

**VILLAGE OF WESTON  
NOTICE OF PUBLIC HEARING**



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, March 13, 2023, at approximately, or shortly after, 6:00 p.m., at the Weston Municipal Center, 4747 Camp Phillips Road, Weston, WI 54476, to take testimony relative to **amending provisions within Chapter 94 of the Municipal Code, affecting detached accessory structures (for non-residential use) and temporary shelters.**

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>.

Written testimony submitted by noon on the date of the hearing to the Village of Weston Plan Commission, Valerie Parker, Plan Commission Secretary, 4747 Camp Phillips Road, Weston, WI 54476, or emailed to [vparker@westonwi.gov](mailto:vparker@westonwi.gov), will be brought to the hearing and entered into the hearing record.

All interested persons wishing to provide oral or written testimony during the Public Hearing will be given an opportunity to be heard.

Any person with questions or planning to attend needing additional special accommodation in order to participate should call Valerie Parker, Planning Technician, Planning and Development Department, at 715-241-2607.

Dated this 23rd day of February 2023

Valerie Parker  
Plan Commission and ETZ Secretary

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

**ORDINANCE NO. 23-006**

**AN ORDINANCE TO AMEND PROVISIONS WITHIN CHAPTER 94 OF THE MUNICIPAL CODE, AFFECTING DETACHED ACCESSORY STRUCTURES (FOR NON-RESIDENTIAL USE) AND TEMPORARY SHELTERS.**

WHEREAS, the Village of Weston is authorized to prepare, adopt, and amend a zoning ordinance under Wis. Stats. §§ 62.23 and 61.35; and

WHEREAS, the Village recreated Chapter 94 in March 2015 to serve as the Village's 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, the Village has determined that previous limitations on use of hoop/fabric covered buildings within certain zoning districts, locations, and applications in the Village are no longer responsive to advances in building technology and construction costs; and

WHEREAS, the Joint Town and Village of Weston Extraterritorial Zoning Committee and the Village Plan Commission held a joint public hearing on this Ordinance, on February 13, 2023, in compliance with Wis. Stat. § 62.23; and

WHEREAS, following such hearing, the Village Plan Commission has recommended enactment of the zoning ordinance amendments contained herein for applicability within the Village limits; and

WHEREAS, following such hearing, the Joint Town and Village of Weston Extraterritorial Zoning Committee has recommended enactment of the zoning ordinance amendments contained herein for applicability within the extraterritorial zoning area; and

WHEREAS, following such hearing the Village Board considered public comments and the recommendations of said Commission and Committee; and

WHEREAS, the Village Board finds the proposed amendments contained herein are 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: Figure 5.02(2) of the Village of Weston Municipal Code is hereby amended to provide as indicated within Exhibit A to this Ordinance.

SECTION 2: Section 94.4.09(1) of the Village of Weston Municipal Code is hereby amended to provide as follows:

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

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

An accessory structure with floor area serving and ancillary to a non-residential principal land use and or building(s) (e.g., an agricultural use or an industrial, institutional, or commercial service use building), but not attached to the principal building(s).

#### **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) in floor area shall meet:
  - a. be regulated as a principal structure. All principal building setback requirements in Figure 5.01(2) or 5.02(2) as applicable.
  - a.b. Building design standards in Section 94.10.03, except for a structure for fire department training, within an agricultural zoning district, and/or a hoop building per subsection 6.
2. No Detached Accessory Structure (for Non-residential Use) shall not 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 5.01(1), 5.01(2), 5.02(1), and 5.02(2) for setback, floor area, height, and coverage standards associated with Detached Accessory Structures (for in a Non-residential Use), which may vary by zoning districts.
5. Shall not 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 of the State for a dwelling and under Section 94.4.09(8).
6. Except within an agricultural zoning district, nNo hoop building or structure of similar design shall be permitted as a Detached Accessory Structure (for Non-residential Use), except where:
  - a. Used as a Temporary Shelter pursuant to Section 94.10.10 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.
  - b. Located within an agricultural zoning district.
  - c. Located within an industrial, institutional, or rural mix zoning district and meeting all of the following standards:
    - i. Attached to a finished, permanent foundation, such as a poured concrete slab or basement.
    - ii. No more than two such buildings permitted on any lot or serving any principal use.
    - iii. Combined floor area of all hoop buildings shall not exceed 15 percent of the floor area of the principal building(s) on the lot.

- iv. Shall be finished and maintained with a durable, all-weather material kept free from rips, tears, holes, seam breaks, and any other damage that substantially impairs its appearance or functionality.
- v. Shall be scaled, designed, and colored to maintain harmony with the principal building and present a finished appearance to the public and surrounding properties.
- vi. Shall not be visible from Schofield Avenue or Highway 29.
- vii. Shall be sited to present its most desirable façade(s) to adjacent public rights-of-way and residentially zoned property, if façade appearance is appreciably different by side.
- viii. Where in a yard that is adjacent to a residentially zoned property, shall provide a bufferyard meeting the requirements of Section 94.11.02(3)(d).

~~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).~~

~~Each Detached Accessory Structure (for Non-residential Use) shall meet associated building and site design standards in Section 94.10.03.~~

SECTION 3: Section 94.4.10(10) of the Village of Weston Municipal Code is hereby amended to provide as follows:

**(10) Temporary Shelter.**

Shelters that are typically supported by poles, have a fabric, metal, or vinyl roof and/or sides, and are usually used to shelter automobiles, boats, recreational vehicles, temporary sales use, and gatherings of people on a temporary basis. These structures are typically not designed for the snow loading that can occur during the winter months, but may also be a hoop building as defined in Section 94.17.04.

**Performance Standards:**

1. Shall be a permitted as a temporary use only, for a maximum of five consecutive days within a 30-day period.
2. Shall comply with Chapter 34, Fire Prevention and Protection of the Code.
3. Shall be fastened or anchored in a stable manner to the ground.
- ~~3.4.~~ Shall comply with temporary use review and approval procedures in Section 94.16.07.

SECTION 4: Section 94.10.03(1) of the Village of Weston Municipal Code is hereby amended to provide as follows:

**Section 94.10.03: Design Standards for Multi-Family and Non-Residential Buildings**

**(1) Applicability.** All new multi-family (3+ unit) residential principal buildings and non-

residential principal buildings shall meet the design requirements in this Section, with the exception of farm structures, such as barns, silos, and grain elevators, regardless building type or design. Expansion and exterior remodeling (exceeding 50 percent of the equalized assessed value of the structure at the time of the proposed project) of existing multi-family (3+ unit) residential principal buildings and non-residential principal buildings shall meet the design requirements in this Section to the extent determined practical by the applicable site plan approval authority. ~~All-Each~~ Detached Accessory Structures serving a multi-family residential principal building(s) shall meet applicable design requirements in Section 94.4.09(2). ~~All-Each~~ Detached Accessory Structures serving a non-residential principal building(s) or use shall meet applicable design requirements in Section 94.4.09(1). Each Detached Accessory Structure both serving a non-residential principal building(s) or use and exceeding 2,000 square feet in floor area shall also meet the requirements of this Section 91.10.03, except if a hoop building and/or within an agricultural zoning district.

SECTION 5: The definition of “hoop building” in Section 94.17.04 of the Village of Weston Municipal Code is hereby amended to provide as follows:

**Hoop building:** A steel or plastic framed and fabric material covered building, or a metal covered open walled structure, designed for the snow loading that can occur during the winter months. Also known as and including a hoop shed, hoop house, hoop barn, hoop shelter, canvas building, tarp shed, arch building, fabric tensioned structure, tent garage, or metal car port. ~~Not permitted outside of agricultural zoning districts, 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.~~ Does not include an “Air Dome,” which is separately defined and regulated under this Chapter.

SECTION 6: The amendments effectuated by this Ordinance shall apply within the municipal limits of the Village and within its extraterritorial zoning area in the Town of Weston.

SECTION 7: 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 8: EFFECTIVE DATE. This Ordinance shall take effect upon approval and publication.

Dated the \_\_\_\_ day of \_\_\_\_\_, 2023

WESTON VILLAGE BOARD

|

By: \_\_\_\_\_  
Mark Maloney, its President

Attest:

\_\_\_\_\_  
Pamela Brehm, its Clerk

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

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



**Exhibit A: Ordinance Amendment Described in Section 1**

**Figure 5.02(2): Non-residential District Setback and Height Standards**

| Zoning District                  | Minimum Setbacks (ft) (b)   |  |                                     |   |                            |                       | Minimum Building Separation (ft) | Maximum Building Height (stories/ft, whichever is greater) |                     |
|----------------------------------|---|--|-------------------------------------|---|----------------------------|-----------------------|----------------------------------|--|---------------------|
|                                  | <del>Principal Each</del><br>Building to Front and Street Side Lot Lines<br>(a) | Principal Building to Interior Side Lot Line | Principal Building to Rear Lot Line | Accessory Building to Interior Side/Rear Lot Line<br>(a) <del>(d)</del> | Hard or Gravel Surface (c) |                       |                                  | Principal Buildings  | Accessory Buildings |
|                                  |   |  |                                     |   | Front or Street Side       | Interior Side or Rear |                                  |  |                     |
| <b>INT Institutional</b>         | 20  | 8  | 20                                  | 3   | 15                         | 10                    | 10                               | 3/45   | <del>42/3520</del>  |
| <b>B-1 Neighborhood Business</b> | 10  | 6  | 10                                  | 3   | 10                         | 5                     | 10                               | 3/45   | 1/20                |
| <b>B-2 Highway Business</b>      | 30  | 12   | 20                                  | 6   | 15                         | 10                    | 10                               | 3/45   | 1/20                |
| <b>B-3 General Business</b>      | 30  | 12   | 20                                  | 6   | 15                         | 10                    | 10                               | 3/45   | 1/20                |
| <b>BP Business Park</b>          | 30  | 12   | 20                                  | 10  | 15                         | 10                    | 10                               | 4/60   | 1/20                |
| <b>LI Light Industrial</b>       | 30  | 12   | 20                                  | 10  | 10                         | 5                     | 10                               | <del>23/4530</del>   | <del>24/3520</del>  |
| <b>GI General Industrial</b>     | 40  | 15   | 30                                  | 10  | 10                         | 5                     | 10                               | 4/60   | 2/35                |
| <b>RM Rural Mix</b>              | 50  | 30   | 20                                  | 40  | 15                         | 10                    | 10                               | 3/45   | 2.5/35              |

(a) ~~Minimum front and street side yard setback is the same for each principal and accessory building. See Section 94.4.09(1) for standards related to detached accessory buildings located within front yard areas, minimum separation requirements associated with detached accessory structures, and other standards associated with detached accessory structures.~~

(b) Additional setbacks may be required along zoning district boundaries for bufferyards, if required for a particular land use in Article 4 or Section 94.11.02(3)(d). No interior side lot line setback for zero lot line structures.

(c) Includes all gravel and hard surfaces as defined in Section 94.17.04. This setback does not apply to intrusions for driveway and pedestrian way entrances from street; driveways, pedestrian ways, and parking lots that are shared or provide cross-access between lots; or any land inside of a fenced yard area in an industrial district.

~~(d) Front and street side yard setbacks for accessory structures as the same as the minimum front and street side setback for the principal structure.~~