

## **PART VI BUILDING CONSTRUCTION**

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#### *Article I Driveways*

##### **58.01 Purpose**

The regulations of this chapter shall apply to all driveways leading from a public street or public thoroughfare into public or private property and to curb cuts on improved public streets for any purpose, public or private.

##### **58.02 Definitions**

The following terms used in this chapter mean:

- A. Driveway. A driveway is the travel surface connecting the public or private roadway with private property for the purpose of providing access for motor vehicles to and across the private property. Paths used by amphibious motor vehicles as described in s. 341.05(20), Wis. Stats., as part of a tour are not subject to this chapter's provisions except for that part of a path intersecting with the public right-of-way.
- B. Paved. A bituminous, concrete or paving brick surface.

##### **58.03 Permit required**

No driveway or curb cut shall be made or constructed without first obtaining a permit from the building inspector.

#### **58.04 Procedure for issuing permits**

All driveway and curb cut plans and/or designs, together with the application fee, shall be submitted to the building inspector, who with the police chief's and public works director's advice, and after physically inspecting the property, may issue a permit. The building inspector shall review all driveway and curb-cut plans and/or designs for commercial property with the village fire chief prior to issuing any permit.

#### **58.05 Driveway minimum standards**

The following requirements shall be the minimum standards when the village receives an application for a driveway or curb-cut permit:

- A. No driveway or curb cut plans and/or designs shall be approved that may result in vehicles standing on any public street, sidewalk, alley or other public right-of-way.
- B. No driveway shall have a width of less than eight (8) feet. In residential districts, the maximum width at the property line shall be twenty-four (24) feet and the maximum width at the curb shall be 28 feet. With the exception of properties abutting on U.S. Highway 12 and State Highway 23, the maximum width at the property line shall be 25 feet and the maximum width at the curb shall be thirty-five (35) feet. On U.S. Highway 12 and State Highway 23 the maximum width at the property line shall be 35 feet; the maximum width at the curb shall be 45 feet. All driveways or curb cuts on U.S. Highway 12 and State Highway 23 must apply for and receive permits from the Wisconsin Department of Transportation prior to receiving a permit under this chapter.
- C. No entrance nor exit driveway or curb cut for any property shall be allowed within twenty (20) feet from intersecting property line at a street intersection, measured along and parallel with the curb of such street. This distance shall be one hundred (100) feet along the side street that intersects a state or county highway.
- D. No more than one entrance or exit driveway or curb cut for any property shall be allowed on each street where the property is situated at the corner or intersection of any two (2) streets or public thoroughfares. Where access is restricted along one street, the property shall be considered an interior (non-corner) lot.
- E. No more than two driveways or curb cuts shall be permitted for entrance or exit purposes for any property on an interior (non-corner) lot, and a safety curb shall be maintained between such driveways.
- F. Minimum distance between driveways shall be ten (10) feet, measured at the front yard property line and not closer than four (4) feet to the side yard property line.
- G. Radii or flare of all driveways shall be constructed according to the standards and specifications established by the building inspector.
- H. Existing sidewalks at the location of proposed driveways shall be removed if defective, or if considered by the building inspector to be of insufficient strength to support vehicle traffic without damage, and be replaced with eight (8) inches of crushed aggregate base course and a seven (7)-inch concrete sidewalk for commercial driveways, and six (6) inches of crushed aggregate base course and a five (5)-inch concrete sidewalk for residential driveways.
- I. Commercial driveway approaches shall be constructed with eight (8) inches of crushed aggregate base course and a seven (7)-inch concrete pavement, or ten (10) inches of crushed aggregate base course and a three (3)-inch asphaltic concrete pavement.

- J. Residential driveway approaches shall be constructed with six (6) inches of crushed aggregate base course and a five (5)-inch concrete pavement, or eight (8) inches of crushed aggregate base course and a two (2)-inch asphaltic concrete pavement.
- K. All concrete used for driveways shall have cement content of not less than five bags per cubic yard, and shall be Air Entrained.
- L. No existing trees on the right-of-way shall be removed without the express written approval of the public works director, and when such approval is granted, the owner of abutting property shall remove trees at the property owner's expense.
- M. Existing curb shall be completely removed and replaced with depressed curb constructed independent of the approach apron.
- N. Any necessary modifications or relocation of existing facilities, such as catch basins, fire hydrants, street light poles, parking meters, etc., will be done by the village at the expense of the owner of abutting property.
- O. Construction Details:
1. Maximum cross-slope of sidewalk in driveway: 3/4 inch per foot
  2. Minimum cross-slope of sidewalk in driveway: 1/4 inch per foot
- P. Where maximum allowable slope leaves driveway below grade of existing walk at side of driveway, walk shall be adjusted by replacing walk at least to adjacent joint, or as directed, so the resulting maximum slope of walk, parallel to the property line, shall be not more than one-half inch per foot.
- Q. In the case of abnormal conditions, the building inspector may determine any possible variations from the above regulations for the village board's consideration.
- R. Notwithstanding the foregoing standards, no permit for a driveway shall be issued unless the building inspector finds:
1. The proposed driveway does not create undue safety hazards in the use of the street, parkway or sidewalk by vehicular or pedestrian traffic;
  2. The proposed driveway does not impede the safe and efficient flow of traffic on the streets and sidewalks adjoining the property for which the driveway is proposed; and
  3. The existing and proposed use of the property to be connected by said driveway is in all respects in conformity with the existing traffic, zoning and building ordinances.

#### **58.06 Vision triangle**

In each driveway there shall be designed a vision clearance triangle, bounded by the inner driveway and street lines and a line connecting them fifteen (15) feet from their intersection. Within this triangle, no object shall be allowed above the height of two and one-half (2 1/2) feet above the streets if it obstructs the view across the triangle. This provision shall not apply to posts, wire fences, tree trunks or other vertical supporting members not more than twelve (12) inches square in horizontal cross section; however, in situations where there are trees of large diameter, large numbers of trees, or a combination of these, this provision shall be construed to mean that a sufficient number of trees shall be removed so as to render a clear view across the vision triangle from the driveway to the street and from the street to the driveway. The intent is to provide for public safety and if the building inspector determines a larger vision triangle is required, a vision triangle shall be established as is necessary to meet the intent of this paragraph.

#### **58.07 Private Roadways.**

All private roadways located within the Village shall be kept in an adequate state of repair and cleared of snow and ice, to ensure they are passable and accessible by fire, police, and other emergency vehicles. 58.07 Modified and Amended Ordinance 17-003 Passed 2/27/17 Published 3/4/2017

### **58.08 Regulation of Parking in Residential Districts.**

A. Purpose. The purpose of this section is to clearly define acceptable areas for parking vehicles within the front yard or side yard of private properties in order to address off-street parking issues and maintain the acceptable appearance of Village neighborhoods.

B. Residential driveway. For purposes of this chapter residential driveway means that area leading directly from the street to a garage, carport, or rear yard parking area of a residence. All driveways shall be paved with concrete, asphalt, brick or a similar hard surface within one (1) year of construction. Carriage style driveways with a minimum of 2-foot wide strips paved with concrete, asphalt or brick and maintained grass medians are permitted. Those existing driveways that are not currently paved as described for new driveways shall be so paved within one (1) year of notice of non-compliance

C. Prohibitions. The following parking provisions apply to all residences in any zoning district:

1. No person shall park or store any motor vehicle, or recreational vehicle of 26 feet or less, i.e., a “camping trailer”, “fifth-wheel trailer”, “motor home” or “recreational vehicle” as those terms are defined by §340.01, Stats., as well as boat trailers and boats, utilities trailers, trailered snowmobiles, trailered jet-ski(s) or fishing shanties in the front yard of any residential district except upon a residential driveway.

2. No recreational vehicle or boat greater than 26 feet in length may be parked or stored in the front yard of any residence in any zoning district. Any vehicle parked in the front yard, shall be parked within the driveway area in such a manner as to maintain all wheels on the driveway surface, and shall neither obstruct the sidewalk nor extend onto the driveway apron.

3. No person shall park or store any motor vehicle, “camping trailer”, “fifth-wheel trailer”, “motor home” or “recreational vehicle” as those terms are defined by §340.01, Stats., as well as boat trailers and trailered boats, pick-up camper tops, utilities trailers, trailered snowmobiles, trailered jet-ski(s) or fishing shanties in the side yard of any residence, unless the conditions apply:

- a. the side yard parking area is greater than twelve (12) feet wide and extends no farther than the rear plane of the principal structure on the property.
- b. the side yard parking areas is paved with concrete, asphalt, brick or a similar hard surface;
- c. that there is no encroachment into the side yard setback area.
- d. Livability spaces are defined as open space, including lawns, planting space, walks, paved terraces and sitting areas. No paved areas for car traffic or parking can be included as livability space. In districts zoned Commercial (C1, C2) and Industrial (I), livability space shall comprise at least 10% of the land area. In districts zoned Waterfront Commercial (WC) and in all districts zoned Residential, livability space shall comprise at least 20% of the land area.

4. No person shall park or store more than one such motor vehicle, “camping trailer”, “fifth-wheel trailer”, “motor home” or “recreational vehicle” as those terms are defined by §340.01, Stats., as well as boat trailers and trailered boats, pick-up camper tops, utilities trailers, trailered snowmobiles, trailered jet-ski(s) or fishing shanties in the rear yard of any residence.

- a. the rear yard parking area is paved with concrete, asphalt, brick or a similar hard surface;
- b. that there is no encroachment into the rear yard setback area.
- c. Livability spaces are defined as open space, including lawns, planting space, walks, paved terraces and sitting areas. No paved areas for car traffic or parking can be included as livability space. In districts zoned Commercial (C1, C2) and Industrial (I), livability

space shall comprise at least 10% of the land area. In districts zoned Waterfront Commercial (WC) and in all districts zoned Residential, livability space shall comprise at least 20% of the land area.

(e) Permits. The Zoning Department shall issue a permits for driveway and parking pad permits upon the filing of a proper application, which shall be on a form furnished by the department and shall describe the nature of the work, material to be used, measurements, plans and/or specifications of the proposed extension as well as such other information as may be required for inspection. Permits shall be issued prior to the start of the work. Fees for this permit shall be as established by the Village Board by ordinance or resolution.

(f) Appeals. Appeals to the requirements of this section shall be filed with the Village Administrator – Clerk – Treasurer and heard by the Housing Committee. After hearing an appeal, the Committee shall deny the appeal or recommend that the Village Board grant relief from the terms of this section only where there are unusual and practical difficulties or undue hardships due to an irregular shape of the lot, topographical, or other conditions present, as contrasted with merely granting an advantage or convenience. Appeals from the Decisions of the Committee shall be to the Village Board.

(g) Penalties. Any person who shall violate any provision of this section shall be subject to a penalty as provided in s.58.26 Village Municipal Code.

58.08 Created Ordinance 23-022 Passed 7/10/2023 Published 7/15/2023

Sections 58.09–58.16 reserved

## *Article II      Parking Lots*

### **58.17 Purpose**

The purpose of this section is to provide for the regulation of accessory off-street parking and loading facilities, and to specify the requirements for off-street parking and loading facilities for different uses. The regulations and requirements that follow are established to promote the safety and general welfare of the community by:

- A. Increasing the safety and capacity of public streets by requiring off-street parking or off-street loading facilities be provided.
- B. Minimizing adverse effects of off-street parking and off-street loading facilities on adjacent properties through required design and maintenance standards.
- C. Lessening congestion and preventing the overtaking of public streets by regulating the location and capacity of accessory off-street parking or off-street loading facilities.

### **58.18 Definitions**

The following terms used in this chapter mean:

- A. Parking space. A paved, clearly marked space for parking a motor vehicle measuring at least nine (9) feet in width and eighteen (18) feet in length, including garages, carports and open areas.
- B. Setback. The open space between the property line and the nearest part of the principal building.
- C. Paved. A bituminous, concrete or paving brick surface.

### **58.19 Permit required**

No parking lots shall be made or constructed without first obtaining a permit from the building inspector.

### **58.20 Procedure for issuing permits**

All parking lot plans and/or designs, together with a non-refundable application fee, shall be submitted to the building inspector, who may issue a permit. The building inspector shall review all parking lot plans and/or designs for commercial and multi-family residential property with the village board prior to issuing any permit.

### **58.21 Parking lot minimum standards**

The following requirements shall be the minimum standards when the village receives an application for a parking lot permit:

- A. Parking lot configuration and layout shall be in conformance with American Institute of Architects Architectural Graphic Standards, Transportation Section, current edition.
- B. All parking lots, except a parking lot accessory to a single-family dwelling and accessory parking areas under 1,000 square feet on residentially zoned lots in the village, shall be paved. Parking lots in existence on the effective date of this chapter must be paved within one year of the effective date of this chapter. Such parking areas shall be so graded and drained as to dispose of all surface water. Such parking areas shall also be so arranged and marked to provide for orderly and safe parking and storage of vehicles, and shall be so improved with wheel stops or bumper guards as to prevent encroachment into adjacent lots or public ways. Accessory parking areas under 1,000 square feet on residentially zoned lots in the village shall be at a minimum, improved with 3/4 inch to 1 1/4 inch grade gravel, which shall be at least six (6) inches in depth.

Said gravel lots shall be provided with erosion control and a continuous anchored curb, a minimum of five (5) inches in height, and consisting of asphalt, concrete, pressure treated timbers or other suitable permanent material.

C. Parking is permitted in the setback area only to within ten (10) feet of a lot line.

D. Landscaping.

1. Parking lots or additions to existing parking lots, located in residential, commercial, industrial or waterfront commercial districts are to be landscaped around the perimeter.

Landscaping can be accomplished with a variety of plants and berms. A variety of tree heights, shrubs and planting materials shall be incorporated into the design to provide visual interest, provided that said trees do no interfere with public utilities.

2. Tree islands, new parking lots. Tree islands, along with other landscaping within open, off-street parking areas, shall be designed to help control circulation of cars and pedestrians, identify entrances and exits, provide reference points for locating cars in large lots, give summer shade to people and cars, furnish open ground for drainage and snow storage, camouflage, soften and improve the appearance of large parking lots, provide environmental and aesthetic benefits and be a positive asset to a shopping area or a business establishment. Any parking lot constructed after this chapter's effective date, which by itself or in conjunction with existing parking facilities, contains all of the following: more than one aisle, two or more rows of parking stalls and an area of 15,000 square feet or more, exclusive of access drives, shall provide and maintain in that area constructed after this chapter's effective date, canopy-type shade trees hardy to this region in tree islands totaling not less than three percent (3 %) of the surfaced parking area constructed after this chapter's effective date. The minimum size of each tree island shall be not less than 70 square feet. The building inspector shall review a drawing indicating the size, type and location of the islands, the plant materials, the protection afforded the plantings, including curbing, staking and mulching, and provisions for maintenance. Preserving existing trees is encouraged and shall be a factor in considering the proposal.

E. In the case of abnormal conditions, the building inspector may determine any possible

variations from the above regulations for the village board's consideration.

F. For all buildings and structures erected or expanded, and all uses of land established after this chapter's effective date, parking and loading facilities shall be provided as required by this chapter. However, where a building permit has been issued prior to the effective date of this chapter, and provided construction has begun within ninety (90) days of such effective date and diligently prosecuted to completion, parking spaces in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this chapter.

G. When the intensity of use of any building, structure or premises shall be increased through change of use, addition of dwelling units, gross floor area, seating capacity, use or other units of measurement specified herein for required parking spaces, additional parking to match the increased intensity of use as required herein shall be provided for such increase in intensity of use.

H. Whenever the existing use of a building or structure shall hereinafter be changed to a new use, parking spaces shall be provided as required for such new use. However, if the said building or structure was erected prior to this chapter's effective date, additional parking is mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to this chapter's parking and loading provisions.

I. Existing parking lots. Parking lots in existence on this chapter's effective date and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below, the requirements for a similar new building or use under this chapter's provisions.

J. Zoning off-site parking facilities. In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same zoning district as the zoning lot occupied by the building or use to which the parking facilities are accessory, except when such parking facilities are approved as a conditional use.

K. Lighting. Illumination of all parking lots shall be arranged so as not to reflect direct rays of light into adjacent residence districts and streets. Intensity of illumination of parking areas shall conform to standards designated by the zoning administrator. All lighting for business uses shall be extinguished or reduced in intensity, as approved by the zoning administrator, no later than thirty (30) minutes after the close of business of the use being served.

L. No parking space shall be used for any other purpose.

#### **58.22 Minimum required parking spaces, exceptions**

A. Each parking lot shall provide adequate parking for the intended use. For parking lots constructed after this chapter's effective date the parking requirements set forth in paragraph B shall apply. Whenever there is a conflict between this chapter and any other chapter regarding the number of required parking spaces, the chapter requiring the greatest number of parking spaces shall apply.

B. Required parking spaces. Table A attached hereto and incorporated herein setting forth the required parking spaces is adopted. Any use not specifically identified on Table A shall be deemed a conditional use requiring a conditional use permit.

D. Existing parking and loading facilities. Parking lots in existence on this chapter's effective date and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below, the requirements for a similar new building or use under this chapter's provisions.

E. Mixed uses, collective provision. Where two (2) or more uses are located on the same property, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for

more than one use unless otherwise authorized by the village board after the plan commission's review and recommendation.

F. Collective provision. Parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces in relation to the use served, are adhered to.

G. Computation. When determining the number of parking spaces required by this chapter results in requiring a fractional space, any fraction of one-half (1/2) or less may be disregarded, while a fraction in excess of one-half (1/2) shall be counted as one parking space.

H. Special exceptions. Upon application by an owner, developer or agent of an owner or developer for a special exception to the parking requirements of this section 58.22, the village plan commission shall conduct a public hearing and make findings about the intended uses of the property in question and the impact of parking on neighboring lands and the public right-of-ways. At the close of the public hearing the plan commission shall issue its decision, advising the village board to grant, deny or modify the application for special exception.

Appealing the plan commission's decision shall be to the village board. The village plan commission shall only recommend granting a special exception upon an affirmative finding that the proposed parking for the subject property would not adversely impact the public right-of-ways or neighboring properties and uses. The village plan commission may take into consideration the availability of and impact upon public parking lots located in the vicinity of the subject property in its recommendations to the village board.

### **58.23 Permit fees**

The fees for driveway and parking lot permits required under this chapter shall be established by village board resolution. The fees shall be due upon submission of an application for a permit.

### **58.24 Exceptions**

A. Exceptions from this chapter's regulations may be granted upon written application by the property owner or designer, showing a clear need for the exception and evidence the proposal will not substantially interfere with the purposes of this chapter.

1. The exception will not be detrimental to or endanger the public safety and adequate measures have been or will be taken to provide the safe ingress and egress from the property.

2. The driveway and/or parking lot is designed so as to minimize traffic congestion in the public streets.

3. The exception will not substantially impair or diminish the uses, values and enjoyment of other property in the neighborhood for purposes already permitted and the exception is compatible with the adjacent land; and the exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

B. Applications for exceptions shall be made to the village plan commission and shall contain information sufficient to determine whether there is compliance with the standards set forth herein. The village plan commission shall review the application and make a recommendation to the village board to grant, modify with conditions or deny the application. The village board shall then act on the plan commission's recommendation and may grant, modify with conditions, deny or refer the application back to the village plan commission for further review.



C. The findings and decision on all applications for exception shall be in writing and maintained in the file for at least one year.

**58.25 Non-compliance**

If the owner, occupant or operator of a premises shall fail or refuse, after the building inspector's notice and order, to remedy any violations specified in such notice, then the building inspector may cause such work to be done to correct such violations and certify the cost thereof to the village clerk, who shall extend such cost against the property upon the next tax roll of the village.

**58.26 Penalties**

In addition to other sanction provided for herein, a violation of any section or subsection of this chapter shall be punishable by a fine or forfeiture not to exceed \$100.00 for each violation, or upon failure to pay, by imprisonment in the Sauk County Jail for not more than thirty (30) days. Each day of violation shall constitute a separate offense and violation of this chapter.

**TABLE A PARKING SPACE REQUIREMENTS**

<b>Use</b>	<b>Parking Requirements</b>
Single Family residential	2 spaces
Two Family Residential Dwelling Units Multi-Family Residential Dwelling Units	1 space per dwelling unit, plus one space for each bedroom. Maximum requirement of 3 spaces per dwelling unit.
Public Assembly Facilities providing for seated audiences (churches, theatres, auditoriums, etc.,)	1 space for every 4 seats based on the maximum capacity of the facility.
Commercial Lodging (hotels, motels, tourist homes, etc.)	1.25 space for every rental unit, less than or equal to 400 square feet; and 2.25 for every rental unit more than 400 square feet; additional uses on site subject to conditional use and one space for every three (3) persons of the maximum capacity of each public meeting and/or banquet room.
Nursing Homes, Convalescent Homes, Community Based Residential Facilities (CBRF) and Elderly Assisted Living Facilities.	1 space for every 3 beds plus 1 space for each staff member employee for the work shift with the highest number of employees.
Clinics	5 spaces for every practitioner on the staff and one (1) space for each employee for the work shift with the highest number of employees.
Industrial Uses A. Manufacturing, Processing, Fabrication and Storage Operations B. Big Box Retail Business C. Warehouse	1 space for every 300 sq. ft of GFA
Commercial Office Buildings	1 space for every 300sq. ft. of GFA*
Retail Stores, Shopping Centers, Big Box Retail	1 space for every 300-sq. ft. of GFA,*
Customer Service Establishments	1 space for every 250-sq. ft. of GFA*
Restaurants, Taverns, Clubs, etc. **	1 space for every 2.25 seats;
Planned Shopping Centers	1 space for every 200-sq. ft. of GFA*
Commercial Recreation: Indoor (other than theaters) up to 10,000 square feet	1 space for every 200-sq. ft. of GFA*
Indoor Recreation in excess of 10,000 sq. ft	Conditional use permit required
Outdoor Recreational Facilities	Conditional Use Permit required
Any unspecified use	Conditional Use Permit required

\* Gross Floor Area (GFA)

58.07 Modified and Amended Ordinance 17-003 Passed 2/27/17 Published 3/4/2017

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