

VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 25-016

AN ORDINANCE TO AMEND PROVISIONS WITHIN CHAPTER 94 OF THE MUNICIPAL CODE, AFFECTING PORTABLE OUTDOOR STORAGE UNITS AND RESIDENTIAL ACCESSORY BUILDINGS INCLUDING GREENHOUSES AND CHICKEN ENCLOSURES AND COOPS.

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 portable outdoor storage units and residential accessory buildings could be more responsive to recent requests, modern interests, and health, safety, and welfare needs; 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 November 10, 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: Section 94.4.09(1) of the Village of Weston Municipal Code [Accessory & Miscellaneous Land Use Types] is hereby amended to provide as follows:

(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, commercial service use/building), but not attached to ~~the a~~ principal building(s).

Performance Standards:

1. Any such structure exceeding 2,000 square feet in floor area shall meet:
 - a. All principal building setback requirements in Figure 5.01(2) or 5.02(2) as applicable.
 - 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 or portable storage container which should instead meet applicable design standards per in subsection 6-7 below.
2. 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. 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 Non-residential Use), which may vary by zoning district.
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 for a dwelling of the State ~~for a dwelling~~ and under Section 94.4.09(8) this chapter.
6. Except where accessory to an "Agricultural Use" as described in Section 94.4.03 or as a temporary use, shall require a building permit, or if not a building a zoning permit pursuant to Section 94.16.04, prior to placement on a lot.
- ~~6-7.~~ No hoop building or portable storage container as defined in Section 94.17.04; or semi-trailer, flatbed trailer, detached truck body or structure of similar design; shall be permitted as a Detached Accessory Structure (for Non-residential Use), except where:
 - a. Where Used as a Temporary Portable Storage Container pursuant to Section 94.4.10(9) or as a Temporary Shelter pursuant to Section 94.104.10 (10).
 - b. If Located within an agricultural zoning district, and meeting all of the following standards:
 - i. Up to three at any one time shall be permitted by right and more by conditional use permit.
 - ii. Shall be finished and maintained with a durable, all-weather material kept free from rips, tears, holes, seam breaks, rust, flaking paint, and any other

damage or disrepair that substantially impairs its appearance, functionality, or safety to its users or the public.

iii. May only be located on a tax parcel with a principal building, such as a farm residence, and no further than 500 feet from the principal building.

iv. Shall only be used for storage of materials or equipment generated by or used on the same tax parcel or same farm, as defined in Section 94.17.04.

v. May not be used for or to support a “Residential Business” as described in Section 94.4.09(6).

b.c. If ~~L~~located within an industrial, institutional, or rural mix- non-residential or mixed use zoning district as listed in Section 94.2.02(3), and meeting all of the following standards:

i. Attached to a finished, permanent foundation, such as a poured concrete slab or basement.

i.ii. May not be located within any designated parking space or in a manner that impedes traffic movement.

ii.iii. No more than ~~two~~three such buildings-structures permitted on any lot ~~or serving any principal use~~at any one time, except by conditional use permit.

iii.iv. Combined floor area ~~of all hoop buildings shall~~not exceeding 15 percent of the floor area of the principal building(s) on the lot, except by conditional use permit.

iv.v.

v. Shall be finished and maintained with a durable, all-weather material kept free from rips, tears, holes, seam breaks, rust, flaking paint, and any other damage or disrepair that substantially impairs its appearance, ~~or~~ functionality, or safety to its users or the public.

vi. Shall be scaled, designed, and colored to maintain harmony with the principal building and present a finished appearance to the public and surrounding properties.

vii. Shall not be a semi-trailer, flatbed trailer, detached truck body or structure of similar design.

vii.viii. Shall be permissible in the rear yard only and not be visible from Schofield Avenue or Highway 29.

viii. 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.

ix. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided and continuously maintained between the structure and any ~~Where in a yard that is~~ adjacent to a residentially zoned property, public land, or public right-of-way shall provide a bufferyard meeting the requirements of Section 94.11.02(3)(d).

SECTION 2: Section 94.4.09(2) of the Village of Weston Municipal Code [Accessory & Miscellaneous Land Use Types] is hereby amended to provide as follows:

(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 a~~ 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 residential greenhouses, 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	FP, RM, AR and RR-5	Maximum of five ³	10 feet
	Any other zoning district	1 Detached Garage; and 1 Utility Shed; and 1 Gazebo <u>or Residential Greenhouse</u>	10 feet
Two-Family <u>or Townhouse</u> Residence	Any district where principal building located	1 Utility Shed, <u>Gazebo, or Residential Greenhouse</u> per Housing Unit	10 feet
Multi-Family Residence (<u>not including Townhouse</u>)	Any district where principal building located	*As approved through Site Plan Procedures <u>in Section 94.16.09</u>	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

¹ The terms detached garage, utility shed, gazebo, residential greenhouse, and carport are defined in Section 94.17.04.
² See Figures 5.01(1) and 5.01(2), and the footnotes below as may be applicable, for maximum floor areas, maximum lot coverage, minimum property line setbacks, and maximum heights relating to detached accessory buildings.
³ Except where approved by the Plan Commission or Extraterritorial Zoning Committee as part of an approved site plan under Section 94.16.09.
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.
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.
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.

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, n~~No hoop building, tarp shed, or carport shall be a permitted as a Detached Accessory Structure (for Residential Use), except within the AR or RM zoning district, for carports in the MH district, for residential greenhouses as defined in Section 94.17.04, or ~~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 approval 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, except residential greenhouses may be designed to a 30-pound per square foot standard where the roof has at least a 3:12 pitch and no valleys, directional changes, or obstructions.
4. Each Detached Accessory Structure (for Residential Use) shall be secured to a foundation, to another hard or gravel surface, or to the ground.
- 3-5. Each Detached Accessory Structure (for Residential Use) of 144 square feet or greater in floor area, or proposed for an area with high wind exposure or high population density as determined by the Building Inspector, shall be designed to meet the horizontal wind load requirement in SPS 321.23(2), Wis. Admin. Code. All other such structures shall be designed to sustain a wind load of up to 60 miles per hour.
- 4-6. 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 otherwise where vegetative ground cover to an overhead door cannot be maintained in the determination of the Zoning Administrator or Building Inspector.
- 5-7. Except for residential greenhouses, 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.
- 6-8. Except for residential greenhouses, Rroofs 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; screw down 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.
- 7-9. 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 for residential greenhouses, and shall be subject to subsections 5. and 6. of this section.
- 8-10. 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.
- 9-11. 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).
- 10-12. In all residential, RR-2, and non-residential and mixed-use zoning districts, and for all Multi-family Residences regardless of district, 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~~ the front lot line, except where such building has fewer than 15 square feet of floor area (30 square feet in the RR-2, non-residential, and mixed use districts) or otherwise by Plan Commission or Extraterritorial Zoning Committee approved by the Plan Commission as part of an approved site plan approval.

~~11.13.~~ 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 where all of the performance standards in this section plus and all of the following additional standards are satisfied for the Detached Accessory Structure:

- 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).

~~12.14.~~ Detached garages serving Multi-Family Residences shall be accompanied by a bufferyard meeting the requirements of Section 94.11.02(3)(d) between the garage and (a) the public right-of-way and (b) a property line abutting any residentially zoned property.

SECTION 3: Performance standard 7 of Section 94.4.09(10) of the Village of Weston Municipal Code [Accessory & Miscellaneous Land Use Types, Keeping of Farm Animals on Residential Lots and School Sites] is hereby amended to provide as follows:

7. To be considered an allowed accessory use within any residential zoning district:
 - a. The principal use of the lot must be a Single-Family Detached Residence and lot area shall not be less than 15,000 square feet.
 - b. The only permitted farm animals are up to 5 chickens; no roosters are permitted.
 - c. In addition to meeting the minimum detached accessory building setback requirements in Figure 5.01(2)a. above, no animal enclosure shall be closer than 10

feet from the dwelling on the same lot and 50 feet from any pre-existing dwelling on any other lot.

- d. Chickens may only be kept in ~~only~~ one enclosure per lot, which enclosure shall include a covered coop and ~~may include an attached a~~ contiguous run. The ~~enclosure shall be large enough to provide~~coop shall have at least 34 square feet of floor area per chicken, ~~but shall not exceed up to a maximum of 30 square feet in size total.~~ The enclosure including the coop shall not exceed 75 square feet in area. Between sunrise and sunset, chickens may be outside of the coop ~~into the run~~but must remain within the enclosure at all times. Chickens must be secured in the coop between sunset and sunrise.

~~e. Proof of WIDATCP livestock registration shall be required. <https://wiid.org>~~

~~f.e.~~ License Required. No person shall keep chickens without first obtaining a valid license issued by the Village of Weston and proof of livestock registration from the Wisconsin Department of Agriculture and Consumer Protection. If not the owner of the premises, the applicant shall secure the owner's signature on or with the license application. Each license shall be valid for one year from April 1 through March 31 and is required to be renewed annually. Failure to obtain or renew a license by said date or prior to acquiring or maintaining chickens may result in a penalty subject to Section 94.16.19. Prior to license issuance, the interested party shall first obtain site plan approval ~~through an application, site inspection, and fee~~ pursuant to Section 94.16.09 ~~and 94.15.18~~ to demonstrate compliance with standards a-ed above.

~~g.f.~~ Following the procedure in Section 94.16.19, the village may revoke any license, impose other penalties and abatement based on the Humane Officer's findings of violation to any applicable ordinance requirement, approved plan, or condition of site plan or license approval.

SECTION 4: Section 94.4.10(9) of the Village of Weston Municipal Code [Temporary Land Use Types] is hereby amended to provide as follows:

(9) Temporary Portable Storage Container.

A portable storage container as defined in Section 94.17.04 and designed and used ~~primarily~~ for temporary storage, such of household goods and other such materials for use on a limited basis on residential property. Also known as a "pod." Longer-term usage of portable storage containers in agricultural, non-residential, and mixed use zoning districts is as prescribed in Section 94.4.09(1) rather than the Temporary Portable Storage Container performance standards below.

Performance Standards:

1. ~~The container~~ Container shall either be:

- a. ~~permitted~~ Permitted on the property for up to 30 days associated with each change of occupancy as defined by a recorded change in property ownership or valid lease, or:
- a.b. Permitted for a longer period of time as specified by the Zoning Administrator in emergency circumstances such as fire, flood, or other extreme weather event.

2. ~~The~~No Temporary Portable Storage Container ~~cannot shall~~ encroach on any the public right-of-way, neighboring adjacent property or in the public right-of-way including any sidewalk, or be placed in the street.

2.3.-The ~~unit~~Container must be sited on a hard surface as defined in Section 94.17.04.

4. No more than one Temporary Portable Storage Container per lot shall be permitted at any one time.

5. Shall comply with temporary use review and approval procedures in Section 94.16.07.

SECTION 5: The following definition is hereby added within Section 94.17.04 of the Village of Weston Municipal Code:

Portable Storage Container: A stand-alone secure container that is portable in nature; designed and constructed for outdoor use; and used for the storage of household goods and/or commercial products that are not hazardous, toxic, explosive, or alive. For temporary use, often also commonly referred to as a “pod” and for other uses sometimes referred to as a “shipping container.”

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.

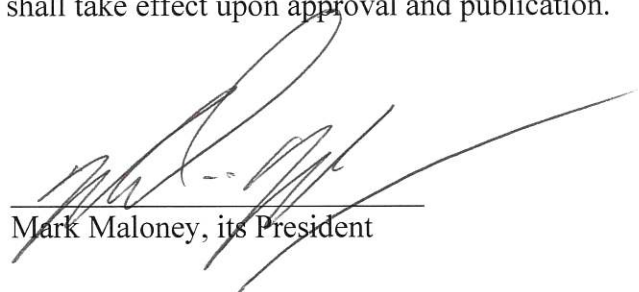
SECTION 7: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or 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 17 day of November, 2025

WESTON VILLAGE BOARD

By:


Mark Maloney, its President

Attest:


Pamela Brehm, its Clerk

APPROVED: 11/17/2025
PUBLISHED: 11/20/2025