File #: 070576, **Version:** 2

070576
Substitute 2

ALD. BAUMAN AND D'AMATO
An ordinance relating to the paving of parking lots, areas and spaces.
200-08-68.5 cr
225-4-2-a-2 am
225-4-3-b rn
225-4-3-b cr
225-4-3-c rn
225-4-3-d rn
225-4-3-e rn
225-4-3-f rn
225-4-3-g rn
225-4-7 am
252-71-2-a am
252-71-2-b am
252-71-2-c rn
252-71-2-c cr
252-71-2-d rn
252-71-2-e rn
252-71-2-f rn
252-71-2-g rn
252-74-1 am
252-74-2-b am
252-74-2-c am
252-74-3 am
This ordinance allows for the use of paving blocks and permeable paving for parking areas, prohibits the expansion of parking areas on currently unapproved surfaces and grants authority to the department of neighborhood services to order property owners to abate a parking surface nuisance (holes, ruts, etc.) by having the area restored to proper condition.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 200-08-68.5 of the code is created to read:

200-08. Definitions.
68.5 PERMEABLE PAVING means porous concrete, porous asphalt or other systems designed to allow water to pass through voids in the paving material or between paving units while providing a stable, durable load-bearing system.

Part 2. Section 225-4-2-a-2 is amended to read:

225-4. Drainage of Yard Areas and Roofs.
2. ROOF RAINWATER LEADERS (CONDUCTORS)
a-2. Owners of dwellings and buildings referenced in subd. 1 may request the commissioner to waive the provisions of subd. 1 upon submission to and acceptance by the commissioner of a discharge system designed by a registered [[~~professional~~]] >>civil<< engineer [[~~or architect~~]] for purposes of complying with the intent of subd.1.

Part 3. Section 225-4-3-b to g of the code is renumbered 225-4-3-c to h.

Part 4. Section 225-4-3-b of the code is created to read:

3. NEWLY PAVED AREAS OR PARKING LOTS.
b. Permeable Paving. The commissioner may allow the use of permeable paving as regulated in s. 252-74. For newly paved areas or parking lots, the storm sewer requirement under this section may be waived by the commissioner if adequate drainage is provided.

Part 5. Section 225-4-7 of the code is amended to read:

7. OTHER DRAINAGES. Absorption, >>permeable paving,<< natural drainage alley and street drainages are covered in s. 252-71.

Part 6. Section 252-71-2 a and b of the code is amended to read:

252-71. Drainage.
2. DRAINAGE OF PAVED AREAS.
a. Newly Paved or Repaved Areas Where Storm Sewers Are Available. All storm water which is generated from a newly paved or repaved area of more than 1,000 square feet, such as a parking lot, terrace or patio area, loading areas or other hard surface, shall be disposed of within the lot lines through a sewer, >>permeable paving,<< natural absorption or combination thereof without discharging to adjacent private or public property not specifically designed for this purpose. No such paved or hard surface shall be paved and contoured in such a way as to interrupt a natural drainage system serving adjacent properties. No such paved area shall be paved or contoured in such a way as to impose a greater drainage burden on adjacent property.

b. Newly Paved or Repaved Areas Where Storm Sewers Are Not Available. Where no public storm sewer is available or where the commissioner determines that natural absorption >>,permeable paving, or combination thereof<<may accommodate all on-site water within the property, the commissioner may allow a drainage system which is not connected to a storm sewer. The commissioner may request soil borings, absorption tests, engineering calculations prepared and sealed by a [[~~licensed~~]] >>registered civil<< engineer [[~~or architect,~~]] or other information to verify that the water can be disposed of within the property. No water shall be drained across or onto a public street or private property under different ownership than the property generating or containing the surface water.

Part 7. Section 252-71-2-c to g of the code is renumbered 252-71-2-d to h.

Part 8. Section 252-71-2-c of the code is created to read:

c. Permeable Paving. The commissioner may allow the use of permeable paving as regulated in s. 252-74. For newly paved areas or parking lots, the storm sewer requirement under s. 225-4 may be waived by the commissioner if adequate drainage is provided.

Part 9. Section 252-74-1,2-b and c, and 3 of the code is amended to read:

252-74. Paving of Parking Lots, Areas and Spaces.
1. PAVEMENT. >>a.<< All parking lots, parking spaces, parking areas, off street loading or unloading berths or areas and all access roads, drives or lanes leading thereto shall have a surface of concrete, asphalt [[~~macadam,~~]] or [[~~tar macadam~~]] >>permeable pavement<<. Crushed stone, sand, gravel, cinders or other materials except as listed in par. b, shall not be used for the surfacing materials.
>>a-1. Prohibited Uses. Permeable paving shall not be used of paved surfaces at filling stations, service stations, where motor vehicles are regularly serviced or other locations where hazardous liquids could be absorbed into the soil through the permeable pavement.
b. Permeable paving or paving blocks may be used for single family and 2-family parking areas. Paving blocks shall be a minimum of 3 inches thick and installed on a minimum of 4 inches of properly compacted sand or crushed stone. The parking areas shall conform to the standards of s. 295-403-3. The finished parking area shall be constructed to be of a proper grade and pitch to allow for drainage to the alley or street, to prevent water from pooling on or around the parking surface and to prevent runoff from flowing onto adjacent properties.<<

2. COMPLIANCE.
b. All one and 2-family dwellings constructed after July 17, 1973, shall have driveways and parking spaces paved with concrete>>,<< [[~~or~~]] asphalt >>, permeable paving or paving blocks<< within one year of occupancy.
c. In the case of one and 2-family dwellings constructed prior to July 17, 1973, parking spaces constructed prior to July 17, 1973, may be covered with the following paving material notwithstanding any other provision of this code: concrete, asphalt macadam, tar macadam, crushed stone, paving blocks, traffic bond or other paving material approved by the commissioner. >>Areas on properties constructed prior to July 17, 1973, that are covered with crushed stone, paving blocks less than 3 inches thick, traffic bond or other paving material not listed in sub. 1, shall not be converted to parking spaces by the installation of drives or lanes to gain access to such areas.<<

3. MAINTENANCE. The surface of all lots, spaces and areas regulated in this section shall be maintained to be free of grass, weeds and free of holes and ruts >>,<< which may accumulate standing water. Stones or other such paving material [[~~which~~]] >>shall not be permitted to<< spread from the premises to any street, alley or sidewalk[[~~, or holes and ruts which may accumulate standing water, shall constitute a nuisance and may be abated pursuant to s. 11-27, city charter~~]]. >>All existing graveled parking areas, lanes and drives shall be maintained free of weeds and grass. Should any parking spaces constructed prior to July 17, 1973, pursuant to sub. 2-c, fail to be maintained in a reasonably good state of maintenance and repair, they may then be required to adhere to current concrete, asphalt or permeable paving requirements pursuant to sub. 1.<<

APPROVED AS TO FORM

_____
Legislative Reference Bureau
Date:_____
IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

_____
Office of the City Attorney
Date:_____
Department of Neighborhood Services
MET
1/29/08
LRB07204-4