

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

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

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**FROM:** Jared Wehner, Assistant Planner

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**DESCRIPTION:** Ordinance 17-035: An ordinance amending Sections 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 code sections.

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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 Plan Commission recommend the approval of Ordinance 17-035 amending Sections 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 code sections?

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**BRIEF:**

This amendment fixes a deficiency in the code which does not allow for the code to enforce exterior requirements for single-family and two-family homes when the structure is existing and the owner is making improvements.

This issue was brought up in the Town when a resident proposed to install a corrugated metal roof on their home, which is not allowed for new homes. Upon further review of the code by the consultant, Mark Roffers, it was determined that the requirements listed for single family detached residence and two-family residence only pertain to new construction. These updates will not pertain when someone drastically updates their home and/or when they are modifying any of the elements listed in the performance standards.

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**FISCAL IMPACT:** NONE

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**RECOMMEND:** Staff recommends approval.

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**REQUEST:** Recommend Ordinance 17-035 under Public Hearing for approval to the Board of Trustees.

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- Amendment to Zoning Regulation (Text Amendment) Determination
- Draft Ordinance Number 17-035



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

Ordinance No.: **17-035** Hearing Date: **NOVEMBER 13, 2017**

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

Title: **An ordinance amending Sections 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 code sections.**

Purpose: **This amendment fixes a deficiency in the code which does not allow for the code to enforce exterior appearance requirements for single-family and two-family homes when the structure is existing and the owner is making improvements.**

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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:**

This issue was brought up in the Town when a resident proposed to install a corrugated metal roof on their home, which is not allowed for new homes. Upon further review of the code by the consultant, Mark Roffers, it was determined that the requirements listed for single family detached residence and two-family residence only pertain to new construction. These updates will not pertain when someone drastically updates their home and/or when they are modifying any of the elements listed in the performance standards.

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Plan Commission Determination on 8/14/17:

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ETZ Determination on 8/14/17:

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Board of Trustees Determination on 8/21/17:

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

**ORDINANCE NO. 17-035**

**AN ORDINANCE AMENDING SECTIONS 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 CODE SECTIONS.**

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 94.4.02(1) do not adequately address the regulations needed to regulate altered single-family detached residence structures in the Village and Town; and

WHEREAS, in administering this new Chapter 94, Village staff has found Section 94.4.02(2)1 do not adequately address the regulations needed for to regulated altered two-family 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**

**(1) Single-Family Detached Residence.**

A dwelling unit designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit, and located on an individual lot. The dwelling unit must be a site built structure built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or by federal law may be a manufactured dwelling (modular home) as permitted by the UDC or a manufactured home that has received a Federal Manufactured Housing Certificate label. Mobile homes that have not received a Federal Manufactured Housing Certificate label are not included within the Single-Family Detached Residence land use type.

**Performance Standards:** The following performance standards shall apply to each Single-Family Detached Residence constructed, altered beyond 50% of the equalized assessed value of the structure, or any alteration of the elements listed herein after March 18, 2015, except that any of the standards 1 through 8 may be waived or modified by conditional use permit, upon a finding that the architectural style of the proposed residence provides compensating design features and that the proposed residence will be compatible and harmonious with other residences in the vicinity.

1. Shall have minimum gross floor area of 1,000 square feet, not including an attached garage, carport, deck, porch, or unfinished basement.
2. Shall be served by a garage on the same lot of at least 400 square feet of gross floor area for each dwelling unit and meeting associated requirements in Section 94.4.09(2).
3. Shall have a roof with a pitch of at least 3 inches in height for each foot of width and an eave which extends at least 6 inches from the wall which supports the roof.
4. Each residence and attached building shall have a roof surfaced with any of the following: 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; or rubber membrane (for flat roofs or roofs with no greater than a 1:12 pitch); or similar material approved by the Zoning Administrator.
5. Each residence and attached building shall be covered with siding made of wood, masonry, concrete, stucco, Masonite, vinyl, metal lap, or similar material approved by the Zoning Administrator. Exterior siding shall extend down to the top of the foundation. If the top of the foundation is below grade, the siding shall extend to the ground.
6. Shall be placed on a finished, permanent foundation, such as a poured concrete slab or basement meeting UDC requirements. Such foundation shall not extend more than 24 inches above the exterior finished grade of the lot, except that where the grade of the lot slopes, only that portion of the foundation which is on the highest point of the lot must meet this requirement.
7. The side of any residence facing the front yard shall not be less than 24 feet in width, not including attached garages, carports, and open decks. The ratio of each residence's length to its width shall be no greater than 5 to 2. Therefore, a minimum 24-foot long residence must be at least 9 feet 7 inches wide.
8. The width of attached garages with front yard facing garage doors shall be limited to a maximum of 60 percent of the overall width of the residence as it faces the front yard.

9. May not be split into two or more dwelling units, except for “In-Home Suites” meeting the requirements of this Article.
10. If in a subdivision platted after March 18, 2015, shall meet the single-family and two-family housing variety standards in Section 94.10.02.
11. No carport may be attached to a Single-Family Detached Residence after March 18, 2015.
12. Minimum Required Off-Street Parking: 2 outdoor spaces, such as in a driveway, plus garage space(s). All motor vehicles shall be parked on a hard surface as defined in Section 94.17.04, or on a graveled surface if such surface was permitted before January 1, 2014 and completed within one year of issuance.

**(2) Two-Family Residence.**

A single structure containing two separate dwelling units, each unit having a private individual exterior access, and with no shared internal access within the building. Two-Family Residences can be constructed as attached side-by-side units each with a ground floor and roof (duplex), or as a two-story structure with one unit above the other (flats). Where side-by-side, both dwelling units may either share the same lot or be on separate lots as a “zero lot line” structure, such as that depicted in the top panel of Figure 4.02.

**Performance Standards:**

1. Each Two-Family Residence constructed, altered beyond 50% of the equalized assessed value of the structure, or any alteration of the elements listed herein after March 18, 2015 shall meet performance standards 1 through 8 in subsection (1) above, except where otherwise allowed by conditional use permit.
  1. The structure must be in compliance with the Wisconsin Uniform Dwelling Code (UDC).
  2. Where side by side, a building code-required, fire rated wall must separate the two dwelling units from the lowest level to flush against the underside of the roof.
  3. Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.
  4. The minimum gross floor area of each dwelling unit shall be 700 square feet, exclusive of attached garages, carports, and open decks/porches.
  5. If in a subdivision platted after March 18, 2015, shall meet the single-family and two-family housing variety standards in Section 94.10.02.
  6. Each unit within each new Two-Family Residence shall be served by a separate driveway, or minimum driveway width for any shared driveway shall be not less than 30 feet at the front lot line.
  7. No carport may be attached to a Two-Family Residence after July 26, 2017.
  8. Minimum Required Off-Street Parking: 2 outdoor spaces per dwelling unit, such as in a driveway, plus spaces in garage(s). All motor vehicles shall be parked on a hard surface, or on a graveled surface if such surface was permitted before January 1, 2014 and completed within one year of issuance.
  9. Zero Lot Line Structures (see Figure 4.02). For buildings containing two separate dwelling units constructed side-by-side, with each unit located on a separate lot, having a private individual exterior access, and no shared internal access within the building, the following additional standards shall apply:

- a. The duplex shall meet the front, side, and rear setbacks required for the applicable zoning district, except that the shared wall shall have no minimum setback requirement.
- b. The builder shall provide, with the zoning permit or building permit application, an agreement or covenant specifying maintenance standards for the common wall, maintenance and replacement standards for exterior surfaces of the building to maintain a neat and harmonious appearance over time, maintenance standards for any common sewer lateral and any other common features, and restrictions against construction of detached single family residences on any of the affected lots in the event either or all sides of the zero lot line construction dwelling are destroyed. Such agreement or covenant shall also provide that it may not be terminated, amended or otherwise altered without the approval of the Village Board. Such agreement shall be subject to Zoning Administrator approval, and then recorded by the builder against all affected properties prior to occupancy of the dwelling as a zero lot line structure.

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:

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Sherry Weinkauff, its Clerk

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

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