

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, Missouri, 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 400.140 (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 the Article or the Code adopted in this Article shall be deemed guilty of a misdemeanor where the court may impose fines or penalties.

Section 4. Codification: This Ordinance shall be codified and made part of the City of Berkeley Code of Ordinances.

Section 5. Effective Date: This Ordinance shall be in full force and effect upon and immediately upon its passage and adoption.

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

1st Reading this 19th day of September 2016

2nd Reading this _____ day of _____ 2016

3rd Reading, PASSED and APPROVED, this _____ day of _____ 2016

ATTEST:

Theodore Hoskins, Mayor

Deanna L. Jones, City Clerk

Approved As To Form:
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Hoskins	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Kirkland	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Mathison	Aye	___	Nay	___	Absent	___	Abstain	___
Councilman-at-Large McDaniel	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Mitchell	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Williams	Aye	___	Nay	___	Absent	___	Abstain	___