

AGENDA
CITY OF STURGEON BAY
CITY PLAN COMMISSION
Wednesday, November 15, 2017
6:00 p.m.
Council Chambers, City Hall
421 Michigan Street

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from September 20, 2017.
4. Consideration of: Accessory Building Height Code.
5. Consideration of: Setbacks for Driveway and Parking Areas.
6. Adjourn.

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR.

Notice is hereby given that a majority of the Common Council may be present at this meeting to gather information about a subject over which they have decision-making responsibility. If a quorum of the Common Council does attend, this may constitute a meeting of the Common Council and is noticed as such, although the Common Council will not take any formal action at this meeting.

Plan Commission Members:

Rick Wiesner – Chair
Ron Vandertie
Mike Gilson
Steven Hurley
Jeff Norland
Robert Starr
Dennis Statz

11/10/17
2:00 p.m.
CN

CITY PLAN COMMISSION
Wednesday, September 20, 2017

A meeting of the City Plan Commission was called to order at 6:00 p.m. by Chairperson Rick Wiesner in the Council Chambers, City Hall, 421 Michigan Street.

Roll Call: Members Robert Starr, Jeff Norland, Rick Wiesner, Mike Gilson, Steven Hurley, Ron Vandertie, and Dennis Statz were present. Also present were Community Development Director Marty Olejniczak, Planner/Zoning Administrator Chris Sullivan-Robinson, and Community Development Secretary Cheryl Nault.

Adoption of the Agenda: Moved by Mr. Starr, seconded by Mr. Norland to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from August 16, 2017.
4. Conditional use request from Bayland Buildings (Dave Phillips, Agent) for construction of a 1,776 square-foot office for Advanced Disposal, located at 1509 Division Road, parcel #281-68-17001102A.
Presentation
Public Hearing
Consideration of
5. Consideration of: Zoning code amendment relating to accessory dwelling units.
6. Public comment on Plan Commission related items.
7. Adjourn.

Carried.

Approval of minutes from August 16, 2017: Moved by Mr. Starr, seconded by Mr. Vandertie to approve the minutes from August 16, 2017. All ayes. Carried.

Conditional use request from Bayland Buildings (Dave Phillips, Agent) for construction of a 1,776 square-foot office for Advanced Disposal, located at 1509 Division Road, parcel #281-68-17001102A:

Presentation: Mr. Sullivan-Robinson stated that Advanced Disposal would like to construct a 1,776 square-foot office building to replace the existing office trailer, which manages a waste transfer station and recycle center. In 2001, a conditional use was granted for a temporary office building, and was to be removed within five years. But, the City later approved for it to remain permanently.

The parcel is approximately 8.19 acres and located off of Division Road. All conditions of a conditional use are met.

The Aesthetic Design & Site Plan Review Board reviewed and approved this project, with conditions that if lighting is to be added to the exterior it be downward facing LED lights and impervious surface created from the removal of lawn adjacent to Division Road will be matched with pervious surface creation on other portions of the subject property. Over the last couple of years there has been a substantial increase in impervious surface due to

dumpster/equipment storage, as well as installation of fuel tanks. There was no communication with the City in regard to stormwater management and those improvements should not have been done without it.

Mr. Sullivan-Robinson offered options to approve the conditional use petition as requested, to approve with conditions, or to deny the request. He added that staff was in support of the conditional use petition and recommended approval with the following condition:

1. Approval by City Engineer for a stormwater management plan that accounts for all impervious surface areas added since January 1, 2015 (including the new proposed structure).

Mr. Olejniczak stated that Baudhuin Inc. has been hired to do a stormwater management plan, which needs to be approved by the City Engineer. He suggested extending the vegetation along Division Road on the Northeast corner of the property.

Steve Estes, general manager of Advanced Disposal, stated that the office trailer is falling apart. There are also DNR regulations to follow. The new office will be built alongside the existing building. It is double the current space and will work the same with the drive-up window.

Public Hearing: Chairperson Wiesner opened the public hearing at 6:13 p.m. No one spoke during the hearing. There was no correspondence for or against the request.

The public hearing was declared closed at 6:14 p.m.

Consideration of: A short discussion was held. Moved by Mr. Starr, seconded by Mr. Statz to approve the conditional use request with the following condition: Approval by City Engineer for a stormwater management plan that accounts for all impervious surface areas added since January 1, 2015 (including the new proposed structure). All ayes. Carried.

Consideration of: Zoning code amendment relating to accessory dwelling units: A lengthy discussion was held in regard to allowing accessory dwelling units in residential districts. This item has been brought to Plan Commission for several months.

Mr. Olejniczak stated that the Plan Commission has been working on this ordinance and is close to being recommended for approval or to just drop the matter. The remaining issues that need to be discussed are if it is a detached building should the floor area be exempt from the maximum amount allowed, and if accessory dwelling units should be allowed as an option in R-1. A recommendation from Plan Commission would be sent to Council. If approved, a public hearing would be held.

Mr. Olejniczak added that the code allows accessory dwellings to be 14 feet tall, except taller buildings are allowed as long they don't go taller than your house, but also have to match the pitch of the house. This would also be a conditional use and the Plan Commission would have the ability to influence the design of the accessory dwelling or deny it.

Commission members discussed different floor area options. The first option included maximum floor area of 1200 square feet. The second option being a maximum of 1400 square feet, with the third option of 1800 total maximum square feet. That could include a garage of 1,000 square feet, with living quarters of 800 square feet.

Mr. Norland expressed his concern of allowing accessory structures in the R-1 district. Residents purchase property in the R-1 district because it is Single-Family Residential. Allowing the accessory structures would create multi-family. It would not be a problem in the multi-family districts.

Mr. Vandertie agreed with Mr. Norland. This is trying to fix something that is not broken. R-1 should stay R-1.

Mr. Starr stated that this would address affordable housing. They would probably be below market rents. He likes the fact that the Council would consider this and have a public hearing.

Mr. Statz did not feel that this was an issue. He didn't feel that there would be that many people pursuing this.

Mr. Hurley wondered if a larger lot could be divided. Mr. Olejniczak responded there is a minimum lot width and the new lot line would have to comply with setbacks.

Mr. Wiesner added that you wouldn't see many of these built. Garages are very expensive to build. An attachment could maybe be added to the house.

Discussion continued. Moved by Mr. Statz, seconded by Mr. Wiesner to recommend to Council as presented, utilizing (*option 3*) - The floor area of accessory dwelling unit shall be exempted from the maximum floor area for accessory buildings on the lot. Carried, with Mr. Norland and Mr. Vandertie voting no.

Public Comment on Plan Commission Items: There was no public comment.

Adjourn: Moved by Mr. Statz, seconded by Mr. Norland to adjourn. All ayes. Carried. Meeting adjourned at 6:59 p.m.

Respectfully Submitted,



Cheryl Nault
Community Development/Building Inspection Secretary



MEMO

To: Plan Commission
From: Christopher Sullivan-Robinson
Date: November 10, 2017
Subject: Discussion of Accessory Building Height Code

After consideration of a recent Zoning Board of Appeals (ZBA) granted variance and discussions related to the height of accessory buildings, the ZBA has requested that the Plan Commission review the height requirements to see if changes are warranted. They felt the current requirements can cause a hardship for properties with low dwelling heights.

This current code relating to height is as follows:

20.29 Accessory Buildings height and area regulations- Single-Family Dwellings and Two-Family Dwellings.

Accessory Building regulations, for single-families and two-families shall be as follows:

1. **Height.** The height of an accessory building shall not exceed 14 feet, measured from the finished grade to the highest point of the roof, unless all of the following conditions are met:
 - a. In cases where the construction of the accessory building's roof pitch and side walls match that of the principle building, then the maximum building height shall not exceed 24 feet and the eave side walls shall not exceed 14 feet
 - b. The overall building height may equal, but not exceed, the height of the principal building
 - c. The maximum height of the eave side wall shall not exceed 10 feet on structures 1,000 square feet or less and structure more than 1,000 square feet shall be limited to 16 feet.

Staff researched several communities height requirements related to the accessory buildings in Single-Family and Two-Family districts. This is what was found:

City/Town	Height Requirement (ft)
Marinette	15.6 and 16 in suburban areas
Two Rivers	21
Algoma	18
Door County	16 maximum height and a secondary height similar to Bay
Kewaunee	15
Oconto	21
Shawano	Lesser of 20 or height of dwelling

The research, as well as, the recent ZBA granted variance is evidence that the City's code height requirements may cause unnecessary hardship to the residential districts. From the cursory review of other height requirements the City has one of the more restrictive Codes in the area. Staff seeks guidance on whether this to amend the code or not. Staff is in favor of increasing the height within the Single-Family and Two-Family districts.

Christopher Sullivan-Robinson
Planner/Zoning Administrator
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Sturgeon Bay, WI 54235



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MEMO

To: City Plan Commission
From: Christopher Sullivan-Robinson
Date: November 9, 2017
Subject: Setbacks for Driveways and Parking Areas

Currently, the city does not have a general separation requirement between a driveway or parking area and a lot line. Driveways and parking areas can go right up to the property line along the side and rear yards. The Zoning Board of Appeals has requested that the Plan Commission consider potential setback requirements from side and rear property lines for private driveways.

Previously, back in 2010, the Plan Commission considered this issue. The Commission determined that a general setback requirement was not necessary, but recommended that there should be a requirement for new driveways serving large parking areas for twenty or more cars to be located at least ten feet from any adjoining residential property lines. That provision was adopted by the Council, but there still is no general setback requirement for side and rear lot lines.

Information from the last time the Commission reviewed this issue is attached. Staff seeks direction from the Commission whether to pursue an amendment to the code or not.

MEMO

To: City Plan Commission
From : Marty Olejniczak, Community Development Director
*** Date:** November 12, 2009
Subject: Setbacks for Driveways and Parking Areas

Under the current Sturgeon Bay Zoning Code, there are no required setbacks for a driveway or parking area in relation to adjoining lot lines. However, parking areas must be at least 5 feet from a public right-of-way. Thus, a property owner can pave their driveway or parking area right up to the lot line.

Caryn Wickman has requested that the Plan Commission consider amending the code to address this issue. Potential concerns regarding driveways and parking areas being too close to a property line include stormwater runoff, snow removal/storage, encroachment of vehicles, vehicular safety at driveway intersections, and lack of buffering.

The Plan Commission should determine whether adding requirements for driveways is worthwhile. If yes, then city staff will work with the Commission to come up with a proposed amendment to the code. If no, then the matter will be dropped.

Please keep in mind that there are several options such as regulating driveway and parking area setbacks just for commercial uses or just for residential uses.

P.C. minutes 11-18-09

Consideration of: Annexation petition from Sturgeon Bay Utilities for 1.5 acres on Peterson Road (N. 14th Avenue) in the Town of Sevastopol: Mr. Olejniczak stated that the petition is for 1 ½ acres abutting the City on 14th Avenue and north of the proposed Walmart Supercenter. Sturgeon Bay Utilities has recently decided to annex into the City. It is eventually proposed for a water tower. Procedures for the annexation include the Finance Committee and Plan Commission making recommendations to Council. The Council makes the final decision. An annexation study was compiled by City staff. The Plan Commission also needs to recommend temporary zoning if the annexation is approved.

Sturgeon Bay Utilities Operations Manager Cliff White stated SBU acquired the property in 1991 as part of their comprehensive plan to provide additional water storage in the City. The Walmart development will not by itself trigger the need for an additional water tower. There are other future development concerns.

After discussion it was moved by Mr. Statz, seconded by Ms. Brooks to recommend to Council approval of the annexation petition from Sturgeon Bay Utilities. Carried.

Discussion continued regarding temporary zoning. Moved by Ms. Weber, seconded by Ms. Brooks to recommend Agricultural (A) as the temporary zoning. Carried.



Consideration of: Setbacks for driveways and parking areas: Mr. Olejniczak stated that the zoning code requires a setback from a public right-of-way for parking areas. It is usually 5 feet, with some cases 8' or 10'. There are no setbacks for parking areas or driveway itself from other property lines. Caryn Wickman has requested that the Plan Commission consider amending the code and adopt some type of setback for driveways and parking areas.

Caryn Wickman, 130 S. 16th Place, explained an issue that she has in regard to setbacks. She is in a R-1 neighborhood and next door is Door County Memorial Hospital, which is in a R-4 district. The hospital driveway/parking lot begins at her lot line. She does have a privacy hedge. She suggested a 60' setback for her particular situation due to snow removal issues, turning radiuses for delivery trucks, less light and noise from cars idling in the parking lot, along with car radios, exhaust, and dust. She added that deliveries are made 24 hours a day, 7 days a week. She would just like to prevent this for other people in the future.

Ms. Weber stated the Commission should have had better consideration in Ms. Wickman's situation.

Ms. Brooks recalled the particular meeting regarding DCMH and Ms. Wickman's concerns at that time. She stated the hospital representative said he would take steps to see to it that it would not become an exasperated problem. She regretted that there was no follow-up to that commitment. She asked that staff look into the ordinance so these types of situations are dealt with prospectively before it becomes a burden to one of the parties.

By consensus, Mr. Olejniczak was directed to check into model ordinances regarding setbacks for driveways and parking areas, along with waterfront setbacks as well.

Consideration of: Comprehensive Plan Update: Mr. Olejniczak mentioned that the public hearing for the Comprehensive Plan will be held on Wednesday, December 16th.

Adjourn: Moved by Ms. Brooks, seconded by Ms. Statz to adjourn. Carried. Meeting adjourned at 9:42 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Cheryl Nault".

Cheryl Nault
Community Development Secretary

MEMO

To: City Plan Commission
From : Marty Olejniczak, Community Development Director
*** Date:** February 25, 2010
Subject: Setbacks for Driveways and Parking Areas

The Plan Commission has been considering whether to add setback requirements from side and rear property lines for private driveways. Many communities do require such setbacks, ranging from 0.5 ft up to 50 feet or more. In urban areas the setback is typically 10 feet or less.

Advantages of requiring a setback is that it ensures a buffer area for snow storage, water runoff control, maintenance, and potential landscaping (screening). Disadvantages are that it would make many existing driveways nonconforming, may limit options on narrow lots, may prevent or discourage shared driveways, and increases the amount of administration and regulation.

If a setback is instituted, the regulations could be added to section 20.31(4)(c) of the zoning code or to section 8.03 of the streets and sidewalks code. Some suggested ordinance language is attached.

Potential amendment for driveway setback

From 20.31 Off-street parking requirements

(4) *Design.* All parking spaces and access driveways shall meet the following requirements:

(a) *Size.* Each required parking space shall be a minimum of nine feet in width and 18 feet in length, exclusive of access drives or aisles, ramps or internal moving lanes.

(b) *Surfacing.* Except for parking spaces and access driveways which serve single-family or two-family dwellings, all parking spaces and access driveways shall be paved or otherwise surfaced with an all-weather surface within 12 months after occupancy. Any heavy equipment vehicular storage areas (such as those associated with truck terminals and contractor's garages) which are not open to the general public need not be paved, although said areas must be maintained in a durable and dustless condition. Any access driveway from a public street to such storage areas shall be paved with asphaltic, bituminous, or concrete surfacing.

(c) *Setback.*

1. All off-street parking spaces shall be located at least five feet from any public right-of-way.

2. In addition, no parking space serving a single-family or two-family dwelling shall be created or located within 25 feet of the traveled edge of a public street for that portion of the lot directly between the dwelling and the street, unless such space is within a normal traveled driveway. Temporary parking of vehicles on informal non-paved, non-graveled surfaces within such restricted area is permitted, but shall not exceed 48 hours and shall not interfere with pedestrian and traffic safety and movement. Enforcement of this provision shall be on a complaint basis and first-time violators shall be given the opportunity to correct the violation prior to issuance of a citation.



3. Side and rear lot lines. Access driveways and parking spaces shall be located at least three feet from all side and rear lot lines, except for the following:

a. A driveway or parking area that is shared between two or more property owners.

b. A driveway or parking area that serves a lot that is 50 feet or less in width.

c. A driveway or parking area located in the C-2 district.

- ✱ 4. Setback for driveways serving large parking areas. An access driveway that serves a parking area for 20 or more vehicles shall be located at least 10 feet from any adjoining lot containing a residential principal use or from any adjoining vacant lot within a residential zoning district.

(d) *Drainage.* All parking areas and access driveways shall be graded and drained so as to dispose of all surface water accumulation within the area. Stormwater detention shall be required in accordance with standards developed by the city engineer.

(e) *Screening and fencing.* Off-street parking areas for more than five vehicles shall be effectively sight screened on each side which adjoins or faces premises situated in any residential district by a fence, wall or compact hedge. Such fence, wall or hedge shall not be less than four feet in height. The maximum height for a fence or wall is six feet in height. All such materials shall be maintained in good condition.

(f) *Lighting.* Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises located in any residential district.

The potential amendments could also be inserted into section 8.03 which currently reads as follows:

8.03 Construction of driveways.

(1) *Permit required.* No person shall construct any driveway across any sidewalk or curbing within the city without first obtaining a permit for such construction from the building inspector.

(2) *Application for permit.* The application for such permit shall have attached to it a diagram or plat showing the dimensions of the lot, the location of the driveway, the location of buildings or other improvements serviced by such driveway and such other information as the building inspector shall require.

(3) *Discretion of building inspector.* In granting permits for driveways leading to places of business, the building inspector shall restrict the width of driveways as much as possible consistent with the business needs of the occupant of the premises, and, where the location of a proposed driveway unnecessarily creates a traffic hazard, the building inspector may require such proposed driveway to be relocated to some other portion of the premises.

(4) *Limitation on width.* In no event shall the building inspector issue a driveway permit for any driveway with a greater proposed width than 35 feet at the curb.

P.C. minutes March 3, 2010

temporary lights at the driveway and at the intersection of Division Road and CTY U would be a very good addition to the site plan. Mr. Olejniczak suggested that it could be added as a condition that the developer fund street lights at the northeast corner and southeast corner of the property.

Ms. Brooks referred to the Comprehensive Plan. She stated it was the cost of doing business if things, such as sidewalks, needs to be torn up in the future. The sidewalks and lighting should be added to the conditions and honor the work that was just completed in the Comprehensive Plan. Mr. Lodi responded the City shouldn't tell the developer what to do. They should be allowed a little bit of latitude.

Mr. Lodi called for the question. Roll call vote. Carried, with Ms. Weber voting no and Mr. Porten abstaining.

A roll call vote was taken on the motion. Weigand, Lodi, and Statz voted aye. Brooks and Weber voted no. Porten abstained. Carried.

* **Consideration of: Setbacks for driveways:** Mr. Olejniczak stated that the ordinance allows a driveway to run right up to your property line with no setback required. This item was brought up by a citizen asking the Plan Commission to consider some type of minimum distance from a neighboring property. He offered some sample ordinance language for driveway setbacks that could be inserted into the zoning code or the streets and sidewalk code.

It was the consensus of the Commission to look into more definitive language and guidelines in regard to setbacks.

Mr. Depies stated that new developments do not have that kind of driveway issue because of adequate parking and setbacks for the buildings.

Ms. Weber questioned whether there have been complaints or problems. She suggested adding language that a neighbor be notified if a driveway is coming within 5' of an existing property line.

The Commission discussed the existing driveway issue between Door County Memorial Hospital and the neighbor Ms. Wickman. The hospital has voluntarily agreed to relocate the driveway 10 feet from the lot line.

Milton Lenius, 124 S. 16th Pl., mentioned that the hospital was built in 1964. He built his house in 1967. The hospital added the driveway in the mid 80's.

Moved by Mr. Wiegand, seconded by Ms. Brooks to postpone discussion on this item until more information with different options is obtained by staff. All ayes. Carried.

Consideration of: Correspondence regarding Door County Memorial Hospital expansion: Mr. Olejniczak referred to a letter submitted from Milton Lenius regarding the DC Memorial Hospital project, which is zoned R-4. The Plan Commission approved a conditional use for an addition, which is now under construction. According to the Fire Chief, Building Inspector, and the City Engineer, they were not aware of any problems with the on-going construction. There are no violations of any ordinances at this time.

Mr. Lodi stated he reviewed the minutes from the Plan Commission meeting when the conditional use was approved. He said he had numerous conversations with Mr. Lenius, Ms. Wickman, and Mr. Johnson, as well as the hospital. He was told the traffic on 16th

Executive Summary

Setbacks for Driveways and Parking Areas

Background: Currently, the City does not have a general separation requirement between a driveway or parking area and a lot line. Driveways and parking areas can go right up to the property line along side and rear yards. Based upon a request from a citizen, the Plan Commission has been considering whether to add setback requirements from side and rear property lines for private driveways.

Many communities do require such setbacks. For urban areas the typical setback is 10 feet or less. Many cities use a 3-5 foot setback for residential driveways.

Analysis: Advantages of requiring a setback is that it ensures a buffer area for snow storage, water runoff control, maintenance, and potential landscaping (screening). Disadvantages are that it would make many existing driveways nonconforming, may limit options on narrow lots, may prevent or discourage shared driveways, and increases the amount of administration and regulation.

For driveways that serve a large parking area, having the driveway to close a property line could cause negative impacts, especially for adjoining residences. The driveway would have enough traffic to act like a de facto street. Therefore, requiring a setback from the adjoining lot line has merit. There is no "magic" size as to when a setback should be imposed. The sample language below uses 20 parking stalls, but this figure could be adjusted upward or downward. The suggested setback is 10 feet, since this matches the side yard requirement for a building in most of the zoning districts.

For driveways serving smaller parking areas, it is less clear whether a setback is necessary. The zoning code already requires screening of parking areas that adjoin residences. This mitigates the impact, but does not apply to access driveways, just the parking area. If it is determined to add a driveway setback, it is suggested that the City start out relatively modest. Three feet is used in the suggest code language below. This should provide enough space for snow storage and provides a small green buffer for stormwater management without overly impacting the driveway location options.

If a driveway setback is instituted, the regulations could be added to section 20.31(4)(c) of the zoning code or to section 8.03 of the streets and sidewalks code. Some suggested ordinance language is attached.

Fiscal Impact: The driveway setbacks regulations, if adopted, would require staff time to administer, such as field verifying the distance to the lot line, checking the exceptions such as verifying a driveway is shared. Most new driveways already require a permit, so the system is already in place. The permit fee (currently \$25) could be raised to cover the costs.

Recommendation: Staff supports the institution of a setback for driveways serving large parking areas. Staff is neutral regarding the general setback requirement for all driveways.

Prepared by: Martin Olejniczak
Martin Olejniczak (CO)
Community Development Director

4/16/10
Date

Reviewed by: _____
Tony Depies
City Engineer

Reviewed by: Steve McNeil
Steve McNeil
City Administrator

Date

4/16/10
Date

Potential amendment for driveway setback

The potential amendments could be inserted into either section 8.03 pertaining to construction of driveway or section 20.31 pertaining to parking in the zoning code. Both existing sections are shown for comparison.

8.03 Construction of driveways.

(1) *Permit required.* No person shall construct any driveway across any sidewalk or curbing within the city without first obtaining a permit for such construction from the building inspector.

(2) *Application for permit.* The application for such permit shall have attached to it a diagram or plat showing the dimensions of the lot, the location of the driveway, the location of buildings or other improvements serviced by such driveway and such other information as the building inspector shall require.

(3) *Discretion of building inspector.* In granting permits for driveways leading to places of business, the building inspector shall restrict the width of driveways as much as possible consistent with the business needs of the occupant of the premises, and, where the location of a proposed driveway unnecessarily creates a traffic hazard, the building inspector may require such proposed driveway to be relocated to some other portion of the premises.

(4) *Limitation on width.* In no event shall the building inspector issue a driveway permit for any driveway with a greater proposed width than 35 feet at the curb.

(5) *Safety zone required.* Where a place of business is serviced by two or more driveways leading from the same street, the driveways shall be constructed at least eight feet apart at the sidewalk; the space between the two driveways shall be known as a "safety zone," and when the lot side of the safety zone adjoins a loading platform or driveway used for vehicular travel it shall be separated from the loading platform or driveway by a curb which shall be constructed on the lot line; all driveways shall be constructed at the same level as the sidewalks which they cross.

(6) *Distance from crosswalk or building.* No driveway shall hereafter be constructed within four feet of the regular street crosswalk at intersections or within four feet of a building where it abuts the sidewalk.

* (7) Side and rear lot lines. Access driveways and parking spaces shall be located at least three feet from all side and rear lot lines, except for the following:

- a. A driveway or parking area that is shared between two or more property owners;
- b. A driveway or parking area that serves a lot that is 50 feet or less in width;
- c. A driveway or parking area located in the C-2 district.

* (8) Setback for driveways serving large parking areas. An access driveway that serves a parking area for 20 or more vehicles shall be located at least 10 feet from any adjoining lot containing a residential principal use or from any adjoining vacant lot within a residential zoning district.

.....

From 20.31 Off-street parking requirements

(4) *Design.* All parking spaces and access driveways shall meet the following requirements:

- (a) *Size.* Each required parking space shall be a minimum of nine feet in width and 18 feet in length, exclusive of access drives or aisles, ramps or internal moving lanes.

(b) *Surfacing.* Except for parking spaces and access driveways which serve single-family or two-family dwellings, all parking spaces and access driveways shall be paved or otherwise surfaced with an all-weather surface within 12 months after occupancy. Any heavy equipment vehicular storage areas (such as those associated with truck terminals and contractor's garages) which are not open to the general public need not be paved, although said areas must be maintained in a durable and dustless condition. Any access driveway from a public street to such storage areas shall be paved with asphaltic, bituminous, or concrete surfacing.

(c) *Setback.*

1. All off-street parking spaces shall be located at least five feet from any public right-of-way.

2. In addition, no parking space serving a single-family or two-family dwelling shall be created or located within 25 feet of the traveled edge of a public street for that portion of the lot directly between the dwelling and the street, unless such space is within a normal traveled driveway. Temporary parking of vehicles on informal non-paved, non-graveled surfaces within such restricted area is permitted, but shall not exceed 48 hours and shall not interfere with pedestrian and traffic safety and movement. Enforcement of this provision shall be on a complaint basis and first-time violators shall be given the opportunity to correct the violation prior to issuance of a citation.

(d) *Drainage.* All parking areas and access driveways shall be graded and drained so as to dispose of all surface water accumulation within the area. Stormwater detention shall be required in accordance with standards developed by the city engineer.

(e) *Screening and fencing.* Off-street parking areas for more than five vehicles shall be effectively sight screened on each side which adjoins or faces premises situated in any residential district by a fence, wall or compact hedge. Such fence, wall or hedge shall not be less than four feet in height. The maximum height for a fence or wall is six feet in height. All such materials shall be maintained in good condition.

(f) *Lighting.* Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises located in any residential district.

P.C. minutes 4-21-10

since been sold to the adjoining property owners and is no longer part of this subdivision. The State also required that the numbering system be carried over from the original Sunset Hill plat. Nothing has changed on engineering. All streets will contain sidewalks except for the cul de sac street. Demo work on the existing WireTech building will start in May or June.

Moved by Ms. Weber, seconded by Ms. Brooks to recommend to Council approval of the final plat for Sunset Hill #2. All ayes. Carried.



Consideration of: Setbacks for driveways: Mr. Olejniczak presented potential language in regard to access driveways and parking spaces being located at least three feet from all side and rear lot lines with certain exceptions. A 10' setback could also be implemented from any adjoining lot containing a residential principal use or from any adjoining vacant lot within a residential zoning district for driveways serving large parking areas of 20 or more vehicles. He stated that staff supports the setbacks for driveways leading to large parking areas, but is neutral in regard to having a standard setback for all driveways.

Moved by Ms. Weber, seconded by Mr. Wiegand to adopt the following proposed language:

Setback for driveways serving large parking areas. An access driveway that serves a parking area for 20 or more vehicles shall be located at least 10 feet from any adjoining lot containing a residential principal use or from any adjoining vacant lot within a residential zoning district.

and to not adopt the proposed language regarding 3-foot setbacks from side and rear lot lines for all driveways.

Moved by Mr. Lodl, seconded by Ms. Weber to amend the motion to change the proposed 10' setback to a 20' setback.

Discussion continued. Mr. Porten wondered if a piece of property would be compromised, if it would then become a hardship and grounds for a variance.

A vote was taken on the amendment. Lodl voted aye. Wiegand, Brooks, Porten, Birmingham, Weber, and Statz voted no. Motion failed.

A vote was taken on the original motion. All ayes. Motion carried.

Consideration of: Regulation of murals: Mr. Olejniczak stated the Community, Protection & Services Committee has been considering whether and how to regulate the painting and placement of murals on buildings. There is currently no language in the code to address this issue, unless it is advertising that would fall under the sign code.

A lengthy discussion took place. Ms. Weber asked why create a restriction if there is no problem?

Mr. Lodl recalled that the Waterfront Redevelopment Authority put together language on what our development should look like. The Comprehensive Plan states that the City wants a small town character. He personally would not like to see murals at all.

Mr. Wiegand felt that putting restrictions on murals is going a little bit too far. Moved by Mr. Wiegand, seconded by Ms. Brooks to not propose any restrictions and keep our