



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

**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.**

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. 94.12.09 does not adequately address the regulations needed for parking lot standards in the Village and Town; and

WHEREAS, Village Staff is proposing amendments to Chapter 94 Zoning to provide regulations for parking lot 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 94.12.09: Off-Street Parking and Traffic Circulation Standards**

(1) **Purpose and Applicability.**

- (a) The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation.
  - (b) The requirements of this Section shall apply to all uses other than agricultural uses.
  - (c) The requirements of this Section shall not apply to the ordinary maintenance and repairs of existing parking, driveway, and other circulation areas. Ordinary maintenance and repairs are defined as activities that are reasonably necessary to extend the life and/or prevent the deterioration of the surface, including sweeping, pot hole filling, chip and crack sealing, resealing (but not resurfacing), and replenishment of gravel to an approved gravel surface where hard-surfacing is not otherwise required by this Section.
- (2) **Depiction on Required Site Plan; Parking Lot Permit.** Any and all proposed parking and traffic circulation areas shall be depicted as to their location and configuration on the site plan, if a site plan is required under Section 94.3.03(10). For any construction, expansion, reconstruction, resurfacing, reconfiguration, or restriping of a parking lot with six or more parking spaces, where a site plan is not required under Section 94.3.03(10), a parking lot permit shall instead be required. Such permit shall be issued by the Zoning Administrator, following submittal of a completed application form, all required material under such form, payment of the associated fee per the Village's fee schedule, and the Zoning Administrator's determination of compliance with applicable requirements of this Chapter.
- (3) **Use of Off-Street Parking Areas; Snow Storage.** Except as otherwise allowed below, the use of all off-street parking areas shall be limited to the parking of licensed and operable vehicles not for lease, rent, or sale. Within residentially zoned property, only licensed and operable cars and trucks with a rated gross vehicle weight of 26,000 pounds or less shall be parked or kept in parking areas or any other exterior location. The use of parking spaces and their circulation areas for purposes such as seasonal sales and snow storage shall be permitted only if sufficient parking spaces remain available to meet the parking requirements of this chapter and normal traffic and pedestrian movement and safety is not impeded.
- (4) **Traffic Circulation and Traffic Control.** Site circulation shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and on the site. Circulation shall be provided to meet the individual needs of the site with specific mixing of access and through movements, and where required, shall be depicted on the required site plan. Circulation patterns and traffic control measures shall conform to the general rules of the road and the requirements of the Manual of Uniform Traffic Control Devices.
- (5) **Installation and Maintenance of Off-Street Parking and Traffic Circulation Areas.** All off-street parking and traffic circulation areas shall be completed prior to building occupancy and shall be maintained in a dust-free condition at all times.
- (6) **Off-Street Parking and Traffic Circulation Design Standards.**
- (a) **Surfacing.** All off-street parking, driveway, and traffic circulation areas constructed or expanded after March 18, 2015, including residential driveways and former gravel surfaces proposed for refurbishment, shall be surfaced and continuously maintained with a hard surface as defined in Section 94.17.04, except that gravel, crushed stone, or a similar material is permitted for:
    1. Agricultural uses.
    2. Driveways in rural and open space zoning districts, where the intersecting road is gravel or the driveway is greater than 50 feet in length.
    3. Emergency access driveways where required or approved by the Zoning Administrator.

4. Lightly traveled service drives for non-residential uses where included as part of an approved site plan under Section 94.16.09, and where in the Village at least the first 50 feet connecting to a public street is hard surfaced.

In cases where gravel or crushed stone is permitted under one of the above exceptions, the portion of the driveway within the public street right-of-way shall be hard surfaced, except where serving agricultural uses, where the intersecting public road is gravel surfaced, or for uses outside of non-residential and mixed use zoning districts in the ETZ area. Where any gravel or crushed stone driveway exists, the Village Public Works Director may require a hard surface tracking pad adjacent to the public street right-of-way, or other remedial action, if he or she determines that gravel or stone is being tracked into the public street.

- (b) **Marking.** All hard-surfaced areas intended for six or more parking stalls shall be striped in a manner that clearly indicates the boundaries of required parking spaces.
- (c) **Curbing.** For developments that require site plan approval under this Chapter, construction of concrete curb and gutter shall be required around all parking lots, driveways, other vehicular access areas, and landscaped islands and peninsulas within such areas. The site plan approval authority may modify this standard in one or more of the following circumstances:
  1. To facilitate a unique stormwater management approach or condition.
  2. For lightly traveled service or emergency access drives.
  3. At the edges of a phase of development of a parking area.
  4. Around paved areas primarily used for the storage of waste, snow, or other materials, as opposed to vehicle parking or circulation.
  5. For approved gravel surfaced areas.
  6. Within industrial zoning districts, where the public street providing access to the site does not have curb and gutter or where the parking lot, driveway, other vehicular access area, and landscaped islands and peninsulas will not be visible or accessible to the public.
- (d) **Lighting.** All off-street parking and traffic circulation areas serving six or more cars shall be lit so as to ensure the safe and efficient use of said areas during the hours of use, with said illumination level shall not exceeding the standards of Section 94.12.11.
- (e) **Access.** Each required off-street parking space shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space without directly backing or maneuvering a vehicle into a public right-of-way. All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner that least interferes with traffic movements. Off-street parking spaces for residential uses may be stacked or in front of one-another for the same dwelling unit. Parking spaces located behind an enclosed garage and located directly off a through aisle shall be a minimum of 30 feet deep.
- (f) **Signage.** All signage located within, or related to, required off-street parking or traffic circulation areas shall comply with the requirements of Article 13.
- (g) **Handicapped Parking Spaces.** Parking for the handicapped shall be provided at a size, number, location, design, and with signage as specified by State and Federal regulations.
- (h) **Dimensional Standards.** Other than parking required to serve the handicapped, the minimum required length of parking spaces shall be 18 feet and the minimum required width is 10 feet (8½ feet for end spaces). All parking spaces shall have a minimum vertical clearance of 8 feet. Horizontal widths for driveways serving parking spaces shall be no less than 24 feet for two-way

driveways and 12 feet for one-way driveways, except that wider driveways may be required for loading and service routes.

- (i) **Landscaping Standards.** Parking lot landscaping shall comply with the hard and gravel surface area landscaping requirements in Section 94.11.02(3)(b). Such requirements shall not apply to the reconstruction, resurfacing, reconfiguration, or restriping of a parking lot, driveway, or vehicle circulation area legally constructed before March 18, 2015, provided that the project does not involve an area expansion or conversion from a gravel, crushed stone, grass, or similar surface to a hard surface as defined in Section 94.17.04. For any such expansion or conversion, parking lot landscaping shall comply with the hard and gravel surface area landscaping requirements in Section 94.11.02(3)(b) to the extent the Zoning Administrator determines practical.
  - (j) **Setback Requirements.** See Figures 5.01(2) and 5.02(2) for hard and gravel surface setback requirements that apply to off-street parking, driveway, and traffic circulation areas, except for the reconstruction, resurfacing, reconfiguration, or restriping of a parking lot, driveway, or vehicle circulation area existing before March 18, 2015 and not meeting such setback requirements, provided that the project does not involve an area expansion or conversion from a gravel, crushed stone, grass, or similar surface to a hard surface as defined in Section 94.17.04. In the instance of such expansion or conversion, parking lot setbacks shall comply with Figures 5.01(2) and 5.02(2).
- (7) **Calculation of Minimum Required Parking Spaces.** The minimum number of required parking spaces is stated for each land use in Article 4. A garage stall shall be considered a parking space.
- (8) **Potential Reduction in Automobile Parking Spaces.** The site plan approval authority may approve a decrease in the required number of off-street automobile parking spaces for each land use in Article 4 by up to 25 percent of the normal requirement. Such a reduction must be supported by technical documentation furnished by the applicant that indicates that actual off-street parking demand for that particular use is less than the normally required minimum.
- (9) **Partial Development of Required Parking Spaces.** The applicant for any development may seek permission to not install a portion of its required parking at time of site plan approval; however, said site plan shall depict the minimum number of required parking spaces to be available for future construction.
- (10) **Limit on the Maximum Number of Required Parking Spaces.** No site plan may be approved for a multi-family residential or non-residential use that contains more than 150 percent of the use's minimum number of required parking spaces under Article 4, except by conditional use permit.
- (11) **Joint and Off-Site Parking Facilities**
  - (a) Parking facilities providing required parking for one or more uses shall provide a total number of parking spaces that shall not be less than the sum total of the separate parking needs for each use during any peak hour parking period when said joint parking facility is utilized at the same time by said uses, unless reduced by the site plan approval authority per subsection (8).
  - (b) To obtain a greater reduction in required parking spaces that is enabled under subsection (8), the applicant(s) for approval of a joint parking facility shall demonstrate that there is no substantial conflict in the demand for parking during the principal operating hours of the two or more uses the joint parking facility is proposed to serve.
  - (c) A legally binding instrument, addressing the particulars of the parking arrangement and potentially limiting future change of uses, shall be executed by any and all parties to be served by said joint parking facility, where there is a reduction in required parking spaces that is greater than that enabled under subsection (8). This instrument shall be approved by the Village Attorney, recorded with the Register of Deeds Office prior to the issuance of any zoning permit or building permit associated with the facility, and filed with the Zoning Administrator once recorded.

- (12) **Locational Prohibitions for Off-Street Parking Areas.** Off-street parking shall not be located between the principal structure on a residential lot and a street right-of-way, except within residential driveways and parking lots designated on any approved site plan. No private parking shall occur on street terraces, driveways, or any other areas located within a public right-of-way, except by conditional use permit. See also Section 94.12.07(9) and Figures 5.01(2) and 5.02(2).
- (13) **Minimum Permitted Throat Length.** All uses requiring site plan approval shall have a minimum permitted throat length of access drives serving parking lots of 20 feet from the nearest street right-of-way, except as modified by the site plan approval authority based on unique or pre-existing site conditions and suitable assurance that traffic will not back up into public rights-of-way.
- (14) **Bicycle Parking.** Except for reconstruction, resurfacing, reconfiguration, or restriping of a parking lot, driveway, or vehicle circulation area legally constructed before March 18, 2015, a number of off-street bicycle parking spaces shall be provided equal to five percent of the automobile parking space requirement, with no fewer than two bicycle parking spaces provided for all uses requiring 20 or more vehicular parking spaces. Each “Inverted-U” or similar type rack counts as two bicycle parking spaces. All bicycle parking shall be on a hard-surfaced area in a location accessible to building entrances.
- (15) **Pedestrian Facilities.**
- (a) The site shall provide for safe pedestrian and bicycle access to all uses, and connections to existing and planned public pedestrian and bicycle facilities and adjacent properties.
  - (b) Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks and/or pedestrian/bike facilities. The minimum width for sidewalks adjacent to buildings shall be five feet.
  - (c) Sidewalks other than street sidewalks or building aprons shall have adjoining landscaping along at least 50 percent of their length if said sidewalk is over 50 feet in length.
  - (d) Crosswalks shall be distinguished from driving surfaces to enhance pedestrian safety by using different materials, or colors, or textures, and signage.
  - (e) Projects involving the reconstruction, resurfacing, reconfiguration, or restriping of a parking lot, driveway, or vehicle circulation area legally constructed before March 18, 2015 shall meet subsection (15) to the extent the Zoning Administrator determines practical.

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

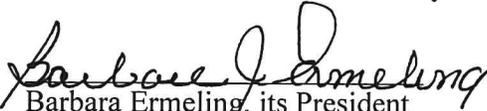
**SECTION 2:** The amendment effectuated by this Ordinance shall apply within the municipal limits of the Village and within its extraterritorial zoning jurisdiction in the Town of Weston.

**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.

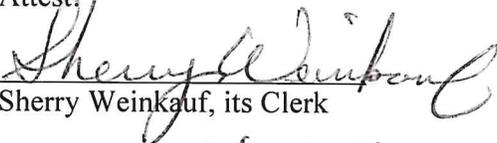
SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

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 17-009, Amendment to Off-Street Parking and Traffic Circulation 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 17-009 as recommended by the Plan Commission to provide a definition of reconstruction and maintenance when referring to parking lots and differentiating the requirements for new parking lots from reconstruction or expansion of existing parking lots?

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**BRIEF:**

Staff brought forward the question of parking lot maintenance and reconstruction to the Plan Commission on September 12, 2016 due to an influx of parking lot construction projects that had been occurring in the Village. Staff was seeking a clear definition of reconstruction and maintenance regarding parking lots and traffic circulation areas. The lack of either definition made staff's job difficult as to how far the code was to be enforced for existing parking lots that did not currently meet the standards of the zoning code.

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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 #17-009 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.: **17-009** Hearing Date: **April 10, 2017**

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

Title: **An amendment to Section 94.12.09: Off-Street Parking and Traffic Circulation Standards to provide a definition of reconstruction and maintenance and their associated requirements.**

Purpose: **As the current code is written, there is no standing definition of parking lot maintenance or parking lot reconstruction and differentiating the requirements for new parking lots, reconstruction of parking lots or expansion of parking lots.**

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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:**

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1. Is the proposed text amendment consistent with the Comprehensive Plan, as is required by Wisconsin Statutes?  
**Yes, the proposed changes to the text is clarifying maintenance and repair activities from reconstruction and expansion activities and the respected requirements of those activities.**
  
  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 safety and general welfare of the public by establishing the definition of parking lot maintenance and parking lot reconstruction.**
  
  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.**
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**BACKGROUND INFORMATION:**

Staff brought forward the question of parking lot maintenance and reconstruction to the Plan Commission on September 12, 2016 due to an influx of parking lot construction projects that had been occurring in the Village. Staff was seeking a clear definition of reconstruction and maintenance regarding parking lots and traffic circulation areas. The lack of either definition made staff's job difficult as to how far the code was to be enforced for existing parking lots that did not currently meet the standards of the zoning code.

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Plan Commission Determination on 4/10/17:	Recommend approval – Unanimous vote
ETZ Determination on 4/10/17:	Recommend approval – Unanimous vote

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## 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