

**ORDINANCE CM-18-06**

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**AN ORDINANCE AMENDING SECTION 76.04: PARKING PROHIBITIONS,  
AND SECTION 152.19 STREET DRIVEWAY ENTRANCES OF THE WEST  
MILTON CODE OF ORDINANCES**

**WHEREAS**, the West Milton Council, in a continuous effort to maintain and increase the community standards of the overall appearance of the municipality, has identified parking in the front yards of residentially zoned properties to be an eyesore and a contributing factor to the overall quality of the community, and

**WHEREAS**, the West Milton Council has received numerous complaints from residents within the municipality about the issue of front yard parking.

**NOW, THEREFORE, BE** it Ordained by the Council of West Milton, Ohio that:

**SECTION I:** Council hereby amends section 76.04(B) of the West Milton Code of Ordinances to read as follows:

§76.04(B) ~~Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.~~

**PARKING OF MOTOR VEHICLES ON LAWNS PROHIBITED:**

- (1) **No automobile, motorcycle or other motor vehicle or trailer shall be parked or remain on any non-parking or non-driveway portion (as described in Section 152.19) of the yard of any residential or multi-family zoned lot.**
- (2) **This section shall not apply during times of emergency due to acts of nature; or during the time that a resident is in the process of moving in or out of the premises.**

**SECTION II:** Council hereby adds section 76.04(C), to the West Milton Code of Ordinances to read as follows:

§76.04(C) **Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one**

# RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

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**year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.**

**SECTION III:** Council hereby amends section 152.19 Street Driveway Entrances to incorporate the location, width and number of driveways serving off-street parking, both prohibitions and permissive designs, for both single-family and multi-family zoned properties as specified in the attachment, which is incorporated herein as if fully rewritten.

**SECTION IV:** This Ordinance shall take effect ten days after the second reading and approval by Council.

Passed this \_\_\_\_\_ day of \_\_\_\_\_ 2018

\_\_\_\_\_  
Anthony Miller, Mayor

ATTEST:

\_\_\_\_\_  
Linda L. Cantrell, CAP/OM  
Clerk of Council

\_\_\_\_\_  
Lenee' Brosh  
Director of Law

**§152.19 STREET DRIVEWAY ENTRANCES AND PARKING AREAS.**

- (A) For the Purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**COMMERCIAL DRIVEWAY.** A driveway providing access to a commercial establishment.

**INDUSTRIAL DRIVEWAY.** A driveway providing access to an industrial establishment.

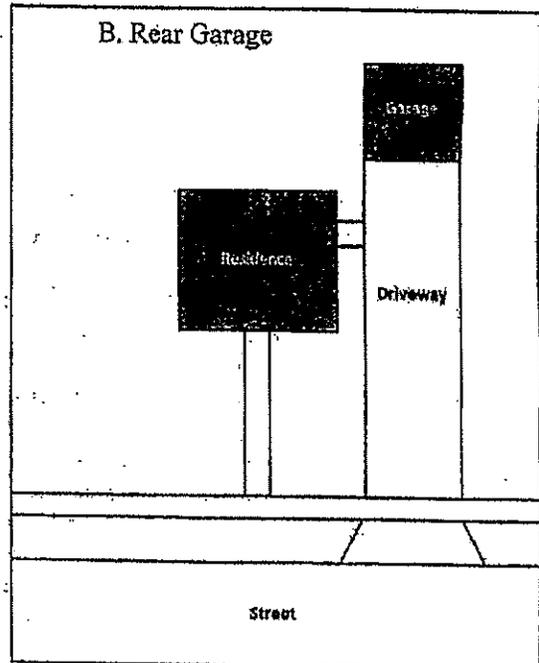
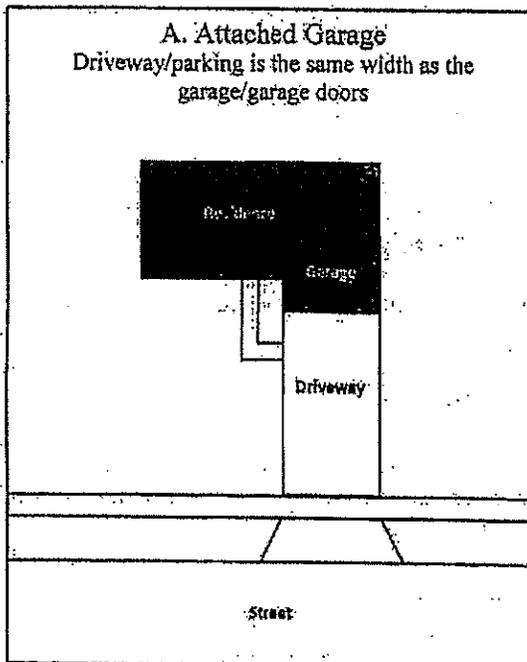
**RESIDENTIAL DRIVEWAY.** A driveway providing access to a residence.

**STREET DRIVEWAY ENTRANCE WIDTH.** Width of driveway measured at the street right-of-way line.

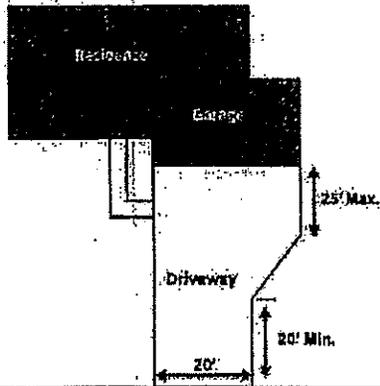
**STREET DRIVEWAY ENTRANCE.** Any area constructed within the public right-of-way, connecting the paved public roadway with private property for the purpose of providing access for motor vehicles to private property.

- (B) No street driveway entrance shall interfere with municipal facilities such as street light poles, traffic signal standards, signs, catch basins, hydrants, crosswalks, utility poles, underground utilities or ducts or other necessary street structures. Arrangements shall be made with the proper authority for the adjustment or relocation of the facility affected and adjustments made in the driveway design before a permit may be issued.
- (C) Any construction granted by the Director of Public Safety and/or Municipal Manager pursuant to this section may be revoked by him or her at any time the terms of this section are being violated, or when the continued exercise of a privilege constitutes a menace to the public safety or is an unreasonable use of the public streets or right-of-ways.
- (D) Each commercial/industrial driveway/parking shall consist of an improved surface of concrete, asphalt or brick, and the property shall be limited to the following number of street driveway entrances:
- (1) For the first 150 feet of property frontage along a street right-of-way line, a maximum of two driveways.
  - (2) For each additional 100 feet of property frontage along a street right-of-way line, a maximum of one additional driveway. In no case shall more than 60% of the property frontage along a street right-of-way line be used for driveway purposes.
- (E) At the intersection of a minor street and a secondary thoroughfare, street driveway entrances shall not be constructed within 30 feet of the intersecting street right-of-way lines.
- (F) At the intersection of a minor or secondary thoroughfare with a major thoroughfare, street driveway entrances when located on the major thoroughfare shall not be constructed within 50 feet of the intersecting street right-of-way lines.
- (G) The minimum street driveway entrance width for a commercial or industrial driveway shall be 12 feet and the maximum shall be 40 feet.
- (H) The minimum distance between two adjacent commercial or industrial driveways shall be 20 feet.

- (l) Driveways/parking for single-family and multi-family dwellings. Driveways and associated off-street parking areas shall be provided for residences in accordance with the following standards:
- (1) Driveway/parking shall consist of an improved surface of concrete, asphalt or brick.
  - (2) Driveway/parking shall not cover more than fourteen (14) percent of an entire lot nor shall they cover more than 35 percent of front yard.
  - (3) Driveway/parking shall be located in accordance with the following regulations:
    - A. The location shall be approved by the Director of Public Service and/or Municipal Manager.
    - B. The location may be in a required front, side or rear yard in accordance with the following regulations:
      - a. Vehicles shall not be parked:
        - i. On lawns or other unpaved areas.
        - ii. Where they extend over any portion of a lot line or public sidewalk.
        - iii. Within an unobstructed sight zone.
      - b. The location of parking areas shall typically be in front of and not wider than the garage for the residence with the maximum width of the driveway limited to 20 feet when not within 25 feet of the garage.
      - c. The rear yard shall not be paved for parking unless it is also the location of a garage.
      - d. Ancillary parking is permitted on circular driveways and/or on parking pads adjacent to driveways.
        - i. Parking pads shall not be located within side yard setbacks.
        - ii. Parking pads are limited to one per property for a maximum of two vehicles.
  - (4) Illustrative driveway/parking layouts.
    - A. Driveway/parking --examples of permitted layouts.

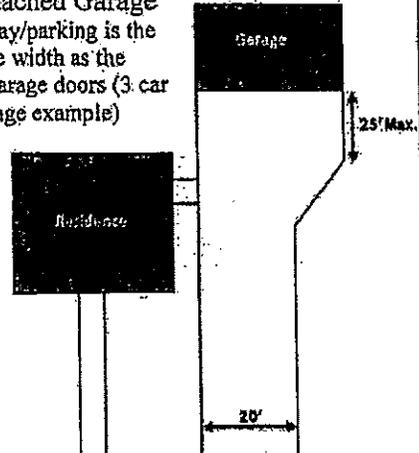


**C. Attached Garage**  
 Driveway/parking is the same width as the garage/garage doors (3 car garage example)



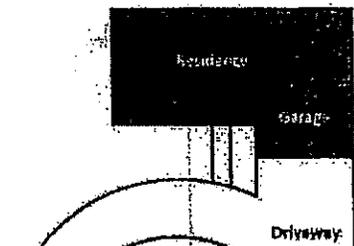
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**D. Detached Garage**  
 Driveway/parking is the same width as the garage/garage doors (3 car garage example)



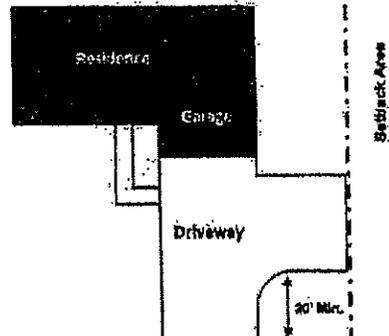
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**E. Circular Driveway**  
 Circular driveways are typically 1-2 lanes wide and may provide ancillary parking

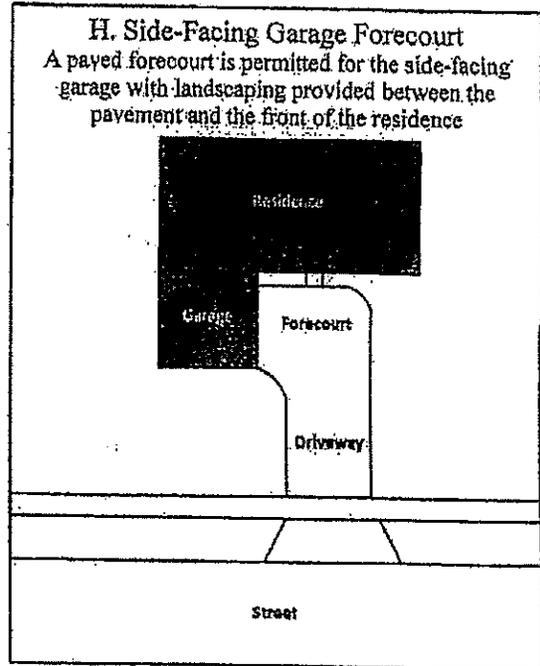
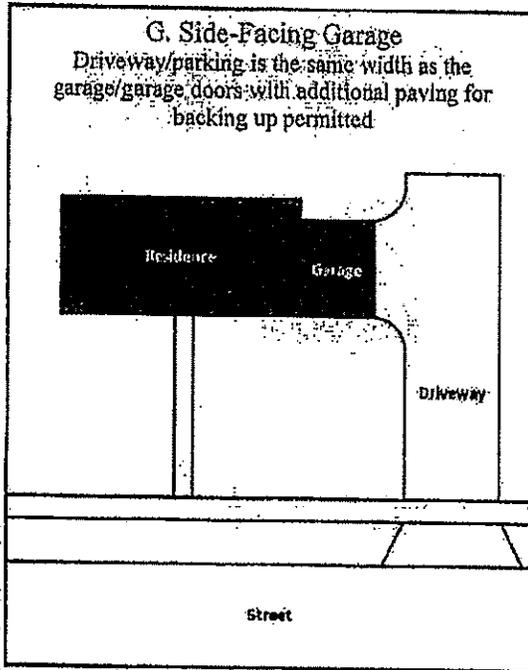


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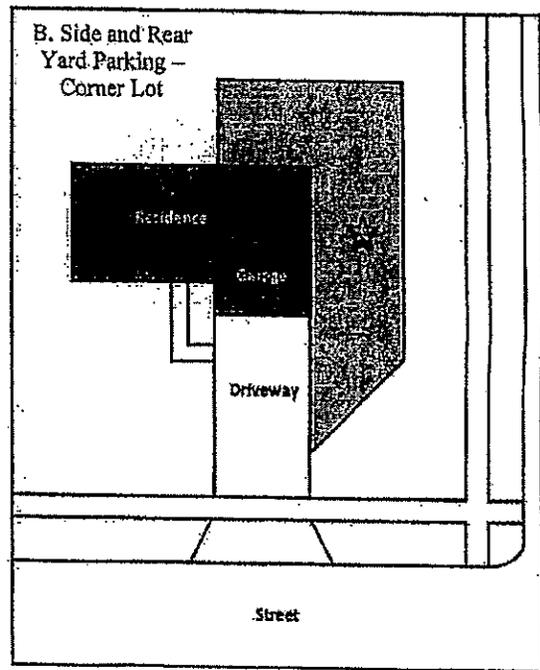
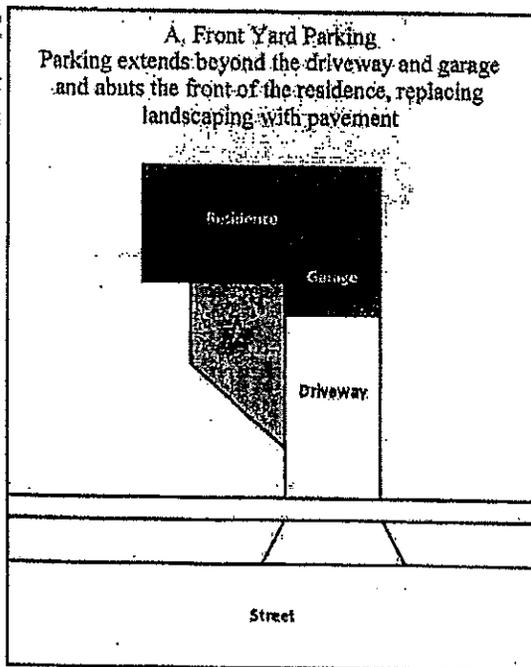
**F. Parking Pad**  
 An ancillary parking pad for two vehicles adjacent to the driveway (does not encroach into the side yard setback)

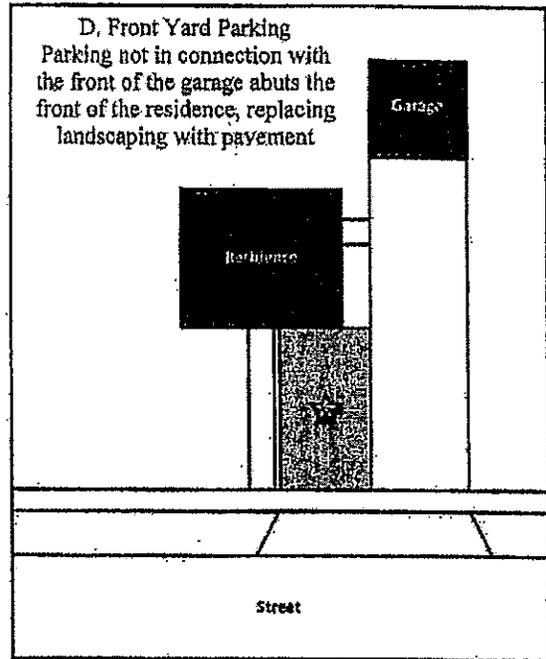
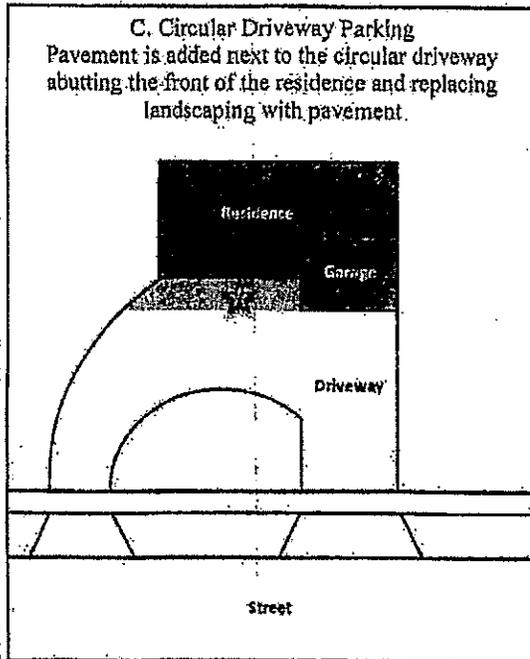


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**B. Driveway/parking – examples of layouts that are not permitted.**





- (J) At a property line, with an adjacent property or alley, a curb length of not less than three feet shall be left undisturbed between the near edge of the driveway and the property line projected at right angles to the curb line. A curb length is not required between the near edge of a driveway and the projected property line in a cul-de-sac.
- (K) The Director of Public Safety and/or Municipal Manager may relax the requirements of this section to the extent deemed just and proper, so as to relieve any difficulty or hardship, provided the relief may be granted without detriment to the public safety and without impairing the intent and purpose of this section.