

**VILLAGE OF WESTON, WISCONSIN
AGENDA ITEM COVER SHEET**

MTG/DATE: Plan Commission, June 12, 2017

FROM: Jennifer Higgins, Zoning Administrator

DESCRIPTION: Ordinance 17-015: to limit front yard placement of accessory structures and setting additional standards for said circumstances, referencing the definitions of detached garage, utility shed, gazebo and carport, establishing roof load standards, driveway requirements, requirements for the MH district and a code reference.

ACTION:	<input checked="" type="checkbox"/> Approve	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Proclamation
	<input type="checkbox"/> Deny	<input type="checkbox"/> Policy	<input type="checkbox"/> Report
	<input type="checkbox"/> Expenditure	<input type="checkbox"/> Procedure	<input type="checkbox"/> Resolution

QUESTION:
Should the Plan Commission recommend the approval of Ordinance 17-015 to the Board of Trustees as written to limit front yard placement of accessory structures and setting additional standards for said circumstances, referencing the definitions of detached garage, utility shed, gazebo and carport, establishing roof load standards, driveway requirements, requirements for the MH district and a code reference.?

BRIEF:
In working with the new zoning code, Staff has found that the way it is written the code creates too much ambiguity and needs clarification. The proposal clarifies restrictions and limitations for front yard accessory structures, accessory structures within the MH zoning district and requirements for driveways servicing accessory structures.

FISCAL IMPACT: NONE

RECOMMEND: Zoning Administrator recommends approval.

REQUEST: Approve Ordinance 17-015

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- Amendment to Zoning Regulation (Text Amendment) Determination
 - Draft Ordinance Number 17-015



AMENDMENT TO ZONING REGULATION (TEXT AMENDMENT) DETERMINATION
PLANNING AND DEVELOPMENT
PLAN COMMISSION / JOINT TOWN & VILLAGE EXTRATERRITORIAL ZONING COMMITTEE
BOARD OF TRUSTEES

Ordinance No.: **17-015** Hearing Date: **June 12, 2017**

Applicant: **Jennifer Higgins, Zoning Administrator, Village of Weston**

Title: **An amendment to Section 94.4.09(1) and (2): to limit front yard placement of accessory structures and setting additional standards for said circumstances, referencing the definitions of detached garage, utility shed, gazebo and carport, establishing roof load standards, driveway requirements, requirements for the MH district and a code reference.**

Purpose: **As the current code is written, the sections governing accessory structures are not clear and are in need of refined definitions and performance standards.**

The Department of Planning and Development, Plan Commission and Board of Trustees of the Village of Weston, pursuant to the Village of Weston Zoning Code, Article 16 Processes, Section 94.16.02 Amendments to Zoning Regulations (Text Amendments), hereby makes the following findings and evaluation:

DETERMINATION:

1. Is the proposed text amendment consistent with the Comprehensive Plan, as is required by Wisconsin Statutes?
Yes, the proposed changes coincide with the objectives within the Land Use element of the Comprehensive Plan
 2. Does the proposed text amendment further the purposes and intent of this Chapter and section to which the amendment is proposed?
Yes, this section continues to promote better construction of accessory structures and makes the code easier for residents and contractors to understand.
 3. Does the amendment address any of the following deficiencies or omissions as compared to the current language of this Chapter?
 1. A change has occurred in the land market, or other factors have arisen that require a new form of development, a new type of land use, or a new procedure to meet said change(s).
 2. New methods of development or providing infrastructure make it necessary to alter this Chapter to meet these new factors.
 3. Changing governmental finances require amending this Chapter in order to meet the needs of the government in terms of providing and affording public services.**4. There is an error or internal inconsistency in this Chapter.**
 4. Does the proposed amendment maintain the desired compatibility with allowable land uses, land use intensities, and impact on resources of the affected zoning district(s)?
Yes, there is not any impact on the allowable land uses, intensities or resources in any of the zoning districts.
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BACKGROUND INFORMATION:

Staff finds that current requirements for accessory structures is too vague in some cases and needs to be further clarified to make it easier for staff to make determinations as well as for residents/contractors to understand. The changes will also lift the driveway requirement from some projects; requirements for accessory structures constructed in the front yard; and requirements for accessory structures in the MH zoning district.

Plan Commission Determination on 4/10/17:	Approve / Deny
ETZ Determination on 4/10/17:	Approve / Deny
Board of Trustees Determination on 4/17/17:	Approve / Deny



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 17-015

AN ORDINANCE TO AMEND SECTIONS 94.4.09(1) AND (2) TO LIMIT FRONT YARD PLACEMENT OF ACCESSORY STRUCTURES AND SETTING ADDITIONAL STANDARDS FOR SAID CIRCUMSTANCE, REFERENCEING THE DEFINITIONS OF DETACHED GARAGE, UTILITY SHED, GAZEBO AND CARPORT, ESTABLISHING ROOF LOAD STANDARDS, DRIVEWAY REQUIREMENTS AND A CODE REFERENCE.

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. 94.04.09(1) does not adequately address the regulations needed for detached accessory structures (for non-residential use) requirements in the Village and Town; and

WHEREAS, in administering this new Chapter 94, Village staff has found Sec. 94.04.09(2) does not adequately address the regulations needed for detached accessory structures (for residential use) requirements in the Village and Town; and

WHEREAS, Village Staff is proposing amendments to Chapter 94 Zoning to clarify the regulations for detached accessory structures for both residential and non-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 June 12, 2017, 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:

(1) Detached Accessory Structure (for Non-residential Use).

An accessory structure serving a non-residential principal land use and building (e.g., an industry or commercial service use), but not attached to the principal building.

Performance Standards:

1. Any such structure exceeding 2,000 square feet or the maximum height for an accessory structure established in Figures 5.04(2) and 5.05(2) shall be regulated as a principal structure.
2. No Detached Accessory Structure (for Non-residential Use) shall be constructed on any lot prior to establishment of a principal use on that same lot, unless otherwise stated in this Chapter.
3. Each Detached Accessory Structure (for Non-residential Use), shall be designed to withstand a minimum of a 40-pounds per square foot of snow load.
4. See Figures 5.02(1) and 5.02(2) for setback, floor area, and coverage standards associated with Detached Accessory Structures in non-residential zoning districts.
5. Except within an agricultural zoning district, no hoop building or structure of similar design shall be permitted as a Detached Accessory Structure (for Non-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 or on the property following issuance of a temporary use permit.
6. No Detached Accessory Structure (for Non-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 meet all applicable code requirements for a dwelling of the State for a dwelling and under Section 94.4.09(8).
7. Each Detached Accessory Structure (for Non-residential Use) shall meet associated building and site design standards in Section 94.10.03.

(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 and carports (where permitted designed primarily to shelter parked passenger vehicles, utility sheds as defined in Section 94.17.04, 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 a rural and open space or RM zoning district, and are on parcels over 10 acres in area shall instead be regulated as a principal structure, and not as a “Detached Accessory Structure.”

Figure 4.09(2): Detached Accessory Structure (for Residential Use) Allowance

Principal Land Use	Zoning District	Structure Type ¹
Single Family Detached Dwelling ²	RM, AR and RR-5	5 or less Detached Accessory Structures (for Residential Use) ³
	SF-S, SF-L, 2F, MF and RR-2	1 Detached Garage; and 1 Utility Shed; and 1 Gazebo
Two Family Dwelling ⁴	2F and MF	1 Utility Shed per Housing Unit
Manufactured Home	MH	1 Utility Shed ⁵ and 1 Carport ⁶ ; or 1 Detached Garage ⁷

¹ The terms detached garage, utility shed, gazebo and carport are defined in Section 94.17.04.

² Single Family Dwellings that are a legal non-conforming use within any other zoning district shall follow the regulations listed above and within this section for the SF-S zoning district.

³ Except where approved by the Plan Commission as part of an approved site plan.

⁴ Two Family Dwellings that are a legal non-conforming use within any other zoning district shall follow the regulations listed above and within this section for the 2F zoning district.

⁵ Utility Sheds within the MH zoning district shall not be greater than 144 square feet in floor area with a 5-foot building separation.

⁶ Carports within the MH zoning district shall not be greater than 200 square feet in floor area with a maximum width of 10 feet.

⁷ Detached garages within the MH zoning district shall not be greater than 344 square feet in floor area with a maximum width of 14 feet and a building separation to the accompanied home of 5 feet and 10 for all other structures.

Performance Standards:

1. No Detached Accessory Structure (for Residential Use) shall be constructed on any lot prior to establishment of a principal use on that same lot.
2. Except within the AR and RM zoning districts, no hoop building, tarp shed, or carport 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.
3. Each Detached Accessory Structure (for Residential Use), including those permitted under standard 2, shall be designed to withstand a minimum of a 40-pounds per square foot of snow load.
4. All driveways built to serve Detached Accessory Structures (for Residential Use) are subject to associated standards under Section 94.12.08. Each Detached Accessory Structure (for Residential Use) shall be served by a driveway connected to a public road if used to shelter a motor vehicle or trailer, or where vegetative ground cover to an overhead door cannot be maintained in the determination of the Zoning Administrator or Building Inspector.
5. 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 RM and 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.
6. 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.
7. Pole or ladder constructed buildings shall be permitted only within the RM and rural and open space zoning districts, except for the RR-2 district, and shall be subject to subsections 5. and 6. of this section.
8. 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.
9. 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 requirements of the State for a dwelling and under Section 94.4.09(8).
10. No Detached Accessory Structure (for Residential Use) shall occupy any portion between the principal structure on a residential lot and a street right-of-way, except where approved by the Plan Commission as part of an approved site plan
11. No Detached Accessory Structure (for Residential Use) shall be located closer than 10 feet from any other building on the lot, unless stated in Figure 4.09(2).
12. 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.
13. 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.
 - a. 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.

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

Dated the 19th day of June, 2017

WESTON VILLAGE BOARD

By: _____
Barbara Ermeling, its President

Attest:

Sherry Weinkauff, its Clerk

APPROVED: _____

PUBLISHED: _____