

8425 Airport Road

Berkeley Missouri 63134-2098

(314) 524-3313

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN by the City Council of the City of Berkeley that a public hearing will be held at 7:00 pm on Monday, November 07, 2016 in the City Hall Council Chambers, 8425 Airport Road, Berkeley, Missouri 63134, for the purpose of considering the following proposition:

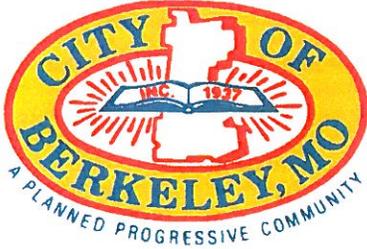
Case # 16-16: Shall the Zoning Code be Amended by Adding New Definitions and Regulating Asphalt Driveways in the City of Berkeley, Missouri?

All interested parties shall be afforded, at such public hearing, a reasonable opportunity to express their views regarding the item set forth above.

Deanna L. Jones – City Clerk, MPCC/MMC

If you are a person with a disability and have special needs, please notify the City Manager at (314) 524-3313, no later than 48 business hours prior to the meeting. The City will make reasonable accommodations upon your arrival at the meeting.

Posted: Tuesday, October 18, 2016 by 5:00 PM



REPORT TO CITY COUNCIL

TO: The Honorable Mayor and Members of the City Council

FROM: Debra Irvin, Municipal Services Manager/Building Commissioner

DATE: October 14, 2016

SUBJECT: **Case # 16-16:** Amending the Zoning Code by Adding New Definitions and regulating asphalt driveways in the City of Berkeley

ZONING DESCRIPTION

Regulating asphalt driveways and their definitions will be a new addition to Chapter 400 of the zoning code, regulating the following sections:

- Off Street Parking Requirements Section 400.140(8), regulating parking surfaces for R-a, R-2, R-3 Single Family and R-4 Multi-Family.
- (8) is a new section entitled: Surfacing. In R-1", "R-2", "R-3" Single-Family and "R-4" Multi-Family Dwelling Districts, all parking areas, driveways and driveway aprons shall be constructed and surfaced with concrete, asphalt, paving block or other forms of concrete in compliance with adopted city construction specifications. All driveways and parking stalls shall, at a minimum, be surfaced with a six inch class five base and two inch asphalt topping. Plans for surfacing and drainage of driveways and stalls for five or more vehicles shall be submitted to the city engineer for review and the final drainage plan shall be subject to written approval of the Public Works Director. For construction of new garages, homes and/or any new driveway permits in all R-1", "R-2", "R-3" Single-Family and "R-4" Multi-Family Dwelling Districts areas intended to be used for vehicle parking spaces and driveways shall comply with the above-stated requirement. Parking areas and driveways for existing garages and/or homes shall be surfaced with a material suitable to control dust and drainage. A covering permitting the growth of grass in the R-1", "R-2", "R-3" Single-Family and "R-4" Multi-Family Dwelling Districts does not constitute an acceptable surfacing material.

Regulating asphalt driveways is a more definitive guide for contractors and homeowners making repairs; and inspectors inspecting the contractor's work.

PLAN COMMISSION RECOMMENDATION

Plan Commission recommends Bill 4487 back to City Council to consider and approve regulating asphalt driveways

Recommend Revised Bill 4487 by adding definitions (grandfather clause, heir property, change of ownership, oil spots, cracks, and change of ownership)

SUPPORTING DOCUMENTS

- -Staff Report
- -Ordinance
- -Pictures

OPTIONS OF THE COUNCIL ACTION

1. -Approve ordinance
2. -Deny ordinance

A Public Hearing will be held by the City Council on Case No. 16-16 – (Amending the Zoning Code by Adding New Definitions and regulating asphalt driveways in the City of Berkeley)

BILL NO.: _____

ORDINANCE NO.: _____

Introduced by: Council Present

AN ORDINANCE AMENDING THE ZONING CODE BY REGULATING ASPHALT DRIVEWAYS AND ADDING NEW DEFINITIONS

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BERKELEY AS FOLLOWS:

Section 1. Section 400.020 “Definitions.” of the City of Berkeley Zoning Code is hereby amended by adding the following definitions to read as follows:

Alligator cracking means a load associated structural failure. The failure can be due to weakness in the surface, base or sub grade; a surface or base that is too thin; poor drainage or the combination of all three.

Block cracking means that cracks look like large interconnected rectangles (roughly). Block cracking is not load-associated, but generally caused by shrinkage of the asphalt pavement due to an inability of asphalt binder to expand and contract with temperature cycles.

Change of Ownership occurs when a title is transferred from one person or entity to another by having the owner sign a deed in exchange for money and / or other considerations and officially recorded in the St. Louis County Recorder of Deeds.

Cracks - Poorly maintained driveways will often have grass growing up through the cracks. Cleaning the cracks should be standard practice before sealing them.

Depressions (bird baths) means areas that are localized pavement surface areas with slightly lower elevations than the surrounding pavement. Depressions are very noticeable after a rain when they fill with water.

Driveway means a private roadway connecting a public street or right-of-way to an off-street parking lot, loading area, garage, home or other building or use on a lot or parcel of property.

Edge Cracks means cracks that travel along the inside edge of a pavement surface within one or two feet. The most common cause for this type of crack is poor drainage conditions and lack of support at the pavement edge. As a result underlying base materials settle and become weakened.

Grandfather clause exempts current owners already residing in the property to leave their driveway in its current status having to make minor repairs and the pre-existing condition to remain unchanged if the driveway does not affect health, safety or welfare, until the property is sold or conveyed to another.

Heir Property means a person who inherits or has a right of inheritance in the property of another following the latter's death shall bring the driveway into code compliance with this section.

Joint Reflection Cracks means cracks in a flexible pavement overlay of a rigid pavement (i.e., asphalt over concrete). They occur directly over the underlying rigid pavement joints.

Slippage Cracks means that cracks are crescent-shaped cracks or tears in the surface layer(s) of asphalt where the new material has slipped over the underlying course.

Oil Spots - are a common problem in parking lots and driveways. These areas must be treated before sealcoating.

Pot Holes means holes in asphalt that are Small, bowl-shaped depressions in the pavement surface that penetrate all the way through the asphalt layer down to the base course.

Section 2: "Off-street parking requirements" of the Berkeley Zoning Code is hereby amended by amending subsection 400.410 (8)., regulating parking area surfaces for "R-1", "R-2", "R-3" Single-Family and "R-4" Multi-Family Dwelling Districts to read as follows:

(8) Surfacing. In R-1", "R-2", "R-3" Single-Family and "R-4" Multi-Family Dwelling Districts, all parking areas, driveways and driveway aprons shall be constructed and surfaced with concrete, asphalt, paving block or other forms of concrete in compliance with adopted city construction specifications. All driveways and parking stalls shall, at a minimum, be surfaced with a six inch class five base and two inch asphalt topping. Plans for surfacing and drainage of driveways and stalls for five or more vehicles shall be submitted to the city engineer for review and the final drainage plan shall be subject to written approval of the Public Works Director. For construction of new garages, homes and/or any new driveway permits in all R-1", "R-2", "R-3" Single-Family and "R-4" Multi-Family Dwelling Districts areas intended to be used for vehicle parking spaces and driveways shall comply with the above-stated requirement. Parking areas and driveways for existing garages and/or homes shall be surfaced with a material suitable to control dust and drainage. A covering permitting the growth of grass in the R-1", "R-2", "R-3" Single-Family and "R-4" Multi-Family Dwelling Districts does not constitute an acceptable surfacing material.

Section 3: Penalty. Any person violating any of the provisions of this Article or the Code adopted in this Article shall be deemed guilty of a misdemeanor where the court may impose fines or penalties.

Section 3: Codification: This Ordinance shall be codified and made part of the City of Berkeley Code of Ordinances.

Section 4: Effective Date: This Ordinance shall be in full force and effect upon and immediately upon its passage and adoption.

Section 5: Severability: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional may the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance the City Council declares that would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion would be declared invalid or unconstitutional.

Section 6: The Ordinance shall be in full force and effect from and after the date of its passage.

FIRST READING: _____ 2016

SECOND READING: _____ 2016

THIRD READING AND PASSAGE: _____ 2016

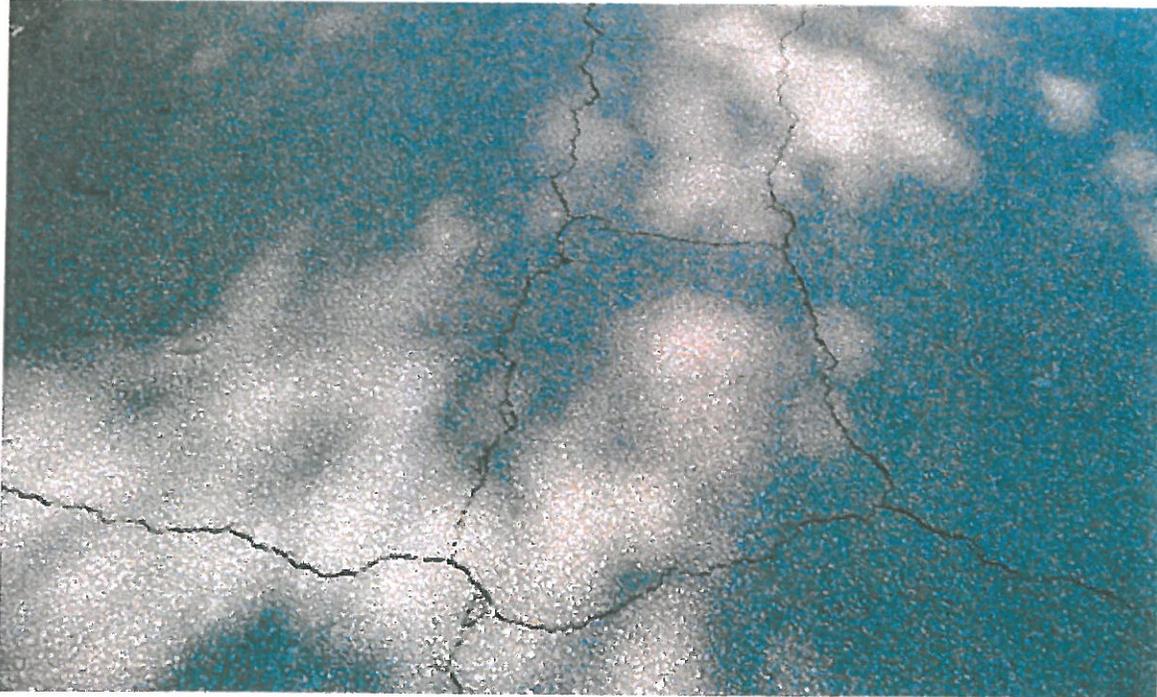
APPROVED: _____
MAYOR

ATTEST: _____
DEANNA JONES, CITY CLERK

Alligator Cracking

Alligator cracking is a load associated structural failure. The failure can be due to weakness in the surface, base or sub grade; a surface or base that is too thin; poor drainage or the combination of all three. It often starts in the wheel path as longitudinal cracking and ends up as alligator cracking after severe distress.

FIX: Because a structural failure is taking place the only possible solution to alligatoring is to perform a full-depth patch.



Block Cracking

Block cracks look like large interconnected rectangles (roughly). Block cracking is not load-associated, but generally caused by shrinkage of the asphalt pavement due to an inability of asphalt binder to expand and contract with temperature cycles. This can be because the mix was mixed and placed too dry; Fine aggregate mix with low penetration asphalt & absorptive aggregates; poor choice of asphalt binder in the mix design; or aging dried out asphalt.

FIX: Less severe cracks measuring 1/2 inch or less can be sealed to prevent moisture from entering into the sub grade. More severe cracks should be fixed by removing the cracked pavement layer and replacing it with an overlay.



Edge Cracks

Edge Cracks travel along the inside edge of a pavement surface within one or two feet. The most common cause for this type of crack is poor drainage conditions and lack of support at the pavement edge. As a result underlying base materials settle and become weakened. Heavy vegetation along the pavement edge and heavy traffic can also be the instigator of edge cracking.

FIX: The first step in correcting the problem is to remove any existing vegetation close to the edge of the pavement and fix any drainage problems. Crack seal/fill the cracks to prevent further deterioration or remove and reconstruct to full depth fixing any support issues.



Joint Reflection Cracks

These are cracks in a flexible pavement overlay of a rigid pavement (i.e., asphalt over concrete). They occur directly over the underlying rigid pavement joints. Joint reflection cracking does not include reflection cracks that occur away from an underlying joint or from any other type of base (e.g., cement or lime stabilized).

FIX: For less severe cracks (less than 1/2 inch) crack sealing will prevent the further entry of moisture into the subgrade. If the cracks are more severe the removal of the cracked pavement layer followed by an overlay may be required.



Slippage Cracks

Slippage cracks are crescent-shaped cracks or tears in the surface layer(s) of asphalt where the new material has slipped over the underlying course. This problem is caused by a lack of bonding between layers. This is often because a tack coat was not used to develop a bond between the asphalt layers or because a prime coat was not used to bond the asphalt to the underlying stone base course. The lack of bond can be also caused by dirt, oil, or other contaminants preventing adhesion between the layers.

FIX: All of the areas exhibiting the "stretch marks" will need to be removed and will require a partial or full depth patch.



Pot Holes

Small, bowl-shaped depressions in the pavement surface that penetrate all the way through the asphalt layer down to the base course. They generally have sharp edges and vertical sides near the top of the hole. Potholes are the result of moisture infiltration and usually the end result of untreated alligator cracking. As alligator cracking becomes severe, the interconnected cracks create small chunks of pavement, which can be dislodged as vehicles drive over them. The remaining hole after the pavement chunk is dislodged is called a pothole.

FIX: Full depth replacement patch



Depressions (bird baths)

Depressions are localized pavement surface areas with slightly lower elevations than the surrounding pavement. Depressions are very noticeable after a rain when they fill with water.

FIX: Depending on the severity of the depression the asphalt may have to be removed and replaced (severe). Less severe depressions can be fixed by applying a thin surface patch or infrared patch.