

## Report to the Manitowoc Plan Commission

**Meeting Date:** July 16, 2020 item originally discussed at the May 27, 2020 Commission Meeting

**Request:** PC 19-2020: Amendment to Chapter 15.030 Definitions, 15.430 regulating Off-Street Parking and Loading, 15.510 Mobile Home Parks, Mobile Homes, Manufactured Homes and Recreational Vehicles.

### Report:

Underlined text is new text added for the July 22<sup>nd</sup> Commission meeting, *Italicized* text is from the May 27 Commission meeting.

At the May 27<sup>th</sup> Commission meeting the Commission discussed the proposed changes and voiced some concerns as to how the proposed amendments may affect property owners. The Commission tabled the item and requested that Scott Keil, Housing Inspector be invited to the July meeting to provide additional rationale for the proposed changes.

*Attached is the ordinance with the proposed changes to Chapter 15 of the Municipal Code which addresses Off-Street Parking in residential districts which is being amended to address situations where individuals are parking their vehicles in the front yard or rear yards. The current code does not provide enough clarity regarding where vehicles can be parked on residential lots which causes an enforcement issue for the inspectors in Building Inspection. The amendments will prohibit vehicles from parking in their front yard not on an improved surface with exceptions during snow emergencies or street sweeping days.*

*Building Inspection, Police, Community Development and the Attorney's offices worked together to draft the revisions to Section 15.030 "Definitions", 15.430 "Off-Street parking and Loading Regulations" and 15.510 Mobile Home Parks, Mobile Homes Manufactured Homes and Recreational Vehicles of the Zoning Ordinance.*

*Definitions for Drive Apron, Driveway, Improved Surface, Parking Area and Parking Lot are being created. The current code is silent on these terms. The changes also address what type of surface vehicles are required to be parked on by creating a definition for "Improved Surface".*

*A definition for "Recreational Vehicle" is also being created; in addition text clarifying where and how many motor homes, recreational vehicles, snowmobile trailers, boat trailers and other similar items can be parked on a lot is being created. Text in Section 15.510 "Mobile Home Parks, Mobile Homes, Manufactured Homes and Recreational Vehicles" is being deleted because it caused confusion as to where Recreational Vehicles and Travel Trailers could be parked on lots. Having "Recreational Vehicle" text in the Mobile Home section of the zoning ordinance was not very intuitive and few individuals looked in that code section for guidance.*

*The changes provide clarity to the City Inspectors and Police as to location, duration and condition the recreational vehicles need to follow. Currently the inspectors are encountering too many ambiguities in the code and the proposed changes will give them more guidance to*

*enforce the code and also to educate the property owners as to where they can legally park their vehicles.*

**Recommendation:** Approve the proposed Ordinance amendments to Sections 15.030, 15.430 and 15.510 in the Zoning Code.

## ORDINANCE

An Ordinance to amend Sections 10.570; 15.030; 15.430 and 15.510 of the Manitowoc Municipal Code regulating Off-Street Parking and Loading.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

**Section 1.** Section 10.570 is amended to read as follows:

### 10.570 Parking in Front and Side Yards Prohibited.

“No motor vehicle may be parked on any residential front or side yard except ~~in a driveway or paved parking space~~ in accordance with Chapter 15 MMC. Any motor vehicle found to be parked in violation of this provision shall be subject to no more than one citation per day and may be towed at owner’s expense.

Exception: This section shall be suspended whenever the City experiences a declared snow emergency under MMC 10.410(2) and during the street sweeping times set forth in MMC 10.430(3).”

**Section 2.** Section 15.030 is amended to read as follows:

### “15.030 Definitions.

...

**Domestic Violence Center...**

**Drive Apron** means the connection between a driveway and the traveled portion of the street, in the public right-of-way, including any sidewalk area abutting thereon.

**Driveway** means a surface maintained for motor vehicle access and parking, including those located from street entrance to garage or parking area, and those used specifically for circular turnaround or circular through traffic.

...

**HydroponicHydroponic System...**

**Improved Surface** means a surface of bituminous paving over a base course, Portland cement concrete, brick or block designed for this use and laid over a sand base, an oiled base course, or crushed rock, which provides a stable, hard driving surface that resists rutting, is impervious to erosion and does not result in blowing dirt or dust; the ponding of water, the deposition of soil from being tracked onto streets; and which eliminates the accumulation of dust, dirt, and mud.

...

**Ordinary High-Water Mark (OHWM)**

**Parking Area** means a paved area connected to a driveway, upon which motor vehicles are parked and which is not a parking lot, driveway or drive apron.

**Parking Lot** means a paved area designed and intended for parking at least five motor vehicles and which complies with the regulations contained within this Chapter.

...”

**Section 3.** Section 15.430 is amended to read as follows:

### “15.430 Off-Street Parking and Loading Regulations.

(1) Definition of Parking Space. For the purpose of this section, each required standard off-street 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, except that compact parking stalls shall be marked and reserved as such, and shall be a minimum of eight feet in width and 15 feet in length. Not more than 25 percent of the total parking requirement for a particular use may be designated for compact parking. Such parking space shall not occupy any part of any required front yard or street side yard. ~~Temporary parking in residential front and street side yards on paved driveways is permitted, but not to exceed 72 hours of continuous parking.~~ All parking spaces and access driveways shall be paved or otherwise surfaced with an improved surface and subject to other requirements of this section. Such parking spaces shall be reserved for the sole use of the occupants of the building or lot and the visitors thereto. However, churches, theaters, museums, stadiums, auditoriums, other places of

assembly, retail stores, business and professional office complexes may make arrangements for joint use of parking spaces as hereinafter specified.

...

(4) Minimum Off-Street Parking Space Requirements. The minimum number of off-street parking spaces accessory to designated uses in other districts shall be provided as follows: In the Central Business District, accessory off-street parking spaces shall not be required, except for buildings containing dwelling units or lodging rooms hereafter erected, enlarged or structurally altered or converted. For planned unit developments (PUD) under MMC 15.750, off-street parking facilities shall be provided as prescribed in the recorded PUD agreement under MMC 15.750(17) and shall control over this chapter.

(a) Living Quarters.

1. One-Family Dwelling (Including Condominium Units). A minimum of two parking spaces for each dwelling which are directly accessible from a driveway. The required spaces may be a paved driveway in the required front or street side yard ~~provided no vehicles are stored for a period exceeding 72 continuous hours; and~~ provided, that said driveway runs parallel to the side lot line or towards the home's garage. Parking directly between the home and street shall not be allowed except in the case of a semi-circular driveway.

2. Two-Family Dwelling (Including Condominium Units). A minimum of two parking spaces for each dwelling unit which are directly accessible from a driveway. The required spaces may be a paved driveway in the required front or street side yard ~~provided no vehicles are stored for a period exceeding 72 continuous hours; and~~ provided, that said driveway runs parallel to the side lot line or towards the home's garage. Parking directly between the home and street shall not be allowed except in the case of a semi-circular driveway.

3. Multiple-Family Dwelling (Including Condominium Units). A minimum of two parking spaces for each dwelling unit with two or less bedrooms and one-half additional parking space for each bedroom greater than two per dwelling unit, plus one space for each four units or fraction thereof for visitor parking.

4. Elderly, Disabled or Handicapped Multiple-Family Dwellings. One parking space for each two units.

~~5. Rooming House. A minimum of one parking space for each two guest rooms, plus one parking space for each staff member working the same hours.~~

~~6.~~ 5. Hotels, Motels, and Extended Stay Lodging Facilities. A minimum of one parking space for each guest room or suite, plus one space per 20 rooms for staff, plus one space per each five seats in banquet rooms and supplemental uses such as meeting rooms, ballrooms, bars, or nightclub facilities.

~~7.~~ 6. Bed and Breakfast Establishments. A minimum of one parking space for each guest room, plus two spaces per dwelling unit.

~~8.~~ 7. Hospitals. A minimum of one parking space for each two beds, plus one space for each two doctors, plus one space for each staff member working the same hours.

~~9.~~ 8. Nursing Homes, Sanitariums, Convalescent Homes or Homes for the Aged, Assisted Living Facilities, Adult Day Care, Respite Care, Hospice Care, and Similar Establishments. A minimum of one parking space for each four beds, plus one space for each two staff members working the same hours.

40. Community Based Residential Facilities, Adult Family Homes, and Residential Care Apartment Complexes. A minimum of one space for each four beds, plus one space for each staff member working the same hours.

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(11) Off-Street Parking in “R” Zoning Districts.

(a) Parking Lots in “R” Zoning Districts. The Director of Building Inspection, upon approval of the City Plan Commission, is authorized to grant a special permit to allow a parking lot in a Residential District for the purpose of meeting the requirements of this section, subject to the following requirements. All owners of property abutting on and fronting on the proposed parking lot shall be notified in writing of the meeting at which the City Plan Commission will consider granting such a special permit:

- (a) 1. The parking lot shall be accessory to and for use in connection with one or more business or industrial establishments located in an adjoining “B,” “C,” or “I” Zoning District in connection with one or more nonconforming institutional buildings on adjoining premises;
- (a) 2. Such parking lot shall not extend more than 150 feet into an “R” Zoning District and shall abut at least 50 feet, either directly or across an alley, on a “B,” “C” or “I” Zoning District, or the premises of a nonconforming institutional building to which the parking lot is accessory;
- (a) 3. Such parking lot shall be used solely for the parking of passenger vehicles;
- (a) 4. No commercial repair work or service of any kind shall be conducted on such parking lot;
- (a) 5. No sign of any kind, other than those designating parking lot identity entrances, exits, and conditions of use, shall be maintained on such parking lot;
- (a) 6. No charge shall be made for parking in such parking lot;
- (a) 7. Such parking lots may be open from 5:00 a.m. to 11:00 p.m., and shall be closed at all other times; provided, however, that when supervised by one or more attendants, such parking lot may be open and used at all times as a parking accessory to a principal use permitted in any “R” Zoning District in which it is located, under agreement with the owners or tenants of such use or uses but only on a weekly or monthly rental basis;
- (a) 8. Each entrance and exit to and from such parking lot shall be at least 20 feet distant from any adjacent property line located in any “R” Zoning District;
- (a) 9. The location and design of entrances, exits, surfacing, marking, and lighting shall be subject to the approval of the City Plan Commission; and
- (a) 10. The City Plan Commission may modify the foregoing requirements in specific cases where desirable or warranted, owing to unusual topography or other physical conditions and the use and character of adjacent properties, with due regard to the protection of such properties, the Residential District in which such parking lot is located, and the public interest.

(b). Off-Street Parking in “R” Zoning Districts.

1. Definitions. As used in this subsection, the term “recreational vehicle” shall include but is not limited to any motor home, recreational vehicle or travel trailer, boat, snow mobile, jet ski, camper or similar object.

2. Front and Side Yard Parking Prohibited. No vehicle may be parked on any residential front or side yard except if said vehicle is parked on a driveway or other approved improved surface. Recreational vehicles may be parked in a front or side yard between April 1 and October 1 subject to the following regulations:

- a. The recreational vehicle shall be owned by a resident of the property on which the vehicle is parked.
- b. The recreational vehicle does not exceed 30' feet in length.
- c. The recreational vehicle shall be fully parked on a driveway or other approved improved surface. Such vehicle shall not obstruct a public right-of-way.
- d. The recreational vehicle shall be maintained in good, working condition, and, if required by the State of Wisconsin, shall be licensed.
- e. The recreational vehicles shall not be occupied, used for human habitation or the storage of goods.
- f. The recreational vehicle shall not be covered by a tarp or other material unless such material is manufactured specifically covering or protecting recreational vehicles.
- g. Notwithstanding the foregoing, a recreational vehicle may be temporarily parked anywhere on the premises for loading or unloading.

3. Rear Yard Parking. Not more than three recreational vehicles, each under thirty feet in length (not including trailer tongue), may be stored on any type of surface in the rear yard. However, said recreational vehicles shall:

- a. Not be placed within five feet of a lot line;
- b. Not be placed directly in front of the living portion of any dwelling;
- c. Not be used to maintain living quarters or a business practice within said trailer while such trailer is so parked or stored;
- d. Not be occupied, used for human habitation or the storage of goods;
- e. Shall be maintained in good, working condition, and, if required by the State of Wisconsin, shall be licensed.

**Section 4.** Section 15.510 is amended to read as follows:

**“15.510 Mobile Home Parks, Mobile Homes, Manufactured Homes and Recreational Vehicles.**

**(1) State Laws – Adoption by Reference.** Wis. Stat. §§ 101.91 to 101.965 and 218.10 to 218.17, and Wis. Admin. Code SPS 326 are adopted and incorporated by reference as if fully set forth herein.

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**(7) Location.**

(a) Mobile or manufactured home parks as a conditional use are permitted in any “R-6” Multiple-Family District subject to MMC 15.190(3)(k).

(b) Except as provided in the case of a manufactured home which meets the requirements for location in another zone, no person shall park or occupy any ~~travel trailer or~~ mobile or manufactured home on any premises which are situated outside an approved mobile or manufactured home park. ~~Notwithstanding the foregoing, the parking of only one unoccupied mobile home or other recreational vehicle 35 feet or less in length in an accessory private garage building, or in any rear yard at any time of the year, or on any hard surfaced driveway in the front yard or alongside a residence from April 1st to October 30th shall be permitted provided the following conditions are met:~~

- ~~1. The unit is not placed within the minimum side yard setback;~~
- ~~2. The unit is not parked closer than five feet from any inside street sidewalk line;~~
- ~~3. The unit is not placed directly in front of the living portion of any dwelling; and~~

~~4. No living quarters shall be maintained or business practiced in said trailer while such trailer is so parked or stored. Temporary business usage of mobile or manufactured homes for a period not to exceed one year, however, may be permitted in proper zones after approval by the Director of Building Inspection.~~

(c) Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than one hour subject to any other further prohibitions, regulations, or limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway.

(d) Mobile or manufactured home parks shall not include any unit sales lot or have any unoccupied home units parked in spaces for purposes of inspection and sale, except as provided for in subsection (8)(a)(17) of this section. Tenant-owned mobile or manufactured homes in place on a lot with all utilities connected for operation may be sold from the premises.

**(8) Mobile Home Park Plan.**

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This ordinance shall take effect the day after publication.

INTRODUCED \_\_\_\_\_ ADOPTED \_\_\_\_\_

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Justin M. Nickels, Mayor

APPROVED \_\_\_\_\_

This Resolution was drafted by Elizabeth Majerus, Assistant City Attorney.

Fiscal Impact: Minimal fiscal impact, with workload shift to Inspection Dept.  
Funding Source: 1100-23100-511100  
Finance Director Approval: /SC  
Approved as to form: /km