

VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 25-011

AN ORDINANCE TO AMEND PROVISIONS WITHIN CHAPTER 94 OF THE MUNICIPAL CODE, AFFECTING ACCESSORY STRUCTURES, “YARD” DEFINITIONS, AND LAND USE CLASSIFICATIONS AND ALLOWANCES.

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

WHEREAS, Chapter 94 of the Village’s Municipal Code is the zoning ordinance for lands within the Village limits and portions of the Town of Weston designated as the extraterritorial zoning area; and

WHEREAS, certain standards regarding accessory uses and structures could be more responsive to recent requests and modern interests, and certain definitions including for different “yards” should be improved; 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 August 11, 2025, in compliance with § 62.23 of Wisconsin Statutes; and

WHEREAS, following such hearing, the Village Plan Commission recommended enactment of this Ordinance for applicability within the Village limits; and

WHEREAS, following such hearing, the Joint Town and Village of Weston Extraterritorial Zoning Committee recommended enactment of this Ordinance for applicability within the extraterritorial zoning area; and

WHEREAS, 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 3.04 of the Village of Weston Municipal Code [Allowable Uses in Rural, Open Space and Residential Zoning Districts] is hereby amended to relist “Home Occupation” as a permitted (“P”) use in the MF and MH zoning districts.

SECTION 2: Figure 3.05 of the Village of Weston Municipal Code [Allowable Uses in Non-Residential and Mixed Use Zoning Districts] is hereby amended to:

- List the following as permitted (“P”) land uses in all zoning districts: “Detached Accessory Structure (For Residential Use)”, “Family Day Care Home (4-8 children)”, “Home Occupation”, and “In-Home Suite”.
- Label “Intermediate Day Care Home (9-15 children)” and “Residential Business” land uses as conditional (“C”) uses in all zoning districts.

SECTION 3: Performance standard 8 in Section 94.4.02(1) of the Village of Weston Municipal Code [Single-Family Detached Residence] is hereby amended to provide as follows:

8. ~~The width of~~For attached garages with front yard facing garage doors:
- ~~Front-facing garage surface area, excluding any garage façade gable, shall not exceedbe limited to a maximum of 60-50 percent of the overall width front-facing surface area of the residence as it faces the front yard.~~
 - ~~The overhead door serving any third or greater garage stall shall be set back at least two feet from the other overhead door(s).~~

SECTION 4: Section 94.4.03(2) of the Village of Weston Municipal Code [Agricultural Land Use Types] is hereby amended to provide as follows:

(2) Agricultural-Related Use.

A facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose: providing agricultural supplies, agricultural equipment, agricultural inputs, or agricultural services directly to farms; storing, processing, or handling raw agricultural commodities obtained directly from farms; slaughtering livestock; marketing livestock to or from farms; processing agricultural by-products or wastes received directly from farms; and/or cultivating and selling farm-related products and/or services to consumers, contractors, or by wholesale. Examples of such uses include, but are not limited to, agricultural implement sales, storage, and/or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities (except those accessory to an “Agricultural Use”); commercial dairies; food processing facilities; licensed farm auction operations; canning and other food packaging facilities; commercial greenhouses, horticultural operations, and garden centers; orchard stores; agricultural waste and by-product disposal facilities (except those accessory to an “Agricultural Use”); farms regularly open for tours, demonstrations, hayrides, corn mazes, farm breakfasts, and other similar events; sawmills; de-barking operations; and chipping facilities. Not included within this land use category are plants intended to convert agricultural products to energy on a large-scale basis, Sales of Farm and Forestry Products, landscape contractors, and or any other separately listed land use in this Section.

[The performance standards in Section 94.4.03(2) remain unchanged.]

SECTION 5: Section 94.4.05(4) of the Village of Weston Municipal Code [Commercial Land Use Types] is hereby amended to provide as follows:

(4) Group Day Care Center.

A land use in which licensed persons and facilities provide child care services for nine or more children, such as day care centers, pre-schools, and nursery schools. Such land uses may be operated as a stand-alone use, or in conjunction with another principal land use on the same site such as a church, primary school, ~~business,~~ or civic organization. Any child care facility located on the same site as a principal land use, and ~~that is intended primarily reserved solely~~ for the ~~use benefit~~ of company employees ~~and their guests~~ on the same site, ~~are is~~ instead regulated as a “Company Provided On-Site Amenities” accessory use.

[The performance standards in Section 94.4.05(4) remain unchanged.]

SECTION 6: Section 94.4.09(5) of the Village of Weston Municipal Code [Accessory & Miscellaneous Land Use Types] is hereby amended to provide as follows:

(5) Home Occupation.

An ~~low-impact~~ economic activity ~~performed within~~ that is accessory to a dwelling unit and provides income for one or more occupants of the dwelling unit/or its attached garage, where the principal use of the lot ~~is~~ remains as one or more residences of including that occupied by the person conducting the economic activity.

Performance Standards:

1. The occupation shall be conducted only within the associated dwelling unit, and/or in an attached garage where not in the MF or MH district.
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~~ within the associated dwelling unit.
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 that which is~~ customarily incidental to domestic use or that creates any ~~disturbance~~ noise, odor, or vibration 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, with no commercial vehicles serving a Home Occupation in the MF or MH districts permitted.

9. No occupied residence may serve as both a Home Occupation and a Family or Intermediate Day Care Home, except if approved by conditional use permit and meeting the performance standards for a Residential Business use but not within a MF or MH district.
10. No Home Occupation, combined with the principal residential use of the property, shall generate more than 15 vehicle trips per day, except that there shall be no additional vehicle trips associated with a Home Occupation in the MF or MH district.

SECTION 7: Section 94.4.09(12) of the Village of Weston Municipal Code [Accessory & Miscellaneous Land Use Types] is hereby amended to provide as follows:

(12) Company Provided On-Site Amenities.

An accessory use located on the same site (but not necessarily in the same building) as a principal land use, with such accessory use primarily intended to provide an amenity or benefit ~~reserved solely for the use of~~ company/organizational employees, their family members, and their ~~occasional~~ guests. Such accessory uses may be devoted to recreation, health, wellness, child care, training, and other similar employee, family, and guest support activities as determined by the Zoning Administrator.

Performance Standards:

1. The Zoning Administrator may ~~also~~ apply to a “Company Provided On-Site Amenities” use those performance standards in this Article that are normally applicable when such use is a principal use of a premises.
2. Companies/organizations may fill capacity of such accessory uses with patrons not affiliated with on-site employees, but these patrons may not comprise the majority for such use to be classified as a “Company Provided On-Site Amenities” accessory use type.
3. Such uses may require further licensing by the State.

SECTION 8: Section 94.4.10(1) of the Village of Weston Municipal Code [Temporary Land Use Types] is hereby amended to provide as follows:

(1) Temporary Outdoor Sales.

Includes the short-term display and/or sale of any items outside the confines of a permanent building. Examples of this land use include but are not limited to seasonal garden shops, tent sales, flea markets, and church sales. This category does not include “Garage, Yard, Estate, and In-Home Sales”, “Seasonal Outdoor Sales of Farm Products” (including farmers markets) or “Drive-in or Drive-Through Sales or Service.”

Performance Standards:

1. Each such use shall not exceed 120 days in any calendar year, except via Plan Commission approval of a site plan under Section 94.16.09.

2. In commercial and industrial zoning districts, the products displayed and sold outdoors shall be of the same general nature as or related to the permanent retail activity conducted on the property.
3. Within the PR district and within public parks in other zoning districts, Temporary Outdoor Sales are permitted only in conjunction with a Village approved festival or other event.
4. There shall be no evidence of the Temporary Outdoor Sales use 24 hours before or after the sales are permitted, either on-site or off-site.
5. No fireworks stands are permitted.
6. Hoop buildings and structures of similar design ~~shall be a permitted for a maximum of five consecutive days within a 30-day period,~~ shall comply with Chapter 34, Fire Prevention and Protection, and shall in non-residential and mixed-use zoning districts require a tent permit from the Fire Department.
7. The applicant and operator shall comply with temporary use review and approval procedures in Section 94.16.07. A temporary use ~~permit approval~~ shall only be issued/granted to the owner/operator of the associated permanent use of the property.
8. The applicant ~~or operator~~ shall, with each temporary use application, provide the information specified in Section 94.16.07(3), plus a layout of the activities, products, any structures to house the products; and the means to prevent any products, structures, or trash from moving or becoming dislodged by weather events ~~and additional details if requested by the Zoning Administrator.~~

SECTION 9: Section 94.4.10(8) of the Village of Weston Municipal Code [Temporary Land Use Types] is hereby amended to provide as follows:

(8) Seasonal Outdoor Sales of Farm Products.

Includes outdoor display and sales of farm products on a seasonal basis as an accessory use, including but not limited to seasonal roadside stands, farmers markets, and Christmas tree lots. Does not include seasonal (summer) garden shops, which are instead regulated as “Temporary Outdoor Sales” under subsection (1) above.

[The performance standards in Section 94.4.10(8) remain unchanged.]

SECTION 10: Figure 5.01(1) of the Village of Weston Municipal Code [Rural, Open Space and Residential District Lot Dimension and Intensity Standards] is hereby amended to:

- Increase the “Maximum Accessory Structure Floor Area” within the SF-L Single Family – Large Lot zoning district from 1,000 square feet to 1,200 square feet.
- Increase the “Maximum Accessory Structure Floor Area” within the SF-S Single Family – Small Lot district from 800 square feet to 1,000 square feet.

SECTION 11: Figure 5.01(2) of the Village of Weston Municipal Code [Rural, Open Space and Residential District Setback and Height Standards] is hereby amended to provide as follows:

- The column title “Principal Residential Building including Attached Garage” is amended to read “Principal Building (e.g., Residence) including Attached Garage”.

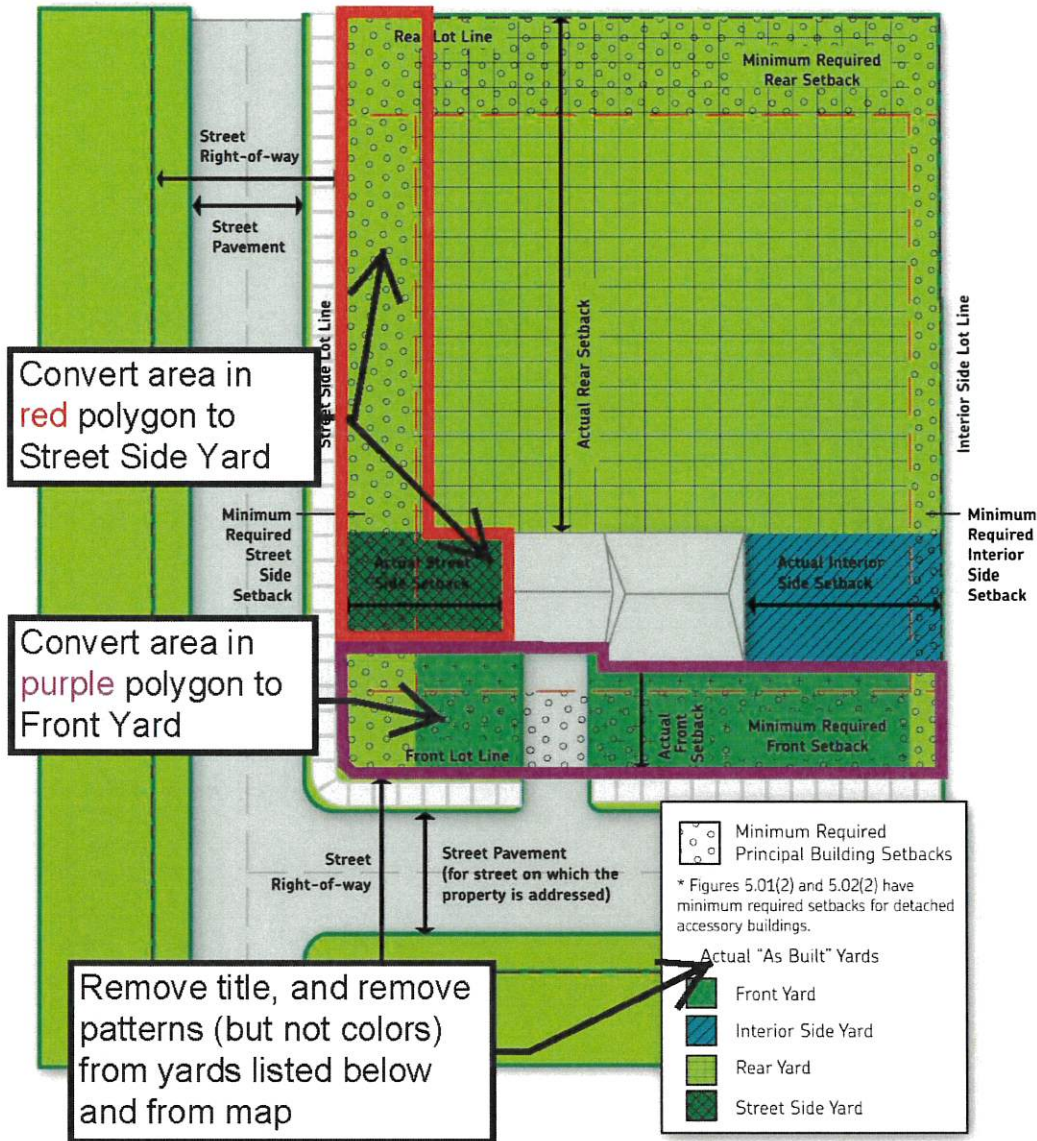
- For the 2F zoning district, the minimum street side yard setback under the “Principal Building (e.g., Residence) including Attached Garage” column is amended from 30 feet to 20 feet.
- Increase the maximum accessory building height in the SF-L, SF-S, 2F, and MF districts from 15 feet to 20 feet.
- Remove the column and all regulations associated with maximum number of floors for accessory buildings (retaining maximum accessory building height measured by feet).
- Notes (a) and (c) of this figure are amended as follows:
 - (a) Along any second street side yard, the minimum building setback shall instead be the minimum interior side yard setback. Also, Ssee Section 94.4.09(2) for standards related to detached accessory buildings located within front yard areas, minimum separation requirements associated with detached accessory buildings, and other standards associated with detached accessory structures.
 - (c) Minimum front and street side yard accessory building setbacks are equal to the minimum front and street side yard setback for the principal building, including the modification in note (a) where a lot has a second street side yard. Minimum interior side and rear setbacks for pergolas, treehouses, and similar minor recreational structures as determined by the Zoning Administrator shall be the same as applicable to minimum hard or gravel surfaces.

SECTION 12: Notes (a) and (d) of Figure 5.02(2) of the Village of Weston Municipal Code [Non-residential District Setback and Height Standards] are hereby amended to provide as follows:

- (a) Along any second street side yard, the minimum building setback shall instead be the minimum interior side yard setback. Also, See-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.
- (d) Minimum Ffront and street side yard-setbacks for accessory structures (excluding fences) asare the same as the minimum front and street side setbacks for the principal structure. Minimum interior side and rear setbacks for pergolas, treehouses, and similar minor recreational structures as determined by the Zoning Administrator shall be the same as applicable to minimum hard or gravel surfaces.

SECTION 13: Figure 5.01(3) of the Village of Weston Municipal Code [Representation of Dimensional Standards Terms on Typical Lot] is hereby amended as follows, with Village staff directed to professionally refine the graphic in the manner indicated before its insertion in the Code:

Figure 5.01(3): Representation of ~~Dimensional Standards Terms on Typical Lot~~ Yards and Minimum Setbacks



SECTION 14: Section 94.12.03(3)(c) of the Village of Weston Municipal Code [Fences, Landscape Walls, and Hedges] is hereby amended to provide as follows:

- (c) Fences for All Residentially Zoned Land, in Any RR or PR District, and for Any Residential Use Regardless of District

1. ~~Street Yard Fences.~~ The maximum height of each fence ~~or~~, wall, ~~or~~ continuous hedge shall be four feet within ~~the front and interior side yards,~~ as such yards are illustrated in Figure 5.01(3) and defined in Section 94.17.04 ~~and six feet within any side or rear yard where the associated lot line abuts a public street. In such instances, fences, walls, and hedges shall be set back a minimum of two feet from the property line abutting the public street.~~
2. ~~Interior Side and Rear Yard Fences.~~ The maximum height of each fence or wall outside of the yards described in subsection 1. ~~in the interior side and interior rear yard shall be six feet, and a~~
- 2.3. ~~No fence or wall may be installed closer than two feet from any lot line, except that any such fence or wall along an interior side lot line or a rear lot line not abutting a public street may be installed up to the property lot line.~~

SECTION 15: Section 94.15.03(4) of the Village of Weston Municipal Code [Nonconforming Uses] is hereby amended to provide as follows:

(4) Maintenance and Repair of a Nonconforming Use.

The ordinary maintenance and repair of a nonconforming use is permitted, including necessary repairs and incidental alterations that do not exacerbate the adverse impacts of the nonconforming use in relation to the intent and purpose of this chapter. Except as otherwise provided in this section, whenever a nonconforming use is damaged to the extent of more than 50 percent of the then-current equalized assessed value of the use and associated structure, such use shall not be restored except in conformity with the regulations of the district in which it is located. Notwithstanding the previous sentence, the structural repairs or alterations in a conforming structure containing a nonconforming use shall not during its lifetime exceed 50 percent of the equalized assessed value of said structure at the time of the first known structural repair or alteration, unless:

- (a) ~~The use within said structure is permanently changed to a conforming use, or;~~
- (a)(b) The use is a nonconforming Single-Family Detached Residence and the total floor area of all additions permitted after September 1, 2025 does not exceed 25 percent of the residence's floor area as of that date.

SECTION 16: The following definitions are hereby added or amended within Section 94.17.04 of the Village of Weston Municipal Code:

Greenhouse, Residential: A building accessory to a principal residential use on the same lot, devoted to the cultivation and/or protection of flowers, vegetables, or other tender plants primary intended for use, consumption, and enjoyment on the same premises.

Impervious surface: Areas designed and installed to prohibit infiltration of stormwater. Homes, buildings, and other structures, as well as hard surfaces as defined in this section are considered impervious. For the purposes of this Chapter, gravel areas, ~~and~~ areas with landscaped pavers and pervious pavement ~~that are~~ intended for vehicular traffic, and the area occupied by greenhouses and gazebos shall also be considered impervious.

Minimum setback: The narrowest distance permitted from a front, street side, interior side, or rear ~~property lot~~ line to a building or structure as specified in this Chapter. Alternatively referred to as “minimum required yard.” Figures 5.01(3) and (4) include illustrations of minimum setbacks.

Tarp shed: A structure intended for temporary outdoor shelter that is uses fabric stretched over a pole frame, which is a type of hoop building as separately defined and also commonly referred to as a “tarp shelter”.

Yard: ~~The land area A required open space~~ on a lot that is unoccupied and unobstructed by a ~~structure principal building~~ from its lowest ground level to the sky, except as expressly permitted in this Chapter, ~~but that may include other improvements like accessory structures and driveways. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located. Figure 5.01(3) includes an illustration of the different types of yards and the definitions below describe them.~~

Yard, front: The yard between the side lot lines extending from the front lot line to the ~~nearest part of the~~ nearest principal building on the lot, extending to the deepest part of its front-facing building façade. For lots with frontage on more than one public street including corner lots and other double frontage lots, the yard abutting the street on which the lot is addressed shall be the front yard except where otherwise determined by the Zoning Administrator.

Yard, interior side: The yard between the front and rear ~~lot lines~~ yards extending from the interior side lot line to the ~~nearest part of the~~ nearest principal building on the lot.

Yard, rear: The yard between the side lot lines extending from the rear lot line to the nearest part of the nearest principal building on the lot, excluding the street side yard where applicable.

Yard, street side: For lots with frontage on two or more streets including corner lots, the yard between the front yard and the rear lot lines, extending from the street side lot line to (a) the nearest part of the nearest principal building on the lot where such a building is directly inside the street side lot line and (b) the minimum street side setback line in other locations.

SECTION 17: 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.

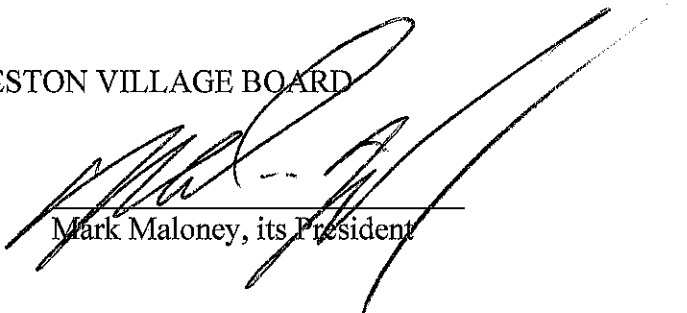
SECTION 18: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or 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 19: EFFECTIVE DATE. This Ordinance shall take effect upon approval and publication.

Dated the 18 day of August, 2025

WESTON VILLAGE BOARD

By:


Mark Maloney, its President

Attest:



~~Pamela Brehm~~, its Clerk *Sarah Chibeck Deputy Clerk*

APPROVED: 8-18-25

PUBLISHED: 8-21-25

Notice of Newly Enacted Ordinance

Please take notice that the Village Board of Weston, Wisconsin enacted on August 18, 2025, *Ordinance No. 25-011: An Ordinance to amend provisions within Chapter 94 of the Municipal Code, affecting accessory structures, "yard" definitions, and land use classifications and allowances.*

The full text of each Ordinance may be obtained at the office of the Village Clerk, 4747 Camp Phillips Road, Weston, Wisconsin or through the Village's website at <https://weston.municipalcodeonline.com>.

Dated this 19th day of August, 2025.
Pamela Brehm, Village Clerk

Published: August 21, 2025