



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

**ORDINANCE NO. 16-034**

**AN ORDINANCE AMENDING SECTION 94.4.09(2) OF THE ZONING ORDINANCE ENTITLED *DETACHED ACCESSORY STRUCTURE (FOR RESIDENTIAL USE)*.**

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. 94.4.09(2) does not adequately address the regulations needed for detached accessory structures (for residential use) in the Village and Town; and

WHEREAS, Village Staff is proposing amendments to Chapter 94 Zoning to provide regulations detached accessory structures (for residential use); 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, does ordain as follows:

SECTION 1: Chapter 94 Zoning Ordinance is hereby amended to provide as follows:

**Section 94.4.09: Accessory & Miscellaneous Land Use Types**

**(2) Detached Accessory Structure (for Residential Use).**

An accessory structure serving a residential principal land use and building (e.g., a house or apartment building), but not attached to the principal building. Includes detached residential garages (including those including carports) designed primarily to shelter parked passenger vehicles; utility sheds used primarily to store residential maintenance equipment for the same property; private recreation structures such as gazebos, and detached elevated decks or walkways associated with residential uses. All structures that are utilized for Agricultural Land Use Types (as listed in Section 94.4.03), that exceed 2,000 square feet in floor area, are within the rural and open space zoning districts, and are on parcels over 10 acres in area shall instead be regulated as a principal structure, and not as a “Detached Accessory Structure.”

**Performance Standards:**

1. Each lot within a residential zoning district or RR-2 district shall contain no more than:
  - a. One detached garage, except where approved by the Plan Commission for a multi-family residential development.
  - b. One utility shed or similar building as determined by the Building Inspector, except that Two-Family Residences shall be permitted one utility shed per unit
  - c. One gazebo, detached elevated deck or walkway, or similar Detached Accessory Structure (for Residential Use) as determined by the Building Inspector.
2. Each parcel within a rural and open space zoning district, except if zoned RR-2, shall contain no more than 5 Detached Accessory Structures (for Residential Use).
3. No Detached Accessory Structure (for Residential Use) shall be constructed on any lot prior to establishment of a principal use on that same lot.
4. Except within the AR Agriculture and Residential zoning district, no hoop building shall be a permitted as a Detached Accessory Structure (for Residential Use), except on a temporary basis for a maximum of five consecutive days within a 30-day period for a special event such as a sale on the property following issuance of a temporary use permit.
5. Each Detached Accessory Structure (for Residential Use) with an exterior door or opening greater than 6 feet in width shall be serviced by a drive which is connected to a public road right-of-way. All driveways are subject to associated standards under Section 94.12.08.
6. The exterior walls of each Detached Accessory Structure (for Residential Use) shall be sided with wood, masonry, concrete, stucco, Masonite, horizontal vinyl or metal lap siding (except vertical siding allowed in all rural and open space zoning districts aside from RR-2, or similar material approved by the Zoning Administrator. The exterior siding shall extend to the top of the foundation. If the top of the foundation is below grade, the siding shall extend to the ground.
7. Roofs of Detached Accessory Structure (for Residential Use) shall be surfaced with any of the following materials: wood shakes; asphalt, composition, or wood shingles; clay, concrete or metal tiles; slate; built-up gravel materials; architectural standing seam metal roofing; hidden fastener metal roofing; rubber membrane (for flat roofs or roofs with no greater than a 1:12 pitch); or similar material approved by the Zoning Administrator.
8. Pole or ladder constructed buildings shall be permitted only within rural and open space zoning districts, except for the RR-2 district, and shall be subject to subsections 5. and 6. of this section.
9. No Detached Accessory Structure (for Residential Use) shall involve or include the conduct of any business, trade, or industry, except for home occupations and residential businesses as described and limited elsewhere in this Article 4.

10. No Detached Accessory Structure (for Residential Use) shall be occupied as a dwelling unit or otherwise used for human habitation, unless it has first been approved for such use by the Building Inspector and meets all applicable code requirements for a dwelling.
11. No Detached Accessory Structure (for Residential Use) shall occupy any portion of the minimum required front setback for principal structures in the zoning district.
12. No Detached Accessory Structure (for Residential Use) shall be located closer than 10 feet from any other building on the lot.
13. See Figures 5.01(1) and 5.01(2) for other setback, floor area, and coverage standards associated with Detached Accessory Structures in residential zoning districts. Maximum floor area and total building coverage shall not exceed the maximums set forth in Figure 5.01(1), except where all of the following standards for the Detached Accessory Structure are met:
  - a. Not taller or have more floors above ground level than the principal building.
  - b. Has a similar roof slope and overhang width as the principal building. If the principal building has multiple roof slopes and/or overhang widths, the roof slopes and widths of the accessory structure shall reflect those principal building roof characteristics that are most visible from the public street.
  - c. Shingles or other roof surface shall be of a similar material and color as the roof surface of the principal building.
  - d. Siding shall be of a similar material and color as the siding on the principal structure, except that where the siding on the principal structure is stone or brick, another compatible material may be selected.
  - e. May not be located further toward the front lot line than the principal building.
  - f. Shall meet all setback requirements normally applicable to principal buildings.
14. Where the Plan Commission approves one or more detached garages associated with a Multiple-Family Residence:
  - a. No such garage shall be located between any residential building and the public street right-of-way.
  - b. Each garage shall be screened from such rights-of-way via decorative fences, walls, buildings, landscaping, or some combination.
  - c. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting any residentially zoned property.
  - d. The development shall include other amenities to compensate for the visual impact and loss of green space associated with the detached garage(s), such as a playground, clubhouse, or other recreational amenity geared to the needs of the expected residents and stormwater management and infiltration approaches exceeding normal requirements.

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.

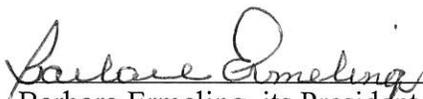
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SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

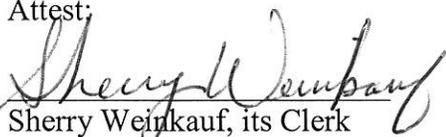
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Dated the 15<sup>th</sup> day of August, 2016

WESTON VILLAGE BOARD

By:   
Barbara Ermeling, its President

Attest:

  
Sherry Weinkauff, its Clerk

APPROVED: 8/15/16

PUBLISHED: 8/18/16

## 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. 16-034 AN ORDINANCE AMENDING SECTION 94.4.09(2)  
OF THE ZONING ORDINANCE ENTITLED *DETACHED ACCESSORY  
STRUCTURE (FOR RESIDENTIAL USE)*.**

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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. 16-034.

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LEGISLATIVE ACTION:

- |   |   |                                       |
|---|---|---------------------------------------|
| <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 Statue:                 | _____      |
| <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. This ordinance amendment is being done to address this deficiency. The PC and ETZ recommended approval of the ordinance. A few minor changes were made since the hearing by MDRoffers to make the ordinance consistent with the current zoning code in regards to capitalization, wording used and definitions. Staff recommends approval as presented.

Attachments – Ord. No. 16-034

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

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

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**ITEM DESCRIPTION: ORDINANCE NO. 16-034 AN ORDINANCE AMENDING SECTION 94.4.09(2)  
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**DATE/MTG: PLAN COMMISSION/ETZ COMMITTEE; MONDAY, AUGUST 8, 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 endorse approval, and recommend to the Trustees.**

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**LEGISLATIVE ACTION:**

- |   |                                    |                                       |
|---|------------------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> Acknowledge/Approve | <input 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 Statue:                 | _____      |
| <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: None**

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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. This ordinance amendment is being done to address this deficiency. Staff recommends the PC approve the amendment and forward on to the Board of Trustees for final consideration and approval.

Attachments – Ord. No. 16-034