle is parked or stored.~~

~~—(3) The outdoor parking or storage of not more than one (1) commercial or service vehicle rated at Class A—D or school bus, may be permitted, provided that such vehicle is parked or stored in the side yard and/or rear yard only and used by the occupant(s) of the lot upon which the vehicle is parked or stored.~~

~~—(4) *Recreational vehicle storage.* The outdoor storage of not more than one (1) recreational vehicle in areas other than those addressed in §19-91 may be permitted provided:~~

- ~~_____ a. Such recreational vehicle is owned or leased by the occupant(s) of the lot upon which the recreational vehicle is stored.~~
- ~~_____ b. Such recreational vehicle shall not be used for business, living, sleeping, or housekeeping purposes.~~
- ~~_____ c. Such recreational vehicle shall not be permanently connected to sewer lines, water lines, or electricity.~~
- ~~_____ d. Such recreational vehicle shall not be used for the storage of goods, materials or equipment not normally a part of or essential to the immediate use in that vehicle or trailer.~~

~~_____ (c) *Recreational vehicle parking in front yard.* Unoccupied recreational vehicles of 26 feet in length or less as defined in §19-92 may be parked in a front yard driveway.~~

SECTION C:

Chapter 23 Zoning: Sec. 23-22 Definitions.

Building depth means the horizontal distance between the front wall and the rear wall of a building.

Comments: The proposed language is intended to compliment the state statute definition for residential dwelling per §66.1014.

Dwelling, Residential means a building, structure or part of a building or structure, containing living, sleeping, housekeeping accommodations, and sanitary facilities that is used or intended to be used as a home, residence, or sleeping place by one (1) or more families maintaining a common household. ~~for occupancy by one (1) or more families.~~

Driveway means an area on private property providing access for vehicles to a public right-of-way.

- (a) **Residential driveway** means a driveway leading directly from the street to a garage, carport, side yard or rear yard parking area which provides vehicle access to a parking area located on a lot serving single-family detached, two-family dwellings and zero lot line dwellings, including driveway extensions.
- (b) **Commercial driveway** means a driveway providing vehicle access to property used for purposes other than single-family detached, two-family dwellings and zero lot line dwellings.
- (c) **Driveway apron** means that portion of any driveway between the traveled portion of the street and the property line.

Parking lot means a use involving an open, hard surfaced area used exclusively for the temporary storage of motor vehicles.

Parking means an area that provides the required parking for a use in accordance with Chapter 23 Zoning of the City of Appleton Municipal Code. The following definitions relating to parking are also provided:

- (a) **Bicycle parking space** means an area designated and equipped for the purpose of parking and securing a bicycle.
- (b) **Parking** means the act or practice of temporarily leaving any vehicle or maneuvering any vehicle into a certain location or outdoors on a residential driveway, including a parking pad.
- (c) **Parking aisle** means that area adjacent to an off-street parking space which permits maneuvering of the ~~meter~~ vehicles entering and leaving an off-street parking space and having access to a driveway, street, alley or private street.
- (d) **Parking pad** means a hard surfaced area upon a property which is not connected to a driveway and located in a side and/or rear yard which is intended for parking vehicles and recreational vehicles.
- (e) **Parking space** means a hard surfaced area (e.g., asphalt, concrete or brick pavers) for one (1) ~~meter~~ vehicle with room to open doors on both sides of the vehicle that is directly accessible to an access aisle if located in a parking lot or otherwise accessible to a driveway, residential driveway, street or alley.
- (f) **Stacking space** means a hard surfaced area (e.g., asphalt, concrete or brick pavers) designated as an area for temporary queuing of ~~meter~~ vehicles.
- (g) **Stacked parking means** a hard surfaced area (e.g., asphalt, concrete or brick pavers) for the parking of more than one (1) vehicle in a parallel line, one behind the other on a residential driveway.
- (h) **Side and Rear yard parking area** means an outdoor off-street parking area designed for vehicle parking and maneuvering which is located in the side and rear yard only.
- (i) **Off-street parking space** means a hard surfaced area for one (1) ~~meter~~ vehicle with room to open doors on both sides of the ~~meter~~ vehicle that is directly accessible to a parking aisle if located in an off-street parking lot or area and having access to a driveway, street, alley or private street.
- (j) **Off-street parking lot or area** means a structure and use involving an open, hard surfaced area which contains off-street parking spaces, parking aisles and driveways for the maneuvering and parking of ~~meter~~ vehicles which is not located in a street or alley right-of-way. Also means parking lot.

Comments: The definition term "public right-of way was copied from Municipal Code Section 12-76.

Comments: The proposed language is intended to clarify terraces and driveway aprons are defined as public right-of-way.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a government entity. This definition also includes, terraces and driveway aprons.

Comments: The definition for recreational vehicle was relocated from Section 19-92(a) with State Statute reference.

Recreational vehicle means a structure or vehicle designed to be towed, hauled or driven and used for temporary living or sleeping purposes and equipped with wheels to facilitate movement from place to place including, but not limited to: campers, motorized homes and travel trailers. means a “camping trailer”, “fifth-wheel trailer”, “motor home” or “recreational vehicle” as those terms are defined by §340.01, Stats. It also includes trailers and boats, pick-up camper tops, utilities trailers, trailered snowmobiles, trailered jet-ski(s) or fishing shanties.

Comments: The proposed language clarifies the term “motor vehicle” elsewhere in the zoning code is defined as a “vehicle”.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway including, but not limited to a recreational vehicle, except railroad trains. This definition also means motor vehicle.

SECTION D:

Chapter 23 Zoning: Sec. 23-43. Accessory uses, buildings and structures.

Section 23-43 (c) (10) Residential driveways, commercial driveways, driveway extensions and parking pads.

Section 23-43 (e) **Use and Location Restrictions for Vehicles.** All accessory uses, buildings and/or structures shall abide by the following use and location restrictions:

- (1) **Purpose.** The purpose of this subsection is to maintain the acceptable appearance of City neighborhoods by identifying acceptable locations for parking any vehicle and to provide access for vehicles from the public right-of-way or a private street into private property.

Comments: Municipal Code Section 12-30 classifies a wide variety of public nuisances that affect peace and safety in Appleton. Code enforcement staff is focused on dealing with complaints pertaining to unlicensed or inoperable vehicles parked outside of a building on a lot, not based on who owns or leases the vehicle. Also, this subsection implies a visitor cannot park their vehicles inside a garage or carport of friend or family member who resides in Appleton. Therefore, this provision is recommended to be deleted. Finally, remove Class D vehicle, these vehicles are classified as automobiles; light trucks and mopeds, are not considered a commercial or service vehicle.



(1)(2) When associated with Residential Dwellings-

- a. ~~The enclosed parking or storage of any motor vehicle within an attached garage, attached carport, detached garage, and/or detached carport shall be restricted to vehicles owned or leased by the occupant(s) of the lot upon which the vehicles are parked or stored.~~
- b. **a. Enclosed parking of commercial or service vehicles.** ~~A maximum of~~ The enclosed parking or storage of not more than one (1) commercial or service vehicle rated at Class A, B and C, not including semitrailers -D may be parked permitted within an attached garage, attached carport, detached garage, and/or detached carport. ~~, provided that such vehicle is used by the occupant(s) of the lot upon which the vehicle is parked or stored.~~

Comments: Municipal Code Section 12-30 classifies a wide variety of public nuisances that affect peace and safety in Appleton. Code enforcement staff is focused on dealing with complaints pertaining to unlicensed or inoperable vehicles parked outside of a building on a lot, not based on who owns or leases the vehicle. Therefore, this provision is recommended to be deleted. Finally, remove Class D vehicle, these vehicles are classified as automobiles; light trucks and mopeds, not considered a commercial or service vehicle.

- e. **b. Outdoor parking of commercial or service vehicles.** ~~A maximum of~~ The outdoor parking or storage of not more than one (1) commercial or service vehicle rated at Class A, B, and C, not including semitrailers -D or school bus may be parked or stored outdoors on a lot. , permitted, provided that such vehicle is parked or stored in the side yard and/or rear yard only and used by the occupant(s) of the lot upon which the vehicle is parked. or stored. (Also see §19-91 of the Municipal Code)

Comments: The parking regulations for boats and boat trailers, greater than 26 feet have been relocated from subsection (e)(3)b.3., (e)(3)c.2. and (e)(3)d.2. In addition, the provisions listed in Section 19-92 of the Municipal Code are duplicates of the following provisions listed in ((e)(2)c.1.-3. below. Section 19-92 of the Municipal Code is being deleted.

d. ~~c. **Outdoor parking of trailers and recreational vehicles.**~~ The outdoor parking or storage or enclosed parking or storage within a fully enclosed structure of not more than one (1) trailer or recreational vehicle trailer or recreational vehicle including, but not limited to, boat and boat trailer (except for boats or boat trailers greater than twenty-six (26) feet in length), pickup camper top, camping trailer, utility trailer, camping vehicle, snowmobile and trailer, jet-ski and trailer, motor home or fishing shanty, may be permitted provided:

~~1. Such trailer or recreational vehicle is owned or leased by the occupant(s) of the lot upon which the trailer or recreational vehicle is parked or stored.~~

~~2.1. Such trailer or recreational vehicle shall not be used for business, living, sleeping or housekeeping purposes. (Also see §19-92 of the Municipal Code)~~

Comments: The front, side and rear yard requirements have been relocated to subsections (e)(3)b.3., (e)(3)c.2. and (e)(3)d.2.

~~3. The outdoor parking or storage of such trailer or recreational vehicle shall be located in the side yard and/or rear yard only. (Also see §19-91 and §19-92 of the Municipal Code)~~

~~4. 2. Such trailer or recreational vehicle shall not be permanently connected to sewer lines, water lines or electricity.~~

~~5. 3. Such trailer or recreational vehicle shall not be used for the storage of goods, materials or equipment not normally a part of or essential for immediate use in that vehicle or trailer.~~

Comments: Municipal Code Section 12-30 classifies a wide variety of public nuisances that affect peace and safety in Appleton. Code enforcement staff is focused on dealing with complaints pertaining to unlicensed or inoperable vehicles parked outside of a building on a lot, not based on who owns or leases the vehicle. Therefore, this provision is recommended to be deleted.

~~**(2)When associated with Non-Residential Dwelling.**~~

~~a. The enclosed parking or storage of any motor vehicle within an attached garage, attached carport, detached garage, and/or detached carport shall be restricted to vehicles used by the occupant(s) of the lot upon which the vehicles are parked or stored.~~

~~**(3)Location and Setback Restrictions for Outdoor Parking of Vehicles when associated with Residential Dwellings.**~~

~~*Comments: Public Right-of-Way provision relocated from Section 19-91(c).*~~

~~a. **Public Right-of-Way Encroachment Prohibited:** Parked vehicles shall not extend beyond the front lot line and encroach into the public right-of-way, including the public sidewalk, terrace and driveway apron.~~

Comments: Front yard parking provisions were relocated from Section 19-91(c). Parking any vehicle as defined above in the front yard on the grass or dirt is prohibited per current code Section 19-91(c). Vehicles shall be parked on the driveway surface.

b. Front Yard:

- 1. Within the front yard, all vehicle wheels shall be located on the residential driveway surface.
- 2. Parking pads are prohibited in the front yard.
- 3. Outdoor parking of boats or boat trailers greater than twenty-six (26) feet are prohibited in the front yard.

Comments: Side yard parking provisions were relocated from Section 19-91(d), except for allowing the parking of boats and boat trailers greater the 26 feet in length on a residential zoned lot. Chapter 23 Zoning is more restrictive and does not allow the parking of boats and boat trailers greater the 26 feet in length on a residential zoned lot per Resolution #55-R-02 and subsequent zoning ordinance amendment #247-02. Parking any vehicle as defined above on the grass or dirt in the side yard is prohibited per current code Section 19-91(d). Vehicles shall be parked on the driveway surface or parking pad.

c. Side Yard:

- 1. Within the side yard, all vehicle wheels shall be located on the residential driveway surface and/or parking pad.
- 2. Outdoor parking of boats or boat trailers greater than twenty-six (26) feet are prohibited in the side yard.

Comments: Rear yard parking provision are not identified in the Section 19-91. The proposed language is consistent with the proposed side yard parking provisions listed above. Parking on the grass or dirt in the rear yard is not addressed in Section 19-91. The proposed language is consistent the front and side yard parking regulation which prohibits parking any vehicle on the grass or dirt in the rear yard. Vehicles shall be parked on the driveway surface or parking pad.

d. Rear Yard:

- 1. Within the rear yard, all vehicle wheels shall be located on the residential driveway surface and/or parking pad.
- 2. Outdoor parking of boats or boat trailers greater than twenty-six (26) feet are prohibited in the rear yard.

(f) Residential driveway, driveway extension and parking pad regulations.

Comments: The exemption provision was relocated from Section 19-91(f)(6).

- (1) Exemptions. Circular or looped residential driveways are exempt from the provisions of this subsection but must comply with the provisions listed under Section 23-43(f)(2) and Section 23-43(f)(3)a., b., c., d. and j.

Comments: The permit application procedure was relocated from Section 19-91(e). The proposed language indicates a Street Excavation Permit (if required) must be approved by the Department of Public Works Department, Engineering Division to perform work in the public right-of-way before a Driveway Permit is issued by the Inspections Division per current Driveway Opening Policy.

(2) Permit Application Procedure.

a. Building and Street Excavation Permit Application(s).

- 1. Before construction, and expansion of a residential driveway or parking pad on private property, a completed Building Permit application and fee must be filed with the Building Inspections Supervisor or their designee; and
- 2. Before construction, repair, replacement, or removal of any sidewalk, driveway apron, carriage walk, curb and gutter, or surfacing within the public right-of-way, a completed Street Excavation Permit application and fee must be filed with the Department of Public Works, Engineering Division for review and approval.

If required, the Street Excavation Permit shall be approved by the Department of Public Works, Engineering Division prior to the issuance of a Building Permit

- 3. The above referenced applications shall describe the nature of the work, materials to be used, measurements, plans and/or specifications of the residential driveway, driveway extension or parking pad as well as such other information as may be required by the Building Inspections Supervisor, City Engineer or their designee.

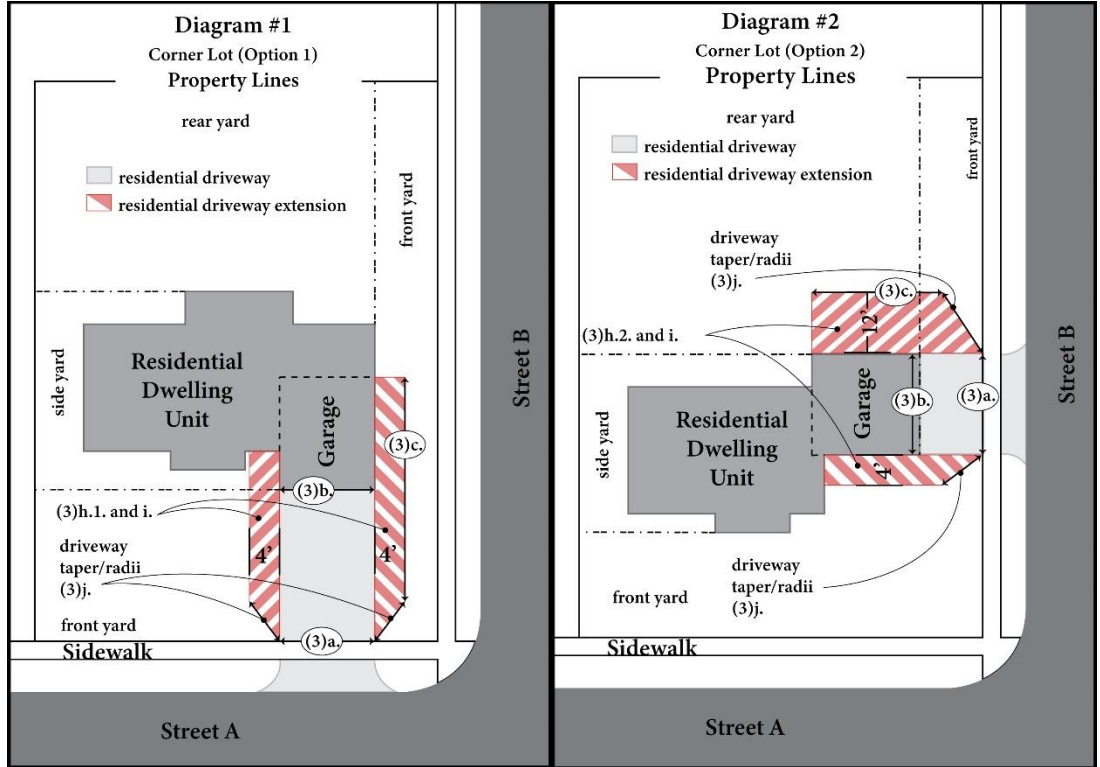
b. Building Permit Application Submittal, Acceptance and Review. After the submittal and acceptance of a complete application by the Building Inspections Supervisor or their designee, the proposed plans and specifications shall be reviewed for compliance all applicable provisions of this chapter and other City of Appleton Municipal Code provisions, and applicable policies.

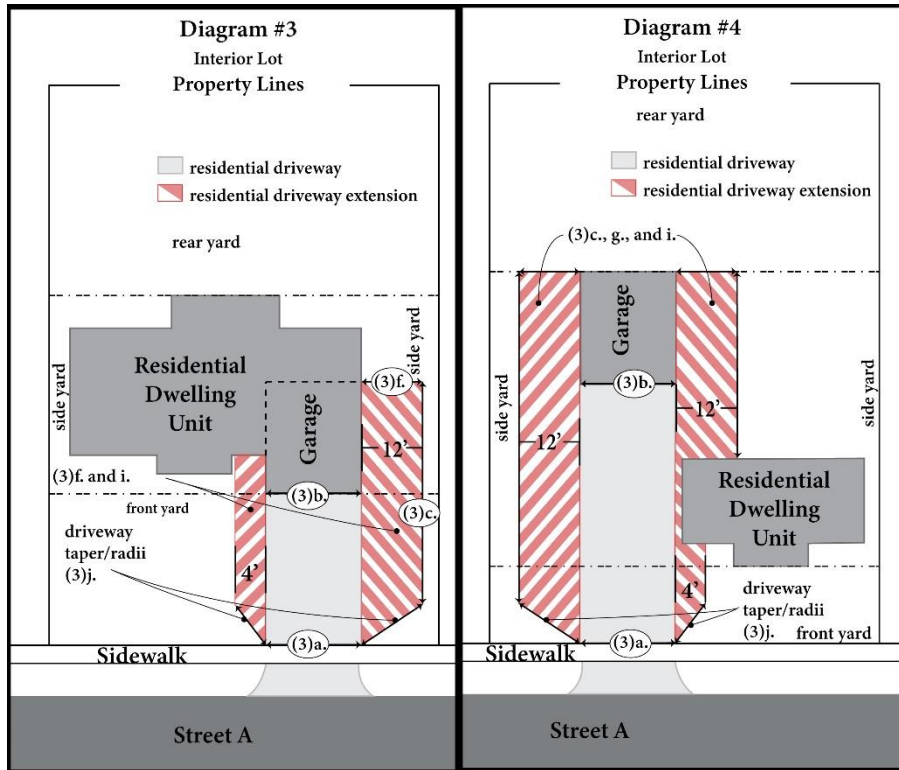
- 1. Thereafter, the Building Permit shall be approved, approved with conditions or denied with reasons why the Building Permit cannot be issued.

Comments: The processes to grant relief to Zoning Ordinance regulations or appeal the decision of the Inspections Supervisor or their designee is under the authority of the Zoning Board of Appeals.

c. Building Permit Denial and Appeal. The applicant may appeal the Building Inspections Supervisor's or their designee's decision pursuant to Section 23-67 of this Chapter.

(3) Residential driveway and driveway extension dimensions, design and location standards.





Comments: The proposed driveway maximum width requirement at the front line is the same dimension found in the Public Works Driveway Opening Policy.

- a. **Maximum residential driveway width at the front lot line.** Shall not exceed 40% of the lot width dimension where the residential driveway is located or a maximum of 40 feet wide at the front lot line, whichever is less.

Comments: The proposed driveway maximum width requirement beyond the front line was relocated from Section 19-91(b).

- b. **Maximum residential driveway width beyond the front line.** The residential driveway shall not exceed the width of a garage or carport it serves (horizontal distance measured between the exterior side walls along the front of the garage or carport).

Comments: The driveway/driveway extension length provision was relocated from Section 19-91(b) and (f)(4).

- c. **Length.** The length of a residential driveway and driveway extension on interior, corner and double frontage lots shall not extend beyond the depth of the garage or carport. When a garage or carport is not present see Section 23-43(f)3.e. below.

Comments: The driveway/driveway extension surface requirement was relocated from Section 19-91(f)(2).

- d. **Surface Materials.** Both the entire width and length of a residential driveway and driveway extension shall be improved with concrete, asphalt, brick pavers or another permeable hard surface. Gravel material is prohibited.

Comments: The Driveway Installation Policy created under the Department of Public Works, specified driveway dimensional criteria when a garage is not present on a lot. The proposed language aligns with the current off-street parking zoning requirements to promote consistent administration of the Municipal Code.

- e. **Garage not present.** If a garage is not present on the residential lot, a residential driveway shall be constructed leading directly from the street to a side yard or rear yard the purpose of complying with Section 23-172(m) required spaces for specified uses and be subject to the following requirements:
 - 1. **Side yard parking area.** The minimum requirements of Section 23-43(f)(3)a., d., i. and j. of this subsection shall apply. A driveway extension no wider than 12 feet may be constructed into the side yard adjacent to the side of the residential dwelling and no wider than 4 feet in front of the residential dwelling. The length of the residential driveway and driveway extension shall not extend beyond the depth of the residential dwelling, unless constructing a rear yard parking area in accordance with the following requirements:
 - 2. **Rear yard parking area.** The minimum requirements of Section 23-43(f)(3)a., d., i. and j. of this subsection and Section 23-50(d)(4) [double frontage lot exception] shall apply.

Comments: The driveway extension width requirement was relocated from Section 19-91(f)(3) and clarified.

- f. **Driveway extension. Maximum width (attached garage or carport) on interior and double frontage lots.** A driveway extension no wider than 12 feet may be constructed into the side yard adjacent to the side of the attached garage or carport and no wider than 4 feet in front of the residential dwelling.

Comments: The driveway extension width requirement was relocated from Section 19-91(f)(3) and clarified.

- g. **Driveway extension. Maximum width (detached garage or carport) on interior, corner and double frontage lots.** A driveway extension no wider than 12 feet may be constructed into the side or rear yard adjacent to the side of the detached garage or carport and no wider than 4 feet in front of the residential dwelling.

Comments: The driveway extension width requirement was relocated from Section 19-91(f)(3) and clarified.

h. Driveway extension. Maximum width (attached garage or carport) on corner lots.

1. **Option 1:** A driveway extension no wider than 4 feet on both sides of the driveway may be constructed into the front yard; or
2. **Option 2:** A driveway extension no wider than 12 feet may be constructed into the side or rear yard adjacent to the side of the attached garage or carport and no wider than 4 feet in front of the residential dwelling.
3. Shall not be permitted to have both Options 1 and 2.

Comments: The proposed language is recommended for clarification purposes to promote consistent administration of the Municipal Code.

- i. **Location.** A driveway extension shall be located contiguous and parallel to the residential driveway.

Comments: The language for tapers and radii's associated with a driveways were relocated from Section 19-91(f)(5). The purpose of the taper/radii is to discourage vehicular trespass over the sidewalk, terrace and curb and gutter.

- i. **Taper/radii.** Where the width of the driveway or driveway extension exceeds the existing width the residential driveway at the front lot line or maximum width requirement for a residential driveway at the front lot line, the driveway or driveway extension shall be tapered at an angle or have a curved radii from the front lot line.

Comments: Parking pads may be constructed as an alternative to a driveway extension. Parking pads should adhere to the typical 3-foot minimum setback requirement established for accessory uses/structures from a side and rear lot line to avoid parking pads being constructed over the lot line and minimize surface water drainage onto adjacent property. The proposed provisions are recommended to promote consistent administration of the Municipal Code.

(4) Parking pad location and design standards.

- a. **Location.** Parking pads may be permitted in the side and rear yard. Parking pads and are prohibited in the front yard.
- b. **Materials.** The parking pad shall be improved with concrete, asphalt, brick pavers, another permeable hard surface. Gravel material is prohibited.

- c. Parking pads shall not be connected or extended to the public right-of-way by a separate driveway opening.

~~(f)~~ (g) **Setback, height and lot coverage restrictions.** Accessory buildings and/or structures, shall meet the following setback, height and lot coverage requirements:

(1) *Residential districts:*

- a. When not attached to the principal building, accessory buildings and/or structures, except for parking lots and driveways shall maintain a five (5) foot separation from a principal building or any other accessory building and/or structure on the same lot.

RECOMMENDATION

Based upon the above **analysis and pending public comments**, staff recommends that the proposed text amendments to Chapter 23 Zoning Ordinance of the Municipal Code, **BE APPROVED** as noted and identified in this staff report for the following Articles and Sections:

Sec. 19-91 Parking in front and side yard in residential district; parking on terraces, Sec. 19-92 Recreational and commercial vehicle parking and storage in residential district, Sec. 23-22 Words and terms defined and Sec. 23-43 Accessory uses, buildings and structures