

DEPARTMENT OF PUBLIC WORKS

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TO: Municipal Services Committee

FROM: Danielle Block, P.E., Director of Public Works
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SUBJECT: Updates to Section 19-91 of the Municipal Code

DATE: January 23, 2023

Section 19-91 of the Municipal Code, regulates front yard parking for vehicles on residential properties. This section prohibits parking on an unpaved surface in the front and side yards. This section also includes language requiring a permit for driveway extensions and maximum length of the extension.

Attached are recommended changes to Section 19-91 of the Municipal Code. These recommendations do not change standards or create new regulations. Rather, the recommended changes clarify language and remove unenforceable requirements. The changes include:

- **Gravel Driveways.** Portions of Section 19-91(c) that refer to paving gravel driveways within six (6) months of sale have not been enforceable since Wisconsin Act 55 was signed into law by Governor Walker on July 12, 2015. This act prohibits time of sale requirements from municipalities.
- **Flaring Driveway Extensions.** Permits issued for driveway extensions have typically included requirements to flare pavement at a 45 degree angle to prevent cars from driving over the city terrace. However, there was no code language to support this requirement. Adding this language provides clarification and solidifies the city's ability to enforce this requirement.
- **Corner Lots.** Language and diagrams are included in the recommended changes for clarification of driveway extensions on corner lots. For example, staff has interpreted the existing language to allow a four (4) foot extension on the corner side of the front yard.

Recommendation: Staff recommends approval of the attached language of Section 19-91 of the Municipal Code relating to front yard parking and driveway extensions.

Sec. 19-91. Parking in front and side yard in residential district; parking on terraces.

(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. ~~All driveways on one (1) and two (2) family residential properties, as well as those properties with three (3) dwelling units, shall be paved with concrete, asphalt, brick or a similar hard surface within one (1) year of construction.~~ 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. ~~Those existing driveways on one (1) and two (2) family properties, as well as those properties with three (3) dwelling units, that are not currently paved as described for new driveways shall be so paved within one (1) year of notice of non-compliance.~~
(Ord 84-15, §1, 10-27-15)

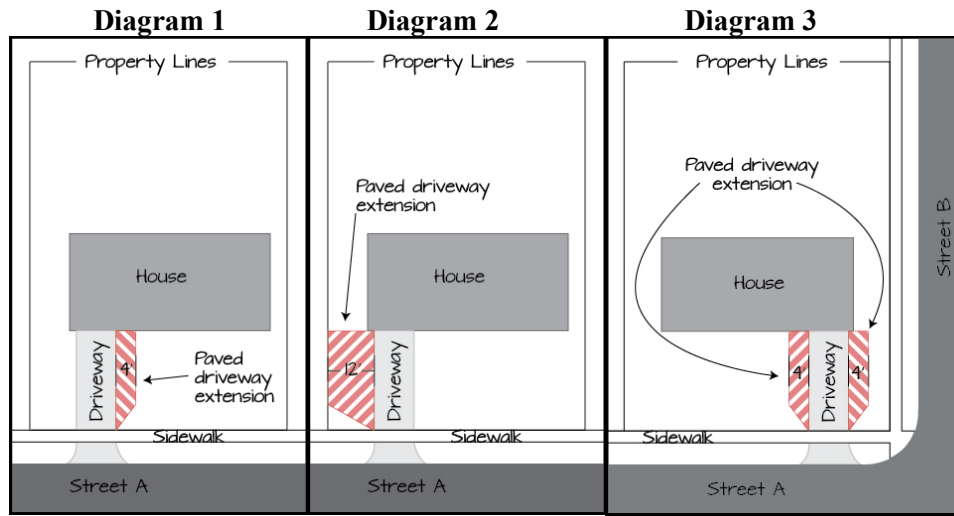
(d) **Side yard.** No person shall park or store any motor vehicle, “camping trailer”, “fifth-wheel trailer”, “motor home” or “recreational vehicle” as those terms are defined by §340.01, Stats., as well as boat trailers and trailered boats, pick-up camper tops, utilities trailers, trailered snowmobiles, trailered jet-ski(s) or fishing shanties in the side yard of any residential district unless ~~the side yard parking area is no greater than twelve (12) feet wide and extends no farther than the rear plane of the principal structure on the property.~~ Side yard parking areas are required to be it ~~it is parked on a~~ hard surfaced 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 & 3 above:

(5) Whenever practicable, the extension shall be located on the side of the driveway such that it extends toward the nearest side lot line. When such a configuration is not possible, the property owner may install an extension no greater than four (4) feet into the greater front yard. Any extension into the greater front yard of the property that is more than four (4) feet wide shall require approval from the Municipal Services Committee.

(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)

(i) ***Penalty.***

- (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.