

**VILLAGE OF WESTON  
ORDINANCE 23-011**

**AN ORDINANCE TO AMEND PROVISIONS WITHIN CHAPTER 94 OF THE  
MUNICIPAL CODE, AFFECTING RURAL, OPEN SPACE AND RESIDENTIAL  
DISTRICT LOT DIMENSION AND INTENSITY STANDARDS, NON-  
RESIDENTIAL DISTRICT DENSITY AND INTENSITY STANDARDS AND  
BUILDING ORIENTATION DESIGN STANDARDS FOR MULTI-FAMILY AND  
NON-RESIDENTIAL BUILDINGS.**

**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 identified the need for amendments to its zoning ordinance to address the several issues listed in the title to this ordinance; 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 May 8, 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**, be it ordained by the Board of Trustees of the Village of Weston, in the State of Wisconsin, does ordain as follows:

**SECTION 1:**        **AMENDMENT** “Sec 94.5.07 Landscape Surface Ratio Inclusions And Exclusions” of the Weston Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 94.5.07 Landscape Surface Ratio Inclusions And Exclusions

1. In all districts, except as allowed in subsection (2), no impervious surfaces, including gravel, shall count toward the calculation of landscape surface area.
2. Minor or temporary impervious surfaces such as landscaping retaining walls, planters, bird baths, lawn statues, seasonal decorative displays, poles for clothes drying, flag poles, portable play structures such as swing sets and trampolines, stormwater management basins and swales, and grass roofs shall count toward the calculation of landscape surface area.

**Figure 5.01(1): Rural, Open Space and Residential District Lot Dimension and Intensity Standards**

<b>Zoning District</b>	<b>Minimum Lot Area</b>	<b>Minimum Lot Width (ft)</b>	<b>Minimum Public Street Frontage (ft)</b>	<b>Maximum Total Building Coverage</b>	<b>Maximum Accessory Structure Floor Area (sf) (a)</b>	<b>Minimum Landscape Surface Ratio (LSR)</b>
<b>FP Farmland Preservation</b>	20 acres	300	60	N/A	N/A	N/A
<b>AR Agriculture and Residential</b>	20 acres (f)(g)	300(f)	60	N/A	1,600 <sup>(h)</sup>	N/A
<b>RR-2 Rural Residential 2 Acres</b>	2.0 acres	150	60	20%	1,600	N/A
<b>RR-5 Rural Residential 5 Acres</b>	5.0 acres	200	60	20%	1,600 <sup>(h)</sup>	N/A
<b>PR Parks and Recreation</b>	N/A	N/A	N/A	10%	N/A	75%
<b>SF-L Single Family – Large Lot</b>	20,000 sf	100	50	30%	1,000	50%
<b>SF-S Single Family – Small Lot</b>	10,000 sf	80	40	40%	800	40%
<b>2F Two Family Residential (c)</b>	10,000 sf (b)	80 (b)	40	40%	800	40%
<b>MF Multi Family</b>	1,600 sf/studio dwelling unit 400 sf per	80 (b)	40	40%	10% of Lot Area	30%

<b>Residential (d)</b>	each bedroom					
<b>MH Manufactured Home</b>	5,000 sf/home (e)	50	N/A	40%	350	30%

(a) Maximum Accessory Structure floor area may be increased by Conditional Use Permit as provided under Section 94.16.06 and per the standards in Section 94.4.09(2).

(b) For zero lot line structures, each separate lot shall have a minimum lot area of 5,000 sq. ft. per unit and must be at least 40 feet in width within the 2F district and 20 feet in width within the MF district.

(c) Single-Family Detached Residences within the 2F district shall comply with the SF-S district requirements.

(d) Single-Family Detached and Two-family Residences within the MF district shall have a minimum lot area of ~~5~~3,000 square feet per unit.

(e) Total area of each “Manufactured Home Community” shall be a minimum of 10 acres.

(f) Instead of a 20-acre minimum lot size, land in the AR district may be developed at a density of one residential lot per 20 acres and a minimum lot size of 2.0 acres and minimum lot width of 150 feet. See Section 94.5.08 for further description and method of calculation for regulating at a one residential lot per 20-acre density in the AR district.

(g) Parcel size in the AR district to be calculated based on gross acreage, including roads and navigable waters within the deeded parcel. Each such parcel meets the 20-acre minimum, even if net acreage is less than 20 acres following the removal of roads and navigable waters, if such removal does not reduce the gross acreage by greater than 15% for corner parcels or 10% for all other parcels.

(h) Maximum Accessory Structure Floor Area is increased to 2,500 square feet on parcels that exceed 10 acres.

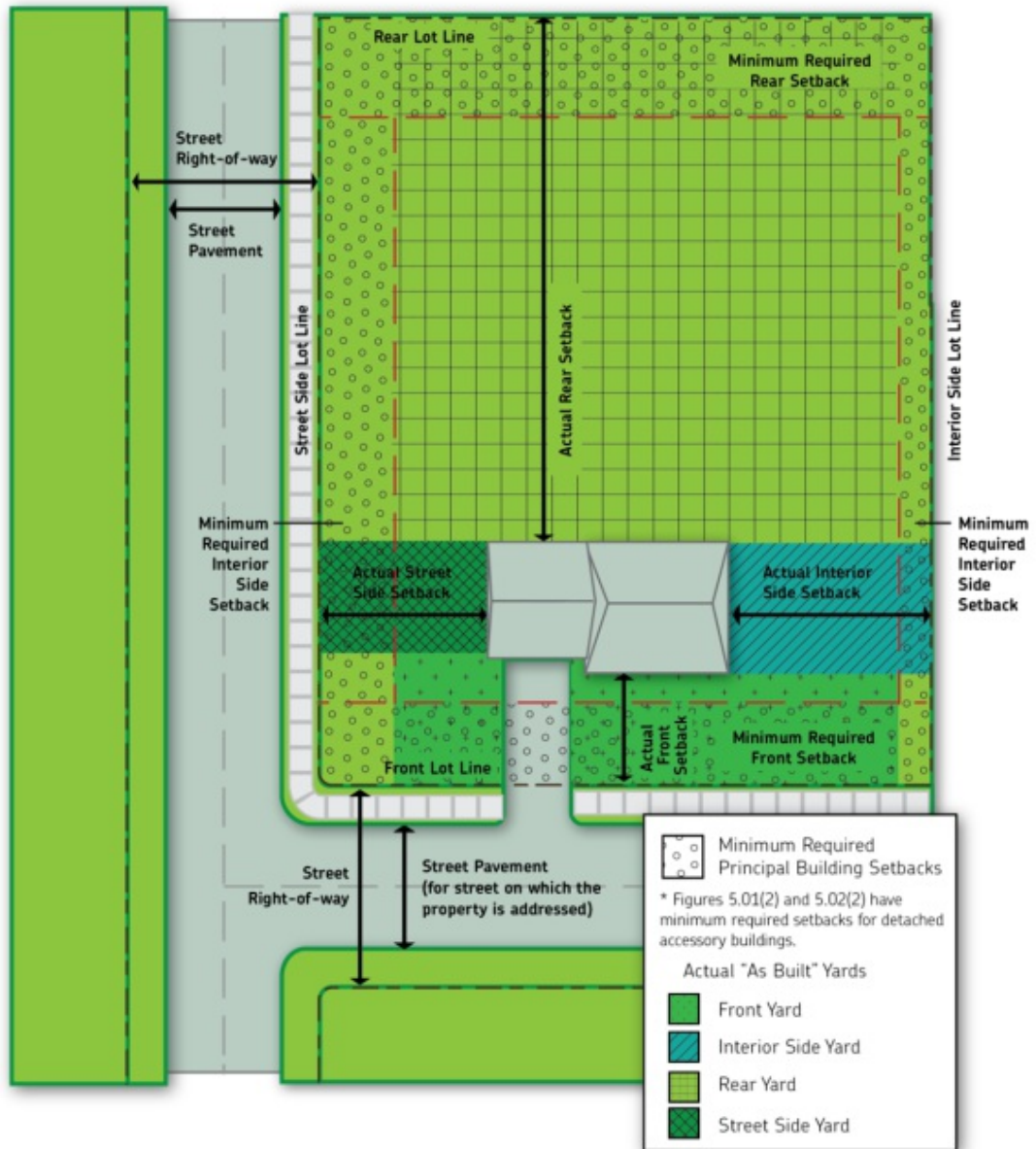
**Figure 5.01(2): Rural, Open Space and Residential District Setback and Height Standards**

Zoning District	Minimum Setbacks (ft) (b)								Minimum Building Separation (ft)	Maximum Building Height			
	Principal Residential Building including Attached Garage				Detached Accessory Building (a)		Hard or Gravel Surface (d)			Principal Building		Accessory Building	
	Front (a)	Street Side (a)	Interior Side	Rear	Interior Side (c)	Rear	Interior Side or Rear	Front or Street (a)		Feet	Floors	Feet	Floors
<b>FP</b>	50	30	20	40	15	15	15	10	10	NA	NA	NA	NA

<b>AR</b>	50	30	20	40	15	15	15	10	10	35	2.5	35	2.5
<b>RR-2</b>	50	30	20	40	15	15	15	10	10	35	2.5	35	2.5
<b>RR-5</b>	50	30	20	40	15	15	15	10	10	35	2.5	35	2.5
<b>PR</b>	30	30	12	20	12	12	6	10	10	35	2.5	25	2
<b>SF-L</b>	50	30	12	20	6	6	6	10	10	35	2.5	15	1
<b>SF-S</b>	30	20	8	20	6	6	6	10	10	35	2.5	15	1
<b>SF (e)</b>	30	30	8	20	6	6	6	10	10	35	2.5	15	1
<b>MF (f)</b>	30	30	8	20	6	6	6	10	10	50	4	15	1
<b>MH</b>	20(g) )	20(g) )	6	10	6	6	6	10	10 <sup>(h)</sup>	20	1	15	1

- (a) See 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.
- (b) Additional setbacks may be required along zoning district boundaries for bufferyards, if required for the particular land use under Article 4 or Section 94.11.02(3)(d).
- (c) Minimum street side yard setbacks are equal to the minimum street side setback for the principal structure.
- (d) Includes all gravel and hard surfaces as defined in Section 94.17.04, along with recreational vehicles. This setback excludes intrusions required for driveway entrances and permitted or required for cross access driveways and pedestrian ways; shared driveways; and shared parking lots.
- (e) Single-Family Detached Residences shall comply with the requirements for the SF-S district. No interior side yard setbacks for zero lot line structures.
- (f) Single-Family Detached Residences shall comply with requirements of the SF-S District. Two-Family Residences shall comply with the requirements for the 2F district. No interior side yard setbacks for zero lot line structures.
- (g) A minimum 100-foot wide buffer must be provided around the perimeter of each “Manufactured Home Community.”
- (h) See Section 94.4.09(2) for further requirements regarding setbacks for Detached Accessory Structures (for Residential Use).

**Figure 5.01(3): Representation of Dimensional Standards Terms on Typical Lot**



**Figure 5.01(4): Different Yard and Setback Areas in a Variety of Different Lot Configurations**





	<b>Lot Lines (a)</b>	<b>Lot Line</b>	<b>Line</b>	<b>or Gravel Surface (c)</b>				<b>Side</b>	<b>Rear</b>
<b>INT Institutional</b>	20	8	20	3	15	10	10	3/45	2/
<b>35B-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	3/45	2/
<b>35GI 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	2.5/3 5

(a) Minimum front and street side yard setback is the same for each principal and accessory building. See Section 94.4.09(1) 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.

[Amended via Ord. 20-013, 9/25/2020]

**SECTION 2:**            **AMENDMENT** “Sec 94.10.03 Design Standards For Multi-Family And Non-Residential Buildings” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 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. Each Detached Accessory Structure serving multi-family residential principal building(s) shall meet applicable design requirements in Section 94.4.09(2). 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. Each Detached Accessory Structure serving a non-residential principal building(s) or use shall meet applicable design requirements in Section 94.4.09(1).
2. **No Conversion of Residential Buildings for Commercial Use.** No building designed and constructed for residential use shall be remodeled, converted, or used for a nonresidential use or activity, except for any of the permitted or conditional uses in the associated residential zoning district listed in Figure 3.04.
3. **When Licensed Engineer or Architect Required.** All proposed new construction and additions to multi-family residential and non-residential buildings shall require building elevations stamped by an engineer or architect licensed in the State of Wisconsin, except for buildings devoted to a storage or disposal land use listed in Section 94.4.06, a transportation land use in Section 94.4.07, an industrial land use in Section 94.4.08, or as otherwise approved by the Plan Commission or Extraterritorial Zoning Committee.
4. **Building Size and Mass.** The size and mass of buildings and structures shall be designed with consideration of the buildings, public ways, and places to which they are visually related (see Figure 10.03(1) for examples). The relative proportion of a building to its neighboring existing buildings, to pedestrians, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are altered.

**Figure 10.03(1): Examples of Building Size and Mass Continuity**



5. **Building Facade Continuity.** Changes in building material, color, and texture shall occur at points related to the massing and overall design concept for the building. Each building shall be visually compatible with the buildings, public ways, and places to which it is visually related in its directional character, whether this is vertical character, horizontal character, or non-directional character. Building facades and appurtenances such as walls, fences, and landscape masses shall, when it is a characteristic of the area, form cohesive walls of enclosures along a street to ensure a favorable relationship with the buildings, public ways, and places to which such elements are visually related (see Figure 10.03(2) for examples in an urban setting).

**Figure 10.03 (2): Urban Example of Adjacent Building Facade Continuity**



6. **Building Design Proportions.**
- a. The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways, and places to which it is visually related.

- b. The relationship of the width to height of windows shall be visually compatible with buildings, public ways, and places to which the building is visually related.
  - c. The relationship of solids to voids in the front façade of a building shall be visually compatible with buildings, public ways, and places to which it is visually related.
  - d. The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with the buildings, public ways, and places to which it is visually related.
  - e. The relationship of entrances and other projections to sidewalks shall be visually compatible with the buildings, public ways, and places to which it is visually related.
7. **Approved Materials.** Material selection shall relate to the prevailing material already used on recently constructed buildings in the area, or to a different character if identified in the Village's Comprehensive Plan, the examples in Figures 10.03(3) and (4), or unique requirements associated with any D Design overlay district applicable to the site. In addition:
- a. All new construction shall have a façade that consists of 50 percent of brick, native stone, tinted and/or textured concrete masonry units, glass, copper panels, stainless steel, brushed nickel, stained natural woods (as provided in subsection (c)) or other comparable material as approved by the site plan approval authority, except as provided below:
    - i. On all new commercial construction, for non-public facing façades, the requirement in subsection (a) shall remain, but at 40 percent.
    - ii. On all new industrial construction, 35 percent of all non-expansion facades abutting a public right-of-way and the extension of 20 feet or 10 percent of the length of the side, whichever is greater, on either side shall meet the requirements of subsection (a).
    - iii. On all new industrial construction, the site plan approval authority may reduce the requirement in subsection (a) to 0 percent so long as the property is not abutting Schofield Avenue, Camp Phillips Road, Weston Avenue, Ross Avenue and/or State Highway 29.

At least two of the materials listed in the first paragraph of this subsection (a) shall be used, including a comparable material as approved by the site plan approval authority, except where the authority determines that a single such material adequately fulfills the intent of this section.

- b. Natural wood, including treated wood, shall be painted or stained. The site plan approval authority may authorize the use of cedar, redwood, or other naturally weather resistant wood species to be untreated.
- c. Facades with an uninterrupted length of 200 feet or more shall include the use of two or more colors or employ the use of protruding or intruding exterior walls in a way that breaks and reduces the monotony.
- d. Multifamily dwellings are required to have architectural and trim details such as frieze board, vertical corner trim, drip caps, gable vents, shingles and shakes.
- e. Commercial buildings are required to be designed to provide human scale, interest, and variety, which shall be accomplished by incorporating at least two of the following techniques:
  - i. Variation in building form, such as recessed or projecting bays, shifts in massing or distinct roof shapes.
  - ii. Emphasis on building entries through projecting or recessing forms (e.g., cover entries or columns), details or material differences.

- iii. Variation in materials, material modules, express joints and details, surface relief, and/or texture to break up building forms and walls.
  - f. Where concrete block or masonry is used on industrial buildings, such material shall be painted with no less than two coats of paint, stain, or shall be a decorative pattern or treatment as approved by the site plan approval authority.
8. **Materials—Use of Metal and Other Non-Decorative Materials.** No exposed façade shall be faced with a material that presents an unfinished appearance to the public and surrounding properties. The following exterior construction materials shall not be exposed along front or street side yard facing building facades: non-decorative concrete block, cinder block, or concrete foundation walls (except for the first two feet above grade), non-decorative plywood, chipboard, T1-11, asphaltic siding, vinyl siding less than 0.044 inches of thickness, metal sheets not designed for commercial exterior walls, paneling, and other similarly inferior materials as determined by the site plan approval authority. Pole buildings shall be prohibited in any residential, commercial, and industrial zoning district.

**Figure 10.03(3): Examples of Appropriate Multi-Family Residential Building Materials and Colors**



**Figure 10.03(4): Examples of Appropriate Commercial Building Materials and Colors**



9. **Colors.** Building colors shall be selected to enhance or maintain general harmony with the existing area or neighborhood buildings, without creating a monotonous street appearance. See examples of appropriate color combinations in Figures 10.03(3) and 10.03(4).
10. **Design.** Building design features, materials and articulations shall be continued in all sides.
11. **Roofing.** Exposed roofing materials shall be variegated in color and texture in a manner that is complimentary to the color and texture of the façade.
12. **Corner Lot Buildings.** Buildings on corner lots shall continue the major front elevation design elements around the corner elevation.
13. **Vents and Mechanical Units.** All chimney and fireplace vents shall be enclosed in a case constructed of materials similar to those materials used on the building elevations. Metal housings designed by the vent manufacturer to enclose the chimney vents are acceptable. All heating, ventilating, and air-conditioning equipment shall be designed to be integral with the building architecture and site design and screened from view from public rights-of-way.
14. **Building Orientation.** All buildings shall be sited to present their most desirable façade(s) to adjacent public rights-of-way. Garages and loading docks shall be designed as integral elements to the building and site, ~~and shall not be the dominant visual element from public rights-of-way unless pre-existing site or building conditions would not allow this. For multi-family residential buildings, a~~ achieving this standard may require techniques such as rear- or side-loaded garages or docks, or front-loaded garages or docks that are fully or partially recessed into the main body of the building or are decorative in design.
15. **Outdoor Waste/Recycling Containers.** Solid waste/recycling containers (dumpsters) stored outdoors shall be subject to applicable standards in Section 94.12.06(2) and Chapter 66 of the Municipal Code.
16. **Waiver or Modification of Standards.** The applicable site plan approval authority under Section 94.16.09 may waive or modify any of the standards in this Section if at least one of the following circumstances is present:
  - a. Supplemental design elements or improvements that exceed normal standards are incorporated into the project.
  - b. Restricted building materials are used as limited decorative elements on a building

- façade that contributes to its architectural design.
- c. Undesirable site or building conditions will not be visible from the public right-of-way and/or adjoining properties.

**SECTION 3:** 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 4:** **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 5:** **EFFECTIVE DATE.** This Ordinance shall take effect upon approval and publication on May 19, 2023.

PASSED AND ADOPTED BY THE VILLAGE OF WESTON BOARD OF TRUSTEES  
MAY 15, 2023.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Mark Maloney	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Barbara Ermeling	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Hooshang Zeyghami	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Steve Cronin	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Jamie Weiland	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Jasper Hartinger	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Jim Pinsonneault	<u>      </u>	<u>  X  </u>	<u>      </u>	<u>      </u>

Presiding Officer

Attest



Mark Maloney, Village President,  
Village of Weston



Pamela Brehm, Village Clerk, Village of  
Weston

