



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, or 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) Allowances

Principal Land Use	Zoning District	Maximum Permitted Type and Quantity of Detached Accessory Structure ¹	Minimum Distance from Other Buildings ²
Single-Family Detached Residence	RM, AR and RR-5	Maximum of five ³	30 feet
	Any other zoning district	1 Detached Garage; and 1 Utility Shed; and 1 Gazebo	10 feet
Two-Family Residence	Any district where principal building located	1 Utility Shed per Housing Unit	10 feet

Multi-Family Residence	Any district where principal building located	*As approved through Site Plan Procedures	10 feet
Manufactured Home or Mobile Home	MH	1 Utility Shed ⁴ and 1 Carport ⁵ or 1 Detached Garage ⁶	5 feet from the accompanying home and 10 feet from all other buildings
<p>¹ The terms detached garage, utility shed, gazebo and carport are defined in Section 94.17.04.</p> <p>² See Figures 5.01(1) and 5.01(2) for maximum floor areas, maximum lot coverage, minimum property line setbacks, and maximum heights relating to detached accessory buildings.</p> <p>³ Except where approved by the Plan Commission as part of an approved site plan.</p> <p>⁴ Each Utility Shed within the MH zoning district shall not be greater than 144 square feet in floor area with a 5-foot building separation.</p> <p>⁵ Each Carport within the MH zoning district shall not be greater than 200 square feet in floor area with a maximum width of 10 feet.</p> <p>⁶ Each Detached Garage within the MH zoning district shall not be greater than 344 square feet in floor area with a maximum width of 14 feet.</p>			

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. The roof of 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, or similar material approved by the Zoning Administrator. Vertical siding is also allowed in all RM and rural and open space zoning districts aside from RR-2. All 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 Structures (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 portion of a Detached Accessory Structure (for Residential Use) shall occupy any land between the principal building 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. See Figures 5.01(1) and 5.01(2) for other setback, floor area, building height, 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 as allowed by a conditional use permit, subject to the procedures in Section 94.16.06 and 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 building, except that where the siding on the principal building 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 per Figure 5.01(2).
12. For Multi-Family Residences, one or more detached garage may be allowed by a conditional use permit, subject to the procedures in Section 94.16.06 and all of the following standards for the Detached Accessory Structure are met:
 - a. No detached garage shall be located between any residential building and the public street right-of-way.
 - b. Each detached 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, between any detached garage and the property line.
 - 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.

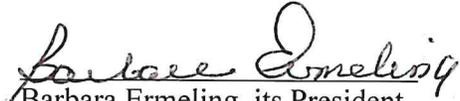
SECTION 3: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or 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.

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: 6-19-17

PUBLISHED: 6-21-17

Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted on June 19, 2017, the following Ordinances:

- 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, Referencing the Definitions of Detached Garage, Utility Shed, Gazebo and Carport, Establishing Roof Load Standards, Driveway Requirements and a Code Reference.
- Ordinance No. 17-017: An Ordinance to Amend Sections 94.12.06(3) and (4) to Establish and Clarify Standards for Parking Operable and Inoperable Motorized Vehicles in all Zoning Districts.
- Ordinance No. 17-018: An Ordinance to Amend Section 94.16.12 to Establish Criteria for the Expiration of a Variance.
- Ordinance No. 17-019: An Ordinance to Amend Section 94.17.04 to Establish Definitions for Detached Garage, Utility Shed, Gazebo and Carport.
- Ordinance No. 17-020: An ordinance to amend Figure 3.05 in Section 94.3.05 Allowable uses in Non-Residential and Mixed Use Zoning Districts, to change the land use of Outdoor Display from a conditional use to a permitted use-by-right within the B-2 zoning district.
- Ordinance No. 17-021: An Ordinance Renumbering Chapter 86 “Utilities” Renumbering Section 86.158 “Permanently Installed In-Ground Sprinkler Systems” To Section 86.2.336 “Permanently Installed In-Ground Sprinkler Systems” and Repealing and Recreating Chapter 86 “Utilities, Article IV Sewerage Utility” of the Municipal Code for the Village of Weston, Marathon County, Wisconsin.

The full text of the above 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>.

Dated this 20th day of June, 2017
Sherry Weinkauff, Village Clerk

Published: 6/21/2017

DAILY HERALD media

A GANNETT COMPANY

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Dated this 20th day of June, 2017
Shery Weinkauff, Village Clerk
RUN: June 21 WNAXLP

STATE OF WISCONSIN
BROWN COUNTY

WESTON VILLAGE OF
5500 SCHOFIELD AVE
WESTON

WI 544764333

10-01-51420-321-000
WDH recording fees
Ord 17-021 Utilities
\$5.94

I, being duly sworn, doth depose and say I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which published therein on:

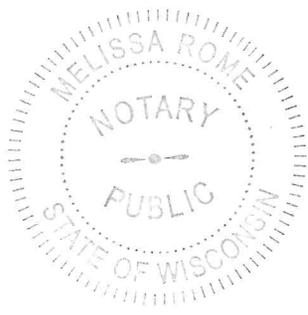
Account Number: GWM-WES425
Order Number: 0002224709
No. of Affidavits: 1
Total Ad Cost: \$35.64
Published Dates: 06/21/17

10-06-56925-321-000
WDH recording fees 17-015, 17-017
40 17-020 -ET2
\$14.85

VOUCHER APPROVAL

Account Number: 10-06-56910-321-000
Description: WDH recording fees 17-015-17-017 to 17-020-PC
Approved by: [Signature] 6/30/17
Initials Date
\$14.85

(Signed) [Signature] (Date) 6-21-17
Legal Clerk



Signed and sworn before me
[Signature]

My commission expires 1-12-2021

WESTON VILLAGE OF
Re: Ords. 17-015-17-021

VILLAGE OF WESTON
NOTICE OF PUBLIC HEARINGS



NOTICE IS HEREBY GIVEN that a public hearing will be held before the Village of Weston Plan Commission and Joint Town and Village of Weston Extraterritorial Zoning Committee, on Monday, June 12, 2017, at approximately, or shortly after, 6:00 p.m., at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476, to take testimony relative to the following amendments to Chapter 94 Zoning:

1. Ordinance No 17-014: An Ordinance to amend Section 94.4.02: Residential Land Use, To Create a Townhome Use and Performance Standards and Modify Figures 3.04 And 3.05 to Allow Said Use Within the MF Zoning District as a Permitted Use-By-Right and Within the 2F and B-1 Zoning Districts as a Conditional Use.
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These proposals have the effect of changing the allowable uses of property within the Village. The amendments to the Residential Zoning districts may affect any properties in those districts.

The hearing notice and applicable application materials are also available for public inspection on the Village of Weston website located at <http://westonwi.gov/421/Public-Hearing-Notices>. Proposed Ordinances can be found on the Village's website at <http://www.westonwi.gov/509/Proposed-Ordinances>.

Written testimony may be forwarded to the Village of Weston Plan Commission, Valerie Parker, Plan Commission and ETZ Committee Secretary, 5500 Schofield Avenue, Weston, WI 54476, or emailed to vparker@westonwi.gov, by noon on the day of the hearing. All interested persons will be given an opportunity to be heard. Any person with questions or planning to attend needing special accommodations in order to participate should call Valerie Parker, Planning Technician, Planning and Development Department, at 715-241-2607.

Dated this 25th day of May, 2017

Valerie Parker
Plan Commission and ETZ Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, May 29, 2017, Monday, June 5, 2017 and Sunday, June 11, 2017.

STATE OF WISCONSIN
BROWN COUNTY

VOUCHER APPROVAL

Account Number:

10-06-56910 - 321 - 000

Description:

June PC mtg hearing notice text amendment

Approved by

[Signature] 6/15/15
Initials Date

\$56.30

10-06-56925 - 321 - 000

June ETZ mtg hearing notice text amendment

\$56.29

VILLAGE OF WESTON
5500 SCHOFIELD AVE
WESTON

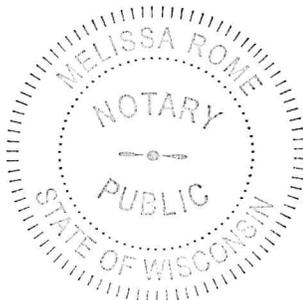
WI 544764333

I, being duly sworn, doth depose and say I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which published therein on:

Account Number: GWM-1081606
Order Number: 0002170034
No. of Affidavits: 1
Total Ad Cost: \$112.59
Published Dates: 05/29/17, 06/05/17

(Signed) [Signature]
Legal Clerk

(Date) 6-6-17



Signed and sworn before me

[Signature]

My commission expires

1-12-2021

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Valerie Parker
Plan Commission and ETZ Secretary
RUN: May 29 & June 5, 2017 WNAXLP

VILLAGE OF WESTON
Re: Ord 17-014

DAILY HERALD media

print | digital | social | mobile

A GANNETT COMPANY

STATE OF WISCONSIN
BROWN COUNTY

VILLAGE OF WESTON
5500 SCHOFIELD AVE
WESTON, WI 54476

I, being duly sworn, doth depose and say I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which published therein on:

Account Number: GWM-1081606

Ad Number: 0002193744

Cost: \$64.04

Published Dates: 6/11/17

VOUCHER APPROVAL

Account Number:

10-06-56910 - 321.000

Description: June PC/ETZ rerun of hearing notice

Approved by

JAA

Initials

8/24/17

Date

\$32.02

10-06-56925-321-000

\$32.02

(Signed):

Kenneth J. [Signature]
Legal Clerk

Date:

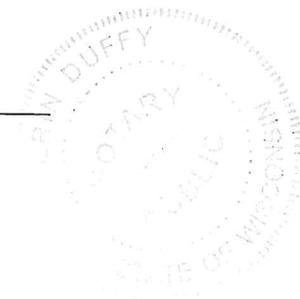
8/16/2017

Signed and sworn to before me

[Signature]

Notary Public,
Brown County, Wisconsin

My commission expires 5-25-18



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RUN: June 11, 2017 WNAXLP

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

MTG/DATE: Board of Trustees, 06/19/17

FROM: Jennifer Higgins, Director of Planning & Development/Zoning Administrator

DESCRIPTION: Ordinance 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, Referencing the Definitions of Detached Garage, Utility Shed, Gazebo and Carport, Establishing Roof Load Standards, Driveway Requirements 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 BOT approve Ordinance 17-015 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.

RECOMMEND: Director/Zoning Administrator recommends approval.

COMMITTEE: Recommendation endorsed by PC and ETZ (6/12/17)

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.

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 6/12/17:	Approve 7-0
ETZ Determination on 6/12/17:	Approve 6-0
Board of Trustees Determination on 6/19/17:	Approve / Deny (0-0)