



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 16-035

**AN ORDINANCE AMENDING FIGURE 5.01 (1) OF THE VILLAGE ZONING ORDINANCE ENTITLED *RURAL, OPEN SPACE AND RESIDENTIAL DISTRICT LOT DIMENSION AND INTENSITY STANDARDS*.**

WHEREAS, the Village of Weston is authorized to prepare, amend and adopt a zoning ordinance under Wis. Stat. §§ 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, Village Staff has requested an amendment to Figure 5.01(1): Rural, Open Space and Residential District Lot Dimension and Intensity Standards to allow for an increase in the maximum accessory structure floor area to be increased to 2,500 square feet on parcels exceeding 10 acres; 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 August 8, 2016, 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, do ordain as follows:

SECTION 1: Figure 5.01(1) of the Village of Weston Ordinances entitled *Rural, Open Space and Residential District Lot Dimension and Intensity Standards* is hereby amended to provide as attached hereto as Exhibit A.

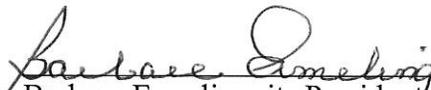
SECTION 2: The amendment effectuated by this Ordinance shall apply within the municipal limits of the Village and within its extraterritorial zoning jurisdiction in the Town of Weston.

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 15<sup>th</sup> day of August, 2016.

WESTON VILLAGE BOARD

By:   
Barbara Ermeling, its President

Attest:

  
Sherry Wenkauf, its Clerk

APPROVED: 8/15/16

PUBLISHED: 8/18/16

Figure 5.01(1): Rural, Open Space and Residential District Lot Dimension and Intensity Standards

Zoning District	Minimum Lot Area	Minimum Lot Width (ft)	Minimum Public Street Frontage (ft)	Maximum Total Building Coverage	Maximum Accessory Structure Floor Area (sf) (a)	Minimum Landscape Surface Ratio (LSR)
FP Farmland Preservation	20 acres	300	100	N/A	N/A	N/A
AR Agriculture and Residential	20 acres(f)(g)	300(f)	100	N/A	1,600 <sup>(h)</sup>	N/A
RR-2 Rural Residential 2 Acres	2.0 acres	150	80	20%	1,600	N/A
RR-5 Rural Residential 5 Acres	5.0 acres	200	80	20%	1,600 <sup>(h)</sup>	N/A
PR Parks and Recreation	N/A	N/A	N/A	10%	N/A	75%
SF-L Single Family – Large Lot	20,000 sf	100	50	30%	1,000	50%
SF-S Single Family – Small Lot	10,000 sf	80	40	40%	800	40%
2F Two Family Residential (c)	10,000 sf	80 (b)	40	40%	800	40%
MF Multi Family Residential (d)	3,000 sf/dwelling unit	100 (b)	40	40%	10% of Lot Area	30%
MH Manufactured Home	5,000 sf/home (e)	50	N/A	40%	350	30%

(a) Maximum Accessory Structure floor area may be increased by site plan approval under Section 94.16.09 and per the standards in Section 94.4.09(2).  
 (b) For zero lot line structures, each separate lot must be at least 50 feet in width.  
 (c) Single-Family Detached Residences within the 2F district shall comply with the SF-S district requirements.  
 (d) Single-Family Detached Residences within the MF district shall comply with the SF-S district requirements. Two-family Residences within the MF District shall comply with 2F district requirements.  
 (e) Total area of each “Manufactured Home Community” shall be a minimum of 10 acres.  
 (f) Instead of a ~~20-20~~-acre minimum lot size, land in the AR district may be developed at a density of one residential lot per 20 acres and a minimum lot size of 2.0 acres and minimum lot width of 150 feet. See Section 94.5.08 for further description and method of calculation for regulating at a one residential lot per ~~20-20~~-acre density in the AR district.  
 (g) Parcel size in the AR district to be calculated based on gross acreage, including roads and navigable waters within the deeded parcel. Each such parcel meets the 20 acre minimum, even if net acreage is less than 20 acres following the removal of roads and navigable waters, if such removal does not reduce the gross acreage by greater than 15% for corner parcels or 10% for all other parcels.  
 (h) Maximum Accessory Structure Floor Area is increased to 2,500 square feet on parcels that exceed 10 acres.

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[Amended via Ord. 15-022, 10/21/2015; Ord. 16-014, 4/20/2016]

## Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted on August 15, 2016, the following Ordinances:

1. Ordinance No: 16-032 An Ordinance Creating Section 94.4.10(14) of the Zoning Ordinance Entitled Temporary Asphalt, Batch or Concrete, Stone Crushing and/or Processing Operations and adding the new temporary land use category within the Charts Displayed in Figures 3.04 and 3.05 of the Village Zoning Ordinance.
2. Ordinance No. 16-034 An Ordinance Amending Section 94.4.09(2) of the Zoning Ordinance Entitled Detached Accessory Structure (For Residential Use).
3. Ordinance No. 16-035 An Ordinance Amending Figure 5.01(1) of the Village Zoning Ordinance Entitled Rural, Open Space and Residential District Lot Dimension and Intensity Standards.
4. Ordinance No. 16-036 An Ordinance Amending Section 94.3.05: Figure 3.05 of the Village Zoning Ordinance Entitled Allowable Uses in Non-Residential and Mixed Use Zoning Districts.
5. Ordinance No. 16-037 An Ordinance Creating Section 94.16.18(5) of the Zoning Ordinance Entitled Parkland Fees.

The full text of 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/499/Adopted-Ordinances>.

Dated this 18<sup>th</sup> day of August, 2016  
Sherry Weinkauff, Village Clerk

Published: 8/18/16

**Village of Weston, Wisconsin  
AGENDA ITEM COVERSHEET  
Requested for Official Consideration and Review**

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REQUEST FROM: **JENNIFER HIGGINS; DIRECTOR OF PLANNING AND DEVELOPMENT  
JARED WEHNER; ASSISTANT PLANNER**

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ITEM DESCRIPTION: **ORDINANCE NO. 16-035 AN ORDINANCE AMENDING FIGURE 5.01 (1) OF  
THE VILLAGE ZONING ORDINANCE ENTITLED RURAL, OPEN SPACE  
AND RESIDENTIAL DISTRICT LOT DIMENSION AND INTENSITY  
STANDARDS.**

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DATE/MTG: **BOARD OF TRUSTEES; MONDAY, AUGUST 15, 2016**

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POLICY QUESTION: Should the Board of Trustees approve the amendment to the zoning ordinance as  
proposed by the Plan Commission/ETZ Committee?

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RECOMMENDATION TO: I make a motion to approve Ordinance No. 16-035.

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LEGISLATIVE ACTION:

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|---|---|---------------------------------------|
| <input checked="" type="checkbox"/> Acknowledge/Approve | <input checked="" type="checkbox"/> Ordinance | <input type="checkbox"/> Proclamation |
| <input type="checkbox"/> Administrative Order           | <input type="checkbox"/> Policy               | <input type="checkbox"/> Reports      |
| <input type="checkbox"/> Expenditure                    | <input type="checkbox"/> Procedure            | <input type="checkbox"/> Resolution   |
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FISCAL IMPACT ANALYSIS:

- |  |     |
|--|-----|
| <input type="checkbox"/> Budget Line Item:     | N/A |
| <input type="checkbox"/> Budget Line Item:     | N/A |
| <input type="checkbox"/> Budgeted Expenditure: | N/A |
| <input type="checkbox"/> Budgeted Revenue:     | N/A |
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STATUTORY / RULEMAKING / POLICY REFERENCES:

- |   |            |
|---|------------|
| <input type="checkbox"/> WI Statute:                | _____      |
| <input type="checkbox"/> WI Administrative Code:    | _____      |
| <input type="checkbox"/> Case Law / Legal:          | _____      |
| <input checked="" type="checkbox"/> Municipal Code: | Chapter 94 |
| <input type="checkbox"/> Municipal Rules:           | _____      |
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PRIOR REVIEW: Public Hearing – 8/8/16 PC/ETZ Meeting

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BACKGROUND: After working with the new zoning code for over a year, it has been determined by staff Sec. 94.4.09(2) does not adequately address the regulations needed for detached accessory structures (for residential use) in the Village and Town. We are proposing Ordinance 16-034 to address this deficiency and the attached ordinance is needed to amend the corresponding chart in Figure 5.01(1). The Plan Commission/ETZ recommended this ordinance for approval as presented. If Ordinance amendment 16-034 is adopted, Staff recommends the Board also approve this amendment (Ordinance 16-035).

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Attachments – Ord. No. 16-035

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