

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, November 13, 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 amendment to Chapter 94 Zoning:

1. Ordinance No 17-034: An ordinance to rename Section 94.4.09(10) *Keeping of Farm Animals on Residential Lots* to *Keeping of Farm Animals on Residential Lots and School Sites*, amend Chapter 94 Zoning to replace the words "Section 94.4.09(10) *Keeping of Farm Animals on Residential Lots*" with "Section 94.4.09(10) *Keeping of Farm Animals on Residential Lots and School Sites*" wherever it appears in Chapter 94 and amend Figure 3.05 *Allowable Uses in Non-Residential and Mixed Use Zoning Districts* to allow said use as a conditional use within the INT Institutional zoning district.

This proposal has the effect of changing the allowable uses of property within the Village. The amendment to the Non-Residential Zoning districts may affect any properties in those districts.

2. Ordinance No 17-035: 035 An ordinance amending Section 94.4.02(1) Single-Family Detached Residence and (2) Two-Family Residence to include structures which have been altered beyond 50% of the equalized assessed value of the structure and alterations to the elements listed in the performance standards of the respected codes.
3. Ordinance No 17-036: An ordinance to amend Section 94.4.09(2) Detached Accessory Structure (for Residential Use) to exclude parcels exceeding 5 acres in area from performance standard 10.

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](mailto:vparker@westonwi.gov), by noon, on Tuesday, November 7, 2017, to be included in the meeting packet. 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 26<sup>th</sup> day of October 2017

Valerie Parker  
Plan Commission and ETZ Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, October 30, 2017, and Monday, November 6, 2017.

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

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**MTG/DATE:** Plan Commission, November 13, 2017

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**FROM:** Jennifer Higgins, Zoning Administrator

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**DESCRIPTION:** Ordinance 17-036: An ordinance amending Sections 94.4.09(2) Detached Accessory Structures (For Residential Use) to exclude parcels exceeding 5 acres in size from performance standard 10.

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

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**QUESTION:**

Should the Plan Commission recommend approval of Ordinance 17-036 amending Sections 94.4.09(2) Detached Accessory Structures (For Residential Use) to exclude parcels exceeding 5 acres in size from performance standard 10?

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**BRIEF:**

The zoning code was imposing an unnecessary requirement for lots larger than 5 acres, which requires Plan Commission to approve the construction of accessory structures that are proposed to be located between the principal structure and the right-of-way. This requirement is intended to preserve the integrity of residential neighborhoods and not rural residential lots.

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**FISCAL IMPACT:** NONE

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**RECOMMEND:** Staff recommends approval.

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**REQUEST:** Recommend Ordinance 17-036 under Public Hearing for approval to the Board of Trustees.

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- Amendment to Zoning Regulation (Text Amendment) Determination
  - Draft Ordinance Number 17-036



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

Ordinance No.: **17-036** Hearing Date: **NOVEMBER 13, 2017**

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

Title: **An ordinance amending Sections 94.4.09(2) Detached Accessory Structures (For Residential Use) to exclude parcels exceeding 5 acres in size from performance standard 10**

Purpose: **The zoning code was imposing an unnecessary requirement for lots larger than 5 acres, which requires Plan Commission to approve the construction of accessory structures that are proposed to be located between the principal structure and the right-of-way. This requirement is intended to preserve the integrity of residential neighborhoods and not rural residential lots.**

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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:**

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1. Is the proposed text amendment consistent with the Comprehensive Plan, as is required by Wisconsin Statutes?  
**Yes, the proposed changes do not impact any consistency with 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 sound neighborhood development in residential areas.**
  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 an impact on the allowable intensities within any the impacted zoning districts.**
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**BACKGROUND INFORMATION:**

The zoning code was inconsistent in readopted Section 94.4.09(2) and this change now brings this section into consistency with Article 5.

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Plan Commission Determination on 11/13/2017:

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ETZ Determination on 11/13/17:

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Board of Trustees Determination on 11/20/17:

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

**ORDINANCE NO. 17-036**

**AN ORDINANCE TO AMEND SECTION 94.4.09(2) DETACHED ACCESSORY STRUCTURES (FOR RESIDENTIAL USE) TO EXCLUDE PARCELS EXCEEDING 5 ACRES IN SIZE FROM PERFORMANCE STANDARD 10.**

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 Section 94.4.09(2)10 do not adequately address the regulations needed to regulated altered single-family detached residence structures in the Village and Town; 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 November 13, 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:

**Section 94.4.02: Residential Land Use Types**

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

**Performance Standards:**

10. In all residential, RR-2 and non-residential and mixed-use zoning districts, 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.

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 20<sup>th</sup> day of November, 2017

WESTON VILLAGE BOARD

By: \_\_\_\_\_  
Barbara Ermeling, its President

Attest:

\_\_\_\_\_  
Sherry Weinkauff, its Clerk

APPROVED: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

- b. The operation and its location in the FP district are consistent with the purposes of that district.
  - c. The operation and its location in the FP district are reasonable and appropriate, considering alternative locations outside the FP district, or are specifically approved under state or federal law.
  - d. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
  - e. The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
20. Minimum Required Off-Street Parking: one space per each employee on the largest work shift.

[Amended via Ord. 16-025, 5/18/2016]

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

**(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.”

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**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 <sup>1</sup>	Minimum Distance from Other Buildings <sup>2</sup>
Single-Family Detached Residence	FP, RM, AR and RR-5	Maximum of five <sup>3</sup>	10 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 <sup>4</sup> and 1 Carport <sup>5</sup> or 1 Detached Garage <sup>6</sup>	5 feet from the accompanying home and 10 feet from all other buildings

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

<sup>2</sup> 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.

<sup>3</sup> Except where approved by the Plan Commission as part of an approved site plan.

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> 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.

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**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. [In all residential, RR-2 and non-residential and mixed-use zoning districts,](#) ~~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.

[Amended via Ord. 16-034, 8/18/2016; Ord. 16-046, 12/21/2016; Ord. 17-015, 6/21/2017; Ord 17-026 8/23/2017]

**(3) Family Day Care Home (4 to 8 Children).**

Occupied residences in which a qualified person(s) provide child care for four to eight children. The care of less than four children is not subject to the regulations of this Chapter. See also Wis. Stat. § 66.1017(1)(a). These shall not be considered “Home Occupations” or “Residential Businesses” for purposes of this Chapter.

**(4) Intermediate Day Care Home (9 to 15 Children).**

Occupied residences in which a qualified person(s) provide child care for 9 to 15 children. See also Wis. Stat. § 48.65. These shall not be considered “Home Occupations” or “Residential Businesses” for purposes of this Chapter.

**(5) Home Occupation.**

A low-impact economic activity performed within a dwelling unit and/or its attached garage, where the principal use of the lot is the residence of the person conducting the economic activity.

**Performance Standards:**

- 1. The occupation shall be conducted only within the dwelling and/or an attached garage.
- 2. The area used to conduct the Home Occupation shall not exceed 25 percent of the improved square footage of the dwelling unit, excluding the garage, and shall not exceed 25 percent of the area of any floor.
- 3. A Home Occupation shall be undertaken only by a member of the immediate family residing on the premises.
- 4. There shall be no exterior alterations to the dwelling that change the character thereof as a dwelling, except for signage. Signage shall be as permitted for Home Occupations in Article 13.
- 5. No activity, materials, goods or equipment incidental to the Home Occupation shall be externally visible, except for one licensed car, van, or light duty truck used for the Home Occupation and external storage normally allowed for the principal residential use.
- 6. No Home Occupation shall endanger the public health and safety or interfere with the enjoyment of other parcels in the neighborhood.
- 7. No mechanical or electrical equipment may be used other than such as customarily incidental to domestic use or that creates any disturbance at the property line.
- 8. The use shall not involve the use of commercial vehicles for more than the occasional delivery of materials to or from the premises.
- 9. No Home Occupation, combined with the principal residential use of the property, shall generate more than 15 vehicle trips per day.