

Date: April 14, 2025
To: Town of West Bend Town Board
From: Tim Schwecke, Zoning Administrator
Subject: Review and potential action regarding various revisions to the Town's zoning regulations
Meeting: May 13, 2025, Town Board meeting

At their meeting on March 27, 2025, the Plan Commission passed a motion recommending a number of changes to the Town's zoning regulations as set forth in the attached ordinance.

The proposed revisions to existing provisions are shown in markup (add/~~delete~~) and should be self-explanatory.

The Town Board meeting on May 13, 2025, will include a public hearing to solicit any public comment.

Attachments:

1. Draft ordinance as recommended by the Plan Commission

**TOWN OF WEST BEND
ORDINANCE NO. 2025-**

**ORDINANCE AMENDING THE TOWN'S ZONING REGULATIONS IN CHAPTER 325 OF
THE MUNICIPAL CODE**

Public Hearing Draft as Recommended by the Plan Commission

THE TOWN BOARD OF THE TOWN OF WEST BEND, WASHINGTON COUNTY,
WISCONSIN DO ORDAIN AS FOLLOWS:

Section 1. Amend Section 325-15 (C)1.a. in the zoning code to read as revised below:

C. Temporary uses. The Zoning Administrator may authorize the establishment of certain temporary uses for a limited duration provided that such uses comply with the general and specific standards of this Section.

1. The following temporary uses are allowable with an approved temporary use permit:
 - a. A dwelling unit situated on a lot, parcel, or tract, along with a primary dwelling unit, that provides a temporary residence for the residents of the associated primary dwelling unit that has been deemed uninhabitable due to fire, flood, or other disaster, or is under construction or undergoing substantial repairs or reconstruction. The temporary residence is allowed on the lot, parcel or tract only while the primary residence is undergoing new construction or repair provided the property owner submits a letter of credit or cash deposit to the town to ensure the removal of the existing residence. A temporary dwelling unit may also include a residence located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site. The temporary residence shall be removed from the lot, parcel, or tract upon completion of such construction.

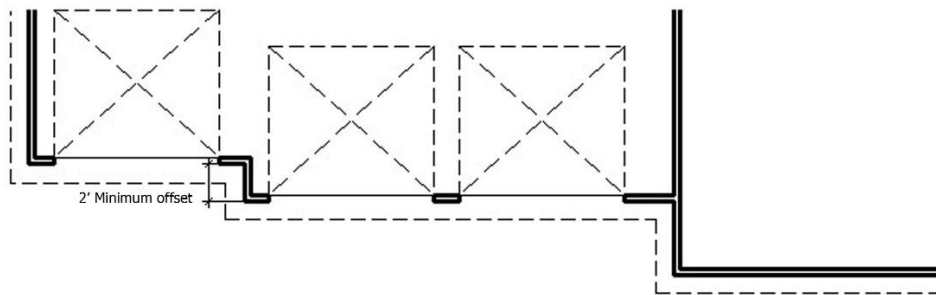
Section 2. Amend Section 325-80A (B) in the zoning code to read as revised below:

B. Additional building and site development standards for the R-1S and R-1S/MU Districts:

1. Building Form, Height and Proportions. When possible, principal structures should be designed to create layered and visually interesting building facades that harmonize with the surrounding lake front buildings, through the use of building step-backs, varied roof forms, porches, etc.
2. Reserved.
3. Entries.
 - a. All structures should have the main or front entries oriented towards and visible from the street or entrance court.
 - b. When possible, buildings on the lake shall have a second front entry oriented towards the lake. Lakeside entries shall not appear as back doors, but rather should be scaled and detailed to appear as an additional principal entry to the building.
4. Porches.
 - a. All porches or decks should be associated with a building entry and be integrated with the building architecture.
 - b. The first floor level of Shore Yard porches and decks shall be no higher than 12 feet above the surrounding ground level.

- c. All porches and decks shall contain a high level of design detail and be constructed of high-quality materials to reflect their visibility from the lake.
- 5. Reserved.
- 6. Garages.
 - a. ~~Reserved. Garages and garage doors should be scaled appropriately to the size of the principal structure. The main mass of the garage should be complementary and subordinate to the main mass and positioning of the Principal Structure.~~
 - b. Garages and garage doors should be positioned so they do not dominate the view from the street and neighboring properties. Wherever possible, garage doors should be side loaded and screened from public view on adjacent streets
 - c. When a garage doors must face the street, the street facing façade must include an upper level balcony, terrace, awning, or other projecting element above the door area. The area above the garage should include glazed window or door openings with a minimum 15 square feet of glazed area.
 - d. When possible, single garage doors should be used to create a more intimately scaled façade and when appropriate, garage doors should be painted or stained a contrasting color.
 - e. When a garage door faces the road frontage, the maximum height of the door is 10 feet.
 - f. The maximum number of garage spaces on any one façade is 3 (a 16-foot-wide door for example is considered 2 spaces) ~~or the garage doors must be stepped back by an offset of at least 2 feet.~~ If the façade has 3 doors, a 2-foot offset must be used as generally depicted in the illustration below. For the purpose of this part, a garage door that is 16 feet wide or wider counts as 2 doors.

Figure: Minimum 2-foot offset on a 3-car garage



- 7. Landscape. See § 325-95 for landscape standards.

Section 3. Amend the supplemental standards for Series 1.05 in Appendix B (Single-family dwelling) of the zoning code to read as revised below:

Supplemental Standards

- (A) **Occupancy.** Occupancy of a single-family dwelling is limited to one household unit.
- (B) **Number of principal dwellings per parcel.** No more than one single-family dwelling unit may occupy any single parcel of land.
- (C) **Foundation.** The building must be set on and anchored to a continuous permanent foundation that extends around its perimeter.
- (D) **General Garage requirements.** An attached or detached garage must be built concurrently

with the construction of the single-family dwelling and must be at least 480 square feet, ~~but not more than 50 percent of the floor area of the dwelling unit.~~

(E) Limitation on attached garages. When located in the R-1S district and R-1S/MU, an attached garage may not be more than 70 percent of the living area of the dwelling unit. When located in a residential district other than R-1S or R-1S/MU, an attached garage may not be more than 100 percent of the living area of the dwelling unit.

(F) Architectural design. A single-family dwelling must comply with the design standards in § 325.80A.

(G) Short-term rental. If a single-family dwelling is used as a short-term rental, the property owner must comply with Town of West Bend Ordinance #2019-01, as may be amended.

Section 4. Amend Section 325-81 (E) in the zoning code to read as revised below:

E. Plan Data for Single Parcel Residential Development and Redevelopment. ~~Plan data shall be submitted to Town Clerk to be forwarded to the Zoning Administrator.~~ Plan data to be submitted with plan review applications shall include the following:

1. A completed application form as may be required by the Town.
2. A plat of survey prepared by a professional land surveyor licensed in Wisconsin that shows:
 - (i) existing and proposed site improvements;
 - (ii) existing and proposed easements of all types, along with explanatory notes;
 - (iii) setbacks as may apply to the subject property;
 - (iv) 100-year floodplain boundary, if any;
 - (v) proposed elevation of the ordinary highwater mark, if any; and
 - (vi) any other feature required by state statute or administrative code.

Depending on the nature of the project, the zoning administrator may in their discretion waive the requirement for the plat of survey when the proposed project clearly complies with all applicable requirements, including setbacks.

3. A grading plan showing existing and proposed grades along with site improvements and proposed stormwater management facilities, including drainage swales and detention/retention areas, as applicable.

4. A set of dimensioned building plans.

5. A landscape plan with the location, extent, and type of existing and proposed plantings, if applicable.

6. A copy of the sanitary permit issued by the Silver Lake Sanitary District, if applicable.

7. A copy of any permit approvals issued by Washington County, if applicable.

- ~~1. For developed and undeveloped sites:~~
 - ~~a. Owner's name and address.~~

- ~~b. Date of plan submittal.~~
- ~~c. Site size information (area in square feet or acres).~~
- ~~d. All building and yard setback lines.~~
- ~~e. The type, size, height, and location of all existing and proposed structures with all building dimensions shown.~~
- ~~f. Existing and proposed rights of way and widths.~~
- ~~g. Existing and proposed easements for and locations of all utility lines, including sanitary sewers, water mains, storm sewers, other drainage facilities and features, communications lines, electrical lines, natural gas lines and other utilities present on and around the site, as applicable.~~
- ~~h. Existing isolated, individual trees and the boundary of woodlands.~~
- ~~i. Architect, developer, and/or engineer's name and address, as applicable.~~
- ~~j. Scaled architectural plans illustrating the design and character of proposed structures.~~
- ~~k. Accessory Structures, excluding Transitory Accessory Structures, shall be substantially the same in appearance as the Principal Structure.~~
- ~~l. Other plans and data as required by the Zoning Administrator.~~
- 2. ~~For undeveloped sites:~~
 - ~~a. Site plan drawn to a recognized engineering scale, scale of drawing, north arrow, and site size information (area in acres or square feet).~~
 - ~~b. Existing and proposed topography shown at contour intervals of two feet or less. Topography shall extend 40 feet onto adjacent property or to the building on the adjacent lot, whichever is greater.~~
 - ~~c. Where applicable, both the 100 year recurrence interval floodplain and the floodway; environmental corridors and isolated natural resource areas; and wetland areas.~~
 - ~~d. Proposed stormwater management facilities, including detention/retention areas, as applicable.~~
 - ~~e. Landscape plan with the location, extent, and type of proposed plantings.~~

Section 5. Amend Appendix A by including “Gated access driveway” to Series 13, titled “Accessory Uses for Residential Uses”, as follows:

Permitted (“P”) in R-1N, R-1NC, R-1R, R-1RC, R-1S, and R-1S/MU with a zoning permit (“ZP”).

Section 6. Amend Appendix B by adding “Gated access driveway” to Series 13, titled “Accessory Uses for Residential Uses”, to read as follows:

Gated access driveway

Description: A private driveway, controlled by a gate, barrier, or similar device, that restricts vehicular access to the subject property.

Supplemental standards

(A) Setback. The gate must be at least 28 feet from the edge of the road, but no closer than 8 feet to the front lot line. The gate, in any position, may not be any closer than 8 feet to any lot line.

(B) Width of gate. The width of the gate must be at least 12 feet but not more than 16 feet.

(C) Emergency access. The gate must include a Knox Box or an emergency override system as approved by the local fire department.

(B) Nighttime visibility. The gate must include reflective strips or signage for nighttime visibility. Outdoor lighting may also be used for this purpose.

(D) Power. If a gated access drive includes an electrically powered gate, the power supply for the gate must be on a separate metered service (i.e., independent of the principal building) to ensure continuous operation in the event of a building power failure.

(F) Package drop-off. A gated access driveway may include a package drop-off structure not to exceed a floor area of 25 square feet or 10 feet in height. The package drop-off structure must be an integral part of the gate support. The package drop-off structure does not count as a building or to the maximum floor area of detached accessory buildings.

Section 7. Amend the supplemental standards for “Garage, off-site residential” in Appendix B to read as revised below.

Supplemental Standards:

(A) Ownership of lots. The garage lot and the lake lot must be, and remain, in the same ownership.

(B) Location of lots. The garage lot must fully front on the road providing access to the lake lot and ~~be~~ must be generally opposite the lake lot but not more than 5 feet off of the lake lot side lot line.

(C) Number. The lake lot is limited to one garage lot.

(D) Special construction standards. The garage must be fully enclosed (i.e., walled). Roof eaves may not extend more than 2 feet beyond the face of the wall.

(E) Floor area. ~~The floor area of the garage is based on the size of the lot consistent with lot the dimensional standards in Appendix C.~~ The maximum floor area of the garage is limited as follows: 864 square feet for a lot that is less than 21,000 square feet and 1,200 square feet for a lot that is 21,000 square feet or more.

(F) Special setbacks. In the event, a garage, no larger than 432 square feet, cannot be constructed on a garage lot because of the established setbacks for accessory buildings, the Plan Commission can establish a lesser setback on a case-by-case basis, but not less than 5 feet for side and rear yards and 15 feet for street yard. In making its determination, the Plan Commission must obtain a recommendation from the Town’s engineer that the reduced street yard setback will not interfere with the Town’s ability to provide appropriate road access, road maintenance, and/or stormwater management. If the Plan Commission approves a lesser setback as allowed in this part, the property owner must adopt a deed restriction, as approved by the zoning administrator, which prohibits the parking of any vehicle between the edge of the road and the front face of the garage from November 1 through April 15.

(G) Outside storage. Motor vehicles may only be kept on the hard surfaced area in front of the garage, subject to any potential restrictions in subsection ~~G~~ F of this part. No items or materials of any kind may be stored out-of-doors on the garage lot.

(H) Deed restriction. Prior to issuance of a building permit for an off-site residential garage, the property owner must record a deed restriction with the Washington County register of deeds office, as approved by the zoning administrator, that (1) prohibits the sale of the garage lot separately from the lake lot to which it is associated (i.e., both lots must be sold together) and (2) stipulates that the Town Board is a party to the deed restriction and has the right to enforce the terms of the deed restriction.

Section 8. Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and in the finding or holding of any such portion of this ordinance to be unconstitutional, void or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

Section 9. This ordinance shall take effect upon passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of West Bend, Washington County, Wisconsin this 13th day of May, 2025.

Troy Zagel, Chairman

Mark Wagor, Supervisor

Steve Lindley, Supervisor

ATTEST:

Julie Ihlenfeld, Clerk