

STATE OF WISCONSIN  
WAUKESHA COUNTY  
VILLAGE OF BUTLER

ORDINANCE 18-02

**Ordinance Repealing and Recreating Section 32-76 of the Village of Butler Municipal Code  
with regard to Front and Side Yard Parking in Residential and Business Districts.**

**WHEREAS**, the Village Board of the Village of Butler, Waukesha County ordains that the following sections of the Municipal Code are hereby repealed, recreated, or amended to read;

**Section One: Sec. 32-76      Front and Side Yard Parking in Residential and Business Districts.**

- (a) Purpose. It is recognized that uncontrolled residential off-street parking, specifically in residential front and street side yards, is a public nuisance. The purpose of this section is to provide for the regulation of residential off-street parking and to specify the requirements for residential off-street parking as they pertain to the appearance and the health, safety and welfare of the village.
- (b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Business Districts means any commercial building or property in any B-1, M-1, M-2, M-2A, M-3 zones as set forth in Article III of Chapter 54, Zoning.

Drive apron means the connection between a driveway and the travelled portion of a street, in the public right-of-way, including any sidewalk area abutting thereon.

Driveway means an improved surface maintained for motor vehicle access and parking. The surfaces include those located from street entrance to garage or parking area, and those used specifically for circular turnaround or circular through traffic.

Improved surface means a surface of concrete, asphalt, or other material, other than grass, such as crushed rock, gravel or other materials, laid over subsoil, which provides a hard driving surface, resists rutting, provides for sufficient water runoff and is graded and drained to dispose of all surface water.

Motor vehicle means a vehicle is defined by Wis. Stats. § 340.01.

Parking pad means an improved surface which is not a driveway or drive apron, connected to a driveway upon which vehicles are parked.

Residential means any single- or two-family dwelling in any residential district, or any dwelling formerly single- or two-family in any district which has been converted to a rooming or lodging house.

- (c) Parking restricted; variance. The parking of any motor vehicle within the front yard or street side yard shall be on a driveway or parking pad. Driveways and parking pads shall comply with all village building and zoning regulations. No parking pad shall be allowed in the front yard or street side yard except that in a licensed manufactured home park, a parking pad for a maximum of two vehicles shall be allowed in the front yard. The board of zoning appeals may grant a variance from this requirement in circumstances where sufficient space is neither available in any side yard, which is not a street side yard, or in the rear yard, upon the terms and conditions as the board requires; provided, however, that the parking pad be shielded from the street by landscaping, hedges or decorative fencing.
- (d) Setbacks; variance. On residential and business/commercial lots, the required front yard setback, and the required street side yard setback on any corner lot, shall not be considered a part of the permitted parking area but shall be landscaped, except that motor vehicle parking shall be permitted in a legal driveway or garage. The board of zoning appeals may grant a variance from this requirement upon the terms and conditions as the board requires, in circumstances where sufficient space is neither available in any side yard, which is not a street side yard, or in the rear yard.

Section Two: Severability: In the event that any provision of this Ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portions of this Ordinance shall be deemed separate, distinct and independent provisions of the Ordinance and all remaining portions of this Ordinance shall remain in full force and effect.

Section Three: All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby to such extent repealed.

Section Four: This ordinance shall take effect and be in force after its passage and posting pursuant to law.

**PASSED** and **ADOPTED** by the Village Board of the Village of Butler, Waukesha County, Wisconsin, this the 21<sup>st</sup> day of February, 2018.

VILLAGE OF BUTLER

By:   
Patricia Tiarks, President

ATTEST:

  
Kayla Chadwick, Village Administrator/Clerk  
Ord 18-02