



**VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN**

**ORDINANCE NO. 17-008**

**AN ORDINANCE TO AMEND SECTION 94.12.08 ACCESS AND DRIVEWAY STANDARDS TO EXPLICITLY REFER THE REQUIREMENTS FOR WIDTHS OF DRIVEWAYS CONNECTED TO A PUBLIC RIGHT-OF-WAY TO CHAPTER 71.**

WHEREAS, the Village of Weston is authorized to prepare, amend and adopt a zoning ordinance under Wis. Stats. §§ 62.23 and 61.35; and

WHEREAS, the Village adopted a new Chapter 94 in March 2015, to serve as the Village's general zoning ordinance and the Village's extraterritorial zoning ordinance for the portions of the Town of Weston defined as the extraterritorial zoning area; and

WHEREAS, in administering this new Chapter 94, Village staff has found Sec. 94.12.08 does not adequately address the regulations needed for driveway access standards in the Village and Town; and

WHEREAS, Village Staff is proposing amendments to Chapter 94 Zoning to provide regulations for driveway access standards; and

WHEREAS, the Plan Commission has recommended enactment of the Zoning Ordinance amendments set forth below, for applicability within the Village limits; and

WHEREAS, the Joint Town and Village Extraterritorial Zoning Committee has recommended enactment of the Zoning Ordinance amendments set forth below, for applicability within the Extraterritorial Zoning limits of the Town of Weston; and

WHEREAS, the Joint Village and Town of Weston Extraterritorial Zoning Committee and Village Plan Commission have held a joint public hearing on this ordinance, on April 10, 2017, in compliance with Wis. Stat. § 62.23, and following such hearing the Board considered public comments and the recommendation of the Village Plan Commission and Joint Village and Town of Weston Extraterritorial Zoning Committee; and

WHEREAS, the Village Board finds the proposed amendment is reasonable, consistent with the Village Comprehensive Plan, and in the public interest;

NOW, THEREFORE, the Village Board of Weston, Marathon County, Wisconsin, does ordain as follows:

SECTION 1: Chapter 94 Zoning Ordinance is hereby amended to provide as follows:

**Section 94.12.08 Access and Driveway Standards**

- (1) **Purpose and Applicability.** The purpose of this Section is to alleviate or prevent congestion of public rights-of-way, protect and enhance property values and community aesthetics, and promote the safety

and general welfare of the traveling public. This Section establishes minimum requirements for the provision of access to public rights-of-way in accordance with the utilization of various sites.

- (2) **Roadway Access Control.** Access control to public roadways and driveway access design standards shall be per Chapter 71 of the Village of Weston Municipal Code
- (3) **Depiction on Required Site Plan.** The configuration and location of all proposed access drives on a property shall be depicted on any required site plan.
- (4) **Distance from Property Line.** The distance from an access drive or parking lot to the property line shall not be less than the minimum associated setback for hard and landscaped surface areas in Figures 5.01(2) and 5.02(2), except in the case of approved shared driveways, shared parking lots, and cross-access ways.
- (5) **Width of Driveways.** All openings for access drives onto public streets shall adhere to the widths as specified in Chapter 71 of the Code.
- (6) **Traffic Control.** Traffic into and out of all off-street parking, loading, and traffic circulation areas serving six or more parking spaces shall be forward moving, with no backing into streets or pedestrian ways.
- (7) **Surfacing.** Driveway surfacing shall be per Section 94.12.09(6)(a).
- (8) **All Garages to be Served by Driveways.** All garages intended for vehicle parking shall be served by a driveway extending from the garage to the curb or street edge. Where such driveway(s) meets the garage, the width shall be, at minimum, the width of all garage door openings.
- (9) **Installation Timing.** Except for apron sections within public rights-of-way, no residential driveway shall be constructed until the owner has been issued a building permit for the residence. Each residential driveway shall be constructed prior to occupancy of the associated dwelling, except in cases when construction of the dwelling is completed between December 1<sup>st</sup> and March 31<sup>st</sup>. In such cases, driveways must be installed no later than June 1<sup>st</sup> following occupancy.
- (10) **Provision for Sidewalk.** Where there is existing curb and gutter street sidewalks shall be installed for all new construction and substantial remodels, which exceed 50% of the assessed value, of a structure, regardless if a sidewalk is present on either side of said project, in accordance with the Village's Complete Streets Policy. Where the construction project or remodel does not exceed 50% of the assessed value then all driveways, new or existing, shall accommodate a 5-foot wide concrete sidewalk section within the public right-of-way, built to Village sidewalk standards, to maintain connection with existing sidewalks or to allow for the connection of future sidewalks on either side of the driveway. Plan Commission may waive the above stated provisions under the following circumstances:
  - (a) The Village Capital Improvement Plan and/or sidewalk and trail planning maps, or similar planning documents do not include sidewalks within the project neighborhood; or
  - (b) The Director of Public Works has determined that future sidewalk grades cannot be determined or;
  - (c) The Director of Public Works has determined that substantial grading of the area between the curb and the right-of-way line is required for both the subject parcel and both neighboring parcels.
- (11) **Maintenance.** All driveways shall be maintained so as to prevent the transport of gravel, dirt, or other material from the property into the public right-of-way.
- (12) **Vision Clearance Triangles.** Within vision clearance triangles, no signs, structures, earthwork, vegetation, or other obstructions between 18 inches and ten feet in height shall be permitted, except for

tree trunks, mailboxes and sign poles. The vision clearance triangle shall apply where public streets intersect, and where private driveways and alleys intersect with public streets, per the following standards (as also represented in Figure 12.08).

- (a) Where public streets intersect with each other. To draw the first two lines of the triangle, measure 20 feet from the point of intersection of the two street rights-of-way along the two right-of-way lines. Next, draw a third straight line between the ends of the first two lines to form the vision clearance triangle.
- (b) Where a private driveway or alley intersects with a public street. To draw the first two lines of the triangle, measure from the point of intersection between the public street right-of-way and the private driveway/alley surface edge a distance of 10 feet where the intersecting local street is a local street, 15 feet where a collector street, and 20 feet where an arterial street. Next, draw a third straight line between the ends of the first two lines to form the vision clearance triangle.

[Amended via Ord. 16-028, 5/18/2016]


SECTION 2: The amendment effectuated by this Ordinance shall apply within the municipal limits of the Village and within its extraterritorial zoning jurisdiction in the Town of Weston.

SECTION 3: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

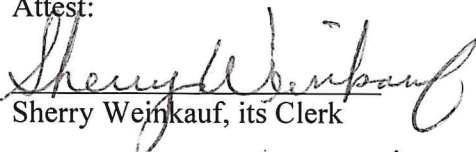
SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 17<sup>th</sup> day of April, 2017

WESTON VILLAGE BOARD

By:   
Barbara Ermeling, its President

Attest:

  
Sherry Weinkauff, its Clerk

APPROVED: 4-17-17

PUBLISHED: 4-19-17

**VILLAGE OF WESTON, WISCONSIN  
AGENDA ITEM COVER SHEET**

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**MTG/DATE:** Board of Trustees – 04/17/17

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**FROM:** Jennifer Higgins, Zoning Administrator

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**DESCRIPTION:** Ordinance 17-008, Amendment to Access and Driveway Standards.

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<b>ACTION:</b>	<input checked="" type="checkbox"/> <b>Approve</b>	<input checked="" type="checkbox"/> <b>Ordinance</b>	<input type="checkbox"/> <b>Proclamation</b>
	<input type="checkbox"/> <b>Deny</b>	<input type="checkbox"/> <b>Policy</b>	<input type="checkbox"/> <b>Report</b>
	<input type="checkbox"/> <b>Expenditure</b>	<input type="checkbox"/> <b>Procedure</b>	<input type="checkbox"/> <b>Resolution</b>

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**QUESTION:**

Should the Board of Trustees approve Ordinance 17-008 as recommended by the Plan Commission to explicitly reference Chapter 71 for all requirements regarding driveway access onto a public right-of-way?

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**BRIEF:**

Staff has been reviewing driveway access chapter and the zoning ordinance. It was discovered that the two codes contradict each other and staff is proposing to remove the requirements from the zoning code and only reference Chapter 71.

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**FISCAL IMPACT:** None

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**RECOMMEND:** Zoning Administrator recommends approval.

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**COMMITTEE:** Recommendation endorsed by Plan Commission (4/10/2017),

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**REQUEST:** Approve Ordinance #17-008 under Policy Questions.

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Is there an additional briefer with this agenda item?

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Are there additional reference documents which have been attached to this report?

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AMENDMENT TO ZONING REGULATION (TEXT AMENDMENT) DETERMINATION  
**PLANNING AND DEVELOPMENT**  
**PLAN COMMISSION / JOINT TOWN & VILLAGE EXTRATERRITORIAL ZONING COMMITTEE**  
**BOARD OF TRUSTEES**

Ordinance No.: **17-008** Hearing Date: **April 10, 2017**

Applicant: **Jennifer Higgins, Zoning Administrator, Village of Weston**

Title: **An amendment to Section 94.12.08: Access and Driveway Standards to explicitly refer the requirements for widths of driveways connected to the public right-of-way to Chapter 71.**

Purpose: **As the current code is written, the standard is listed in two separate chapters of the Municipal Code. This section will refer all widths to Chapter 71, making the code easier to understand.**

The Department of Planning and Development, Plan Commission and Board of Trustees of the Village of Weston, pursuant to the Village of Weston Zoning Code, Article 16 Processes, Section 94.16.02 Amendments to Zoning Regulations (Text Amendments), hereby makes the following findings and evaluation:

**DETERMINATION:**

1. Is the proposed text amendment consistent with the Comprehensive Plan, as is required by Wisconsin Statutes?  
**Yes, the proposed changes to the text to be clear as to the requirements of driveway widths by referring to one section of the code rather than two.**
2. Does the proposed text amendment further the purposes and intent of this Chapter and section to which the amendment is proposed?  
**Yes, this section continues to promote the intent of this chapter. The requirements are not changing, just being made clearer.**
3. Does the amendment address any of the following deficiencies or omissions as compared to the current language of this Chapter?
  1. **A change has occurred in the land market, or other factors have arisen that require a new form of development, a new type of land use, or a new procedure to meet said change(s).**
  2. New methods of development or providing infrastructure make it necessary to alter this Chapter to meet these new factors.
  3. Changing governmental finances require amending this Chapter in order to meet the needs of the government in terms of providing and affording public services.
  4. There is an error or internal inconsistency in this Chapter.
4. Does the proposed amendment maintain the desired compatibility with allowable land uses, land use intensities, and impact on resources of the affected zoning district(s)?  
**Yes, there is not any impact on the allowable land uses, intensities or resources in any of the zoning districts.**

**BACKGROUND INFORMATION:**

Staff has been reviewing driveway access chapter and the zoning ordinance. It was discovered that the two codes contradict each other and staff is proposing to remove the requirements from the zoning code and only reference Chapter 71.

Plan Commission Determination on 4/10/17:	Recommend approval – Unanimous vote
ETZ Determination on 4/10/17:	Recommend approval – Unanimous vote
Board of Trustees Determination on 4/17/17:	Approve

## Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted on April 17, 2017, the following Ordinances:

- Ordinance No 17-006 An Ordinance to Amend Section 94.11.02: Landscape Requirements to Update a Maximum Percentage of Tree Species Planted and A Municipal Code Reference.
- Ordinance No 17-007 An Ordinance to Amend Section 94.12.06: Exterior Storage Standards for Multi-Family Dwellings and Non-Residential Facilities and Properties to Discontinue the Prohibition of Privacy Slats Within Chain-link Fences.
- Ordinance No 17-008 An Ordinance to Amend Section 94.12.08 Access and Driveway Standards to Explicitly Refer the Requirements for Widths of Driveways Connected to A Public Right-Of-Way to Chapter 71.
- Ordinance No 17-009 An Ordinance to Amend Section 94.12.09: Off Street Parking and Traffic Circulation Standards to Provide a Definition of Reconstruction and Maintenance and Their Associated Requirements.
- Ordinance No 17-010 An Ordinance to Amend Section 94.4.05(12) Commercial Animal Establishment Land Use Definition to Prohibit Outdoor and Overnight Activities Within The B-1 And B-2 Zoning Districts And To Amend Figure 3.05 To Allow Commercial Animal Establishments Within B-2 Zoning District As A Permitted Use By Right And Within The B-1 And Li Zoning Districts As A Conditional Use.
- Ordinance No. 17-011 An Ordinance to Amend Chapter 66 Solid Waste, Section 66.115 Exterior Storage Standards for Multiple-Family Dwellings and Non-Residential Facilities and Properties to Explicitly Refer to 94.12.06 Exterior Storage Standards (2) Exterior Storage Standards for Multi-Family Dwellings and Non-Residential Facilities and Properties.
- Ordinance No. 17-012 An Ordinance to Amend Section 90.103(k) Planting of Trees and Shrubs.
- Ordinance No. 17-013 An Ordinance to Amend Section 71.5.01(1) Relating to Width of Access of Driveways.

The full text of the above Ordinances may be obtained at the office of the Village Clerk, 5500 Schofield Avenue, Weston, Wisconsin or through the Village's website at <http://www.westonwi.gov>.

Dated this 18<sup>th</sup> day of April, 2017  
Sherry Weinkauff, Village Clerk

Published: 4/19/17