

VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 24-022

AN ORDINANCE TO AMEND PROVISIONS WITHIN CHAPTERS 71 AND 94 OF THE MUNICIPAL CODE, AFFECTING RESIDENTIAL DRIVEWAY STANDARDS.

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

WHEREAS, Chapter 71 of the Village's Municipal Code provides for street access control within the Village limits; and

WHEREAS, Chapter 94 of the Village's Municipal Code is the zoning ordinance for lands within the Village limits and portions of the Town of Weston defined as the extraterritorial zoning area, and Sections 94.12.08(2) and (5) apply to such area access control and driveway width requirements of Chapter 71; and

WHEREAS, the Village has determined that certain current residential driveway standards burden property owners and tenants without securing sufficient public benefit, while other driveway standards in Chapters 71 and 94 are unclear; and

WHEREAS, the Joint Town and Village of Weston Extraterritorial Zoning Committee and the Village Plan Commission held a joint public hearing on this Ordinance, on December 9, 2024, in compliance with Wis. Stat. § 62.23; and

WHEREAS, following such hearing, the Village Plan Commission has recommended enactment of this Ordinance for applicability within the Village limits; and

WHEREAS, following such hearing, the Joint Town and Village of Weston Extraterritorial Zoning Committee has recommended enactment of the zoning ordinance (Chapter 94) amendments contained herein for applicability within the extraterritorial zoning area; and

WHEREAS, following such hearing the Village Board considered public comments and the recommendations of said Commission and Committee; and

WHEREAS, the Village Board finds the proposed amendments contained herein are 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: Section 71.3.01 1. B. iii. of the Village of Weston Municipal Code [Driveway Access Control] is hereby amended to provide as follows:

iii. Local street access.

1. No more than one direct access to ~~a each abutting~~ local street will be permitted or provided to each individual parcel, or to ~~w~~ contiguous parcels under the same ownership, ~~except that each two-family residence is permitted two direct accesses to a local street, each townhouse residence as defined in Chapter 94 of the Municipal Code is permitted accesses equal to one-half of its dwelling units (rounding up in event of odd number).~~
2. All private access and other direct access to any local street shall be separated to the extent practical based on lot dimensions, ~~and~~ existing or proposed development plans, ~~and appropriate separation from nearby parallel streets per Figure 71.5.01C.~~
3. All private accesses ~~off a paved road~~ must comply with applicable off-street parking and traffic circulation design standards and surfacing requirements in the Village of Weston Municipal Code Chapter 94 Sec. 94.12.09(6)(a).

SECTION 2: Section 71.5.01 1. of the Village of Weston Municipal Code [Driveway Access Design] is hereby amended to provide as follows:

1. Width of access.

Use	Width at Property Line	Width at Street <u>Pavement Edge</u>
Single-family residential with one access drive; and Two- <u>to</u> <u>Four</u> -family residential with two access drives.	12 feet to 24 feet <u>per drive</u>	18 feet to 30 feet <u>per drive</u>
Two- <u>to</u> <u>four</u> -family residential with <u>single</u> common drive; <u>Other multi-family residential</u>	24 feet to 36 feet	30 feet to 42 feet
<u>Multi-family Residential & Commercial services, retail, institutional, agriculture, recreation</u>	24 feet to 48 <u>Maximum 42 feet*</u>	Based on largest vehicle anticipated to use access* <u>Maximum 48 feet*</u>

Industrial, <u>warehousing, and distribution</u>	24 feet to 60 <u>Maximum 52 feet*</u>	Based on largest vehicle anticipated to use access <u>Maximum 60 feet*</u>
Agriculture/Recreation	Based on largest vehicle anticipated to use access*	

* ~~Director of Public Works may approve wider access driveways B~~based on type of vehicle, traffic pattern, street classification, posted speed, or other factors as ~~the Director determines~~d by the Department of Public Worksrelevant.

SECTION 3: Figure 5.01(2) of the Village of Weston Municipal Code is hereby amended to provide as indicated within Exhibit A to this Ordinance.

SECTION 4: Performance standard 7 in Section 94.4.02(2) of the Village of Weston Municipal Code [Two-Family Residence] is hereby amended to provide as follows:

7. ~~Each unit within each new Two-Family Residence shall be served by a separate driveway, or minimum driveway width for any shared driveway shall be not less than 30 feet at the front lot line~~See Section 71.5.01 1. of the Municipal Code for driveway width requirements and Figure 5.01(2).

SECTION 5: Section 94.12.07(2)(d) of the Village of Weston Municipal Code [Outdoor Recreational Vehicle Storage] is hereby amended to provide as follows:

- (d) Outdoor storage of recreational vehicles shall:
 1. ~~Meet the same front, street side yard, and interior side yard setbacks as hard or gravel surfaces for the associated zoning district as provided in Figure 5.012(2).~~
 2. ~~In residential zoning districts, not be permitted in the rear yard in residential zoning districts, except where such storage is accompanied by a bufferyard as provided in Section 94.11.02(3)(d).~~
 - 1.3. ~~Outdoor storage of recreational vehicles shall be permitted in the rear yard i~~Where located in rural and open space zoning districts, be but set back from the rear and side property lines a distance not less than equal to the parking hard or gravel surface interior side yard setbacks in the associated zoning district under Figure 5.01(2).

SECTION 6: Section 94.12.08(8) of the Village of Weston Municipal Code [Access and Driveway Standards] is hereby amended to provide as follows:

- (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 the garage door wall openings it serves.~~ Each such driveway need not run directly between the garage and street.

SECTION 7: Section 94.12.09(6)(e) of the Village of Weston Municipal Code [Off-Street Parking and Traffic Circulation Design Standards] is hereby amended to provide as follows:

- (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 and meets subsection (6) where applicable. 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 driveway or aisle shall be a minimum of 30 feet deep to be counted towards meeting required parking space minimums.

SECTION 8: Section 94.12.09(12) of the Village of Weston Municipal Code [Off-Street Parking and Traffic Circulation Design Standards] is hereby amended to provide as follows:

- (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 over public sidewalks or multiuse paths, 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).

SECTION 9: The amendments effectuated by this Ordinance shall apply within the municipal limits of the Village and within its extraterritorial zoning area in the Town of Weston.

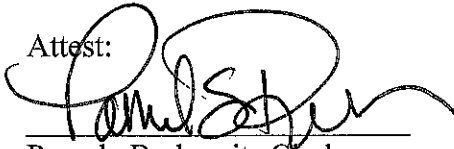
SECTION 10: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or 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 11: EFFECTIVE DATE. This Ordinance shall take effect upon approval and publication.

Dated the 16 day of December, 2024

WESTON VILLAGE BOARD

Attest:



Pamela Brehm, its Clerk

APPROVED: 12/16/24

PUBLISHED: 12/19/24

By:

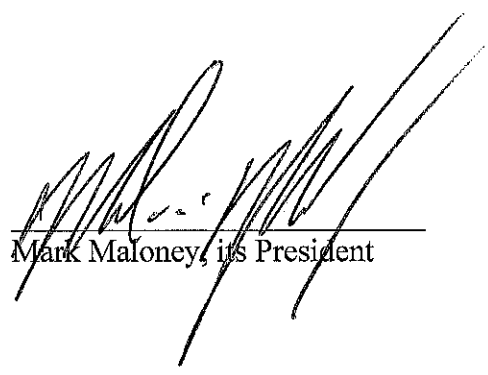

Mark Maloney, its President

Exhibit A: Ordinance Amendment Described in Section 3

Figure 5.01(2): Rural, Open Space and Residential District Setback and Height Standards

Zoning District	Minimum Setbacks (ft) (b)						Minimum Building Separation (ft)	Maximum Building Height			
	Principal Residential Building including Attached Garage			Detached Accessory Building (a)		Hard or Gravel Surface (d)		Principal Building			
	Front (a)	Street Side (a)	Interior Side	Rear	Interior Side (c)	Rear		Interior Side or Rear	Front or Street (a)	Feet	Floors
FP	50	30	20	40	15	15	6+5	10	NA	NA	NA
AR	50	30	20	40	15	15	6+5	10	35	2.5	35
RR-2	50	30	20	40	15	15	6+5	10	35	2.5	35
RR-5	50	30	20	40	15	15	6+5	10	35	2.5	35
PR	30	30	12	20	12	12	6	10	35	2.5	25
SF-L	50	30	12	20	6	6	36	10+65	35	2.5	15
SF-S	30	20	8	20	6	6	36	10+65	35	2.5	15
2F (e)	30	30	8	20	6	6	36	10+65	35	2.5	15
MF (f)	30	30	8	20	6	6	6	10	50	4	15
MH	20(g)	20(g)	6	10	6	6	36	10+65	20	1	15

- (a) See Section 94.4.09(2) for standards related to detached accessory buildings located within front yard areas, minimum separation requirements associated with detached accessory buildings, and other standards associated with detached accessory structures.
- (b) Additional setbacks may be required along zoning district boundaries for bufferyards, if required for the particular land use under Article 4 or Section 94.11.02(3)(d).
- (c) Minimum street side yard accessory building setbacks are equal to the minimum street side yard setback for the principal structure building.
- (d) Includes all gravel and hard surfaces as defined in Section 94.17.04, along with recreational vehicles where allowed in rear yards per Section 94.12.07(2)(d). This setback excludes intrusions required for driveway entrances access onto public streets and where permitted or required for cross access, driveways and pedestrian ways, shared driveways, and shared parking lots.
- (e) Single-Family Detached Residences shall comply with the requirements for the SF-S district. No interior side yard principal building setbacks for along the common wall of zero lot line structures.

(f) Single-Family Detached Residences shall comply with requirements of the SF-S District. Two-Family Residences shall comply with the requirements for the 2F district. No interior side yard principal building setbacks along the common wall ~~offer~~ zero lot line structures.

(g) A minimum 100-foot wide buffer must be provided around the perimeter of each “Manufactured Home Community.”

(h) 5 feet from the accompanying home and 10 feet from all other buildings. See Section 94.4.09(2) for further requirements regarding setbacks for Detached Accessory Structures (for Residential Use).

[Amended via Ord 17-026, 8/23/2017; Ord 20-005, 3/19/2020; Ord. 21-011, 5/19/2021]