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MEMO

TO: Municipal Services Committee

FROM: Paula Vandehey, Director of Public Works

PAV

DATE: September 1, 2015

SUBJECT: Discussion of Front Yard Parking Ordinance, Section 19-91.

As we discussed, with the State Budget Adoption, Municipalities are no longer allowed to enforce ordinances such as Appleton's Front Yard Parking Ordinance, Section 19-91 at point of sale. Knowing that we need to amend our Ordinance language, gives us an opportunity to review the current requirements for any other potential changes the Council would wish to make. Following is a list of discussion topics.

NEW DRIVEWAYS

19-91(c) – *All new 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.*

Are you good with this language as is, or would you also like to:

- a. Allow for new "carriage driveways"?
- b. Allow for new gravel driveways?
- c. Allow for new dirt driveways?

EXISTING DRIVEWAYS

19-91(c) – *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 with such materials shall be so paved prior to the sale of the property or, within six (6) months after the property is sold.*

For existing driveways, would you like the existing requirements to be enforced or:

- a. Allow existing carriage driveways to remain?
- b. Allow existing gravel driveways to remain?
- c. Allow existing dirt driveways to remain?

If not, should we change the ordinance language to allow properties found in non-compliance one year to come into compliance with the Code?

Can City staff (such as Assessor doing a revaluation of the property) find a non-compliance driveway or must it be complaint initiated only?

APPLETON CODE

(Code 1965, §10.17(2); Ord 4-93, §1, 1-6-93; Ord 142-93, §1, 9-15-93; Ord 143-93, §1, 9-15-93; Ord 144-93, §1, 9-15-93; Ord 154-93, §1, 9-15-93; Ord 155-93, §1, 9-15-93; Ord 137-95, §1, 12-20-95; Ord 154-01, §1, 9-10-01, Ord 68-05, §1, 5-7-05; Ord 107-05, §1, 1-1-06; Ord 122-05, §1, 1-1-06; Ord 96-10, §1, 6-22-10; Ord 103-10, §1, 1-1-11; Ord 112-12, §1, 10-23-12)

Cross reference(s) - Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

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. 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 with such materials shall be so paved prior to the sale of the property or, within six (6) months after the property is sold.

(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 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; 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) 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.