

**VILLAGE OF WESTON
ORDINANCE 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, be it ordained by the Board of Trustees of the Village of Weston, in the State of Wisconsin, 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:

AMENDMENT

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

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

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

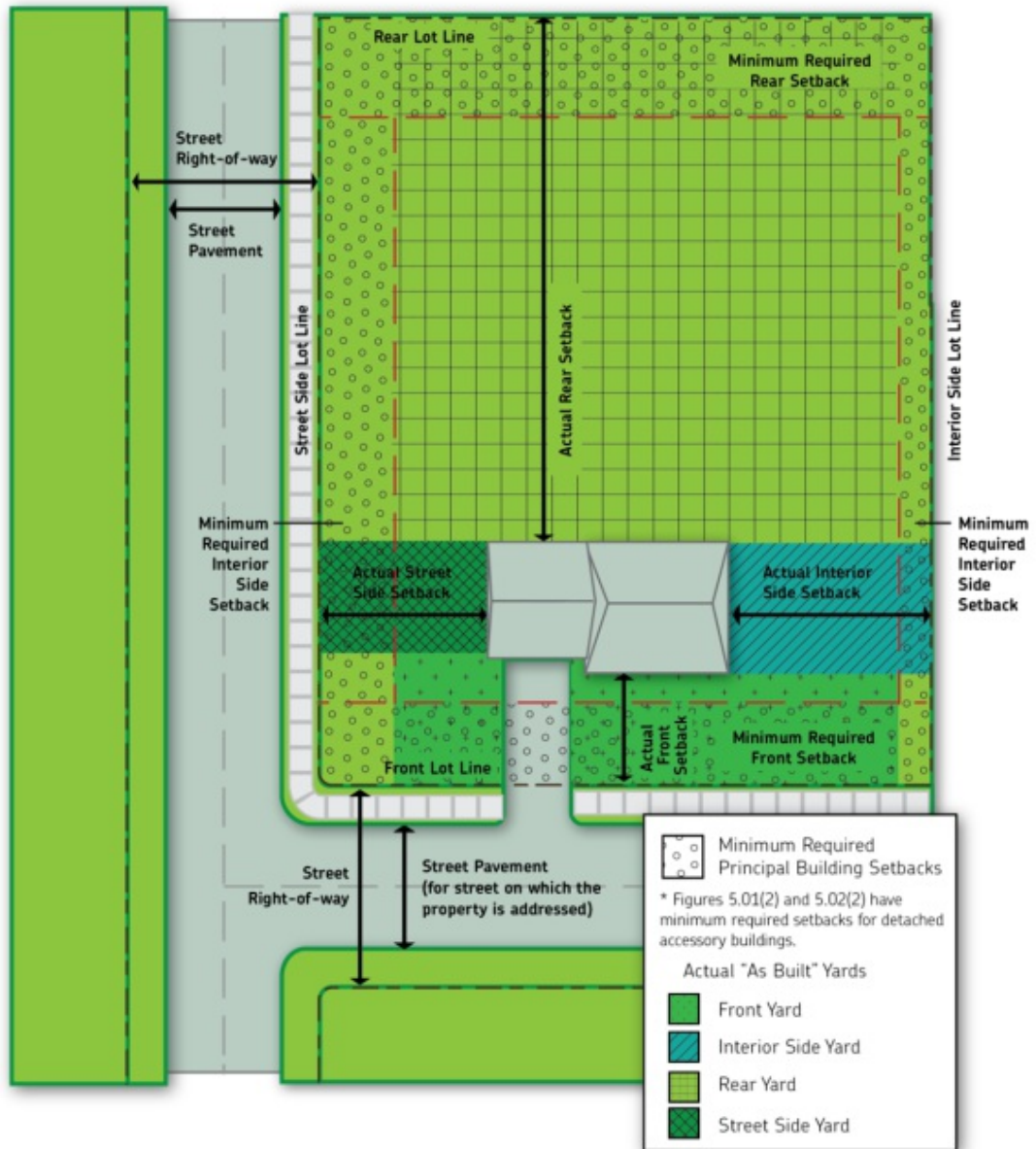


Figure 5.01(4): Different Yard and Setback Areas in a Variety of Different Lot Configurations

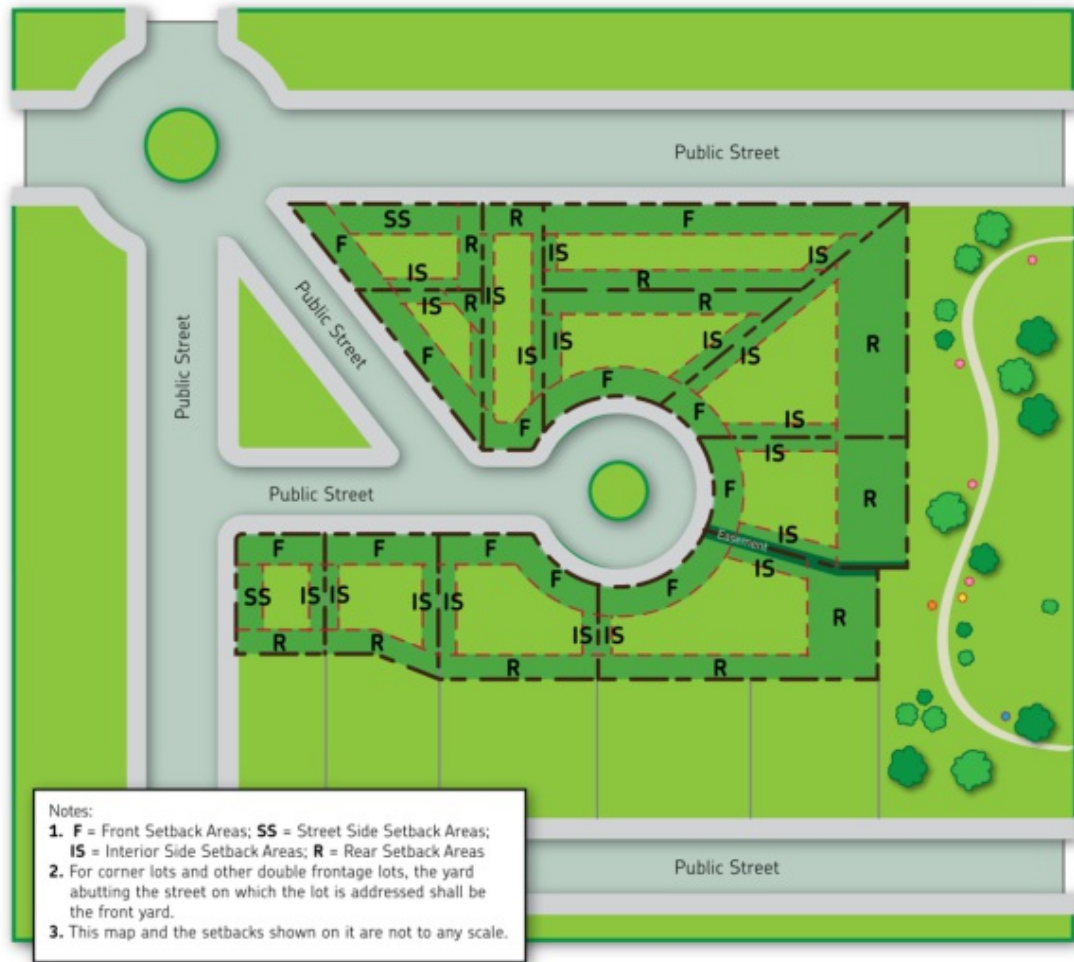


Figure 5.02(1): Non-residential District Density and Intensity Standards

	(a)								
INT Institutional	20	8	20	3	15	10	10	3/45	+2/20
35B-1 Neighborhood Business	10	6	10	3	10	5	10	3/45	1/20
B-2 Highway Business	30	12	20	6	15	10	10	3/45	1/20
B-3 General Business	30	12	20	6	15	10	10	3/45	1/20
BP Business Park	30	12	20	10	15	10	10	4/60	1/20
LI Light Industrial	30	12	20	10	10	5	10	23/45 0	+2/20
35GI General Industrial	40	15	30	10	10	5	10	4/60	2/35
RM Rural Mix	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.~~ [Amended via Ord. 20-013, 9/25/2020]

SECTION 2: AMENDMENT “Sec 94.4.09 Accessory And Miscellaneous Land Use Types” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.4.09 Accessory And 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., and agricultural use or an industrial, institutional, or commercial service use/building), but not attached to the principal building(s).

Performance Standards:

- a. Any such structure exceeding 2,000 square feet ~~in floor area or the maximum height for an accessory structure established in Figures 5.04(2) and 5.05(2)~~ shall ~~meet:~~ be regulated as a principal structure:
 - i. All principal building setback requirements in Figure 5.01(2) or 5.02(2) as applicable.
 - ii. 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.
- b. ~~No Detached Accessory Structure (for Non-residential Use)s~~ Shall not be constructed on any lot prior to establishment of a principal use on that same lot, unless otherwise stated in this Chapter.
- c. ~~Each Detached Accessory Structure (for Non-residential Use),s~~ Shall be designed to withstand a minimum of a 40-pounds per square foot of snow load.
- d. 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 districts.~~
- e. 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).
- f. ~~n~~ No hoop building or structure of similar design shall be permitted as a Detached Accessory Structure (for Non-residential Use), except where:
 - i. Used as a Temporary Shelter pursuant to Section 94.10.10.
 - ii. Located within an agricultural zoning district.
 - iii. Located within an industrial, institutional, or rural mix zoning district and meeting all of the following standards:
 - (1) Attached to a finished, permanent foundation, such as a poured concrete slab or basement.
 - (2) No more than two such buildings permitted on any lot or serving any principal use.

- (3) Combined floor area of all hoop buildings shall not exceed 15 percent of the floor area of the principal building(s) on the lot, except by conditional use permit.
- (4) 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.
- (5) Shall be scaled, designed, and colored to maintain harmony with the principal building and present a finished appearance to the public and surrounding properties.
- (6) Shall not be visible from Schofield Avenue or Highway 29.
- (7) 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.
- (8) 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).

~~g. 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.~~

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 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 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	10 feet
Two-Family Residence	Any district where principal building located	1 Utility Shed per Housing Unit	10 feet
Multi-Family Residence	Any district where principal building located	*As approved through Site Plan Procedures	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
<p>¹The terms detached garage, utility shed, gazebo and carport are defined in Section 94.17.04.</p> <p>² See Figures 5.01(1) and 5.01(2) for maximum floor areas, maximum lot coverage, minimum property line setbacks, and maximum heights relating to detached accessory buildings.</p> <p>³ Except where approved by the Plan Commission as part of an approved site plan. 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.</p> <p>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.</p> <p>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.</p>			

Performance Standards:

- a. No Detached Accessory Structure (for Residential Use) shall be constructed on any lot prior to establishment of a principal use on that same lot.
- b. Except within the AR and RM zoning districts, no hoop building, tarp shed, or carport shall be a permitted as a Detached Accessory Structure (for Residential Use), 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 on the property following issuance of a temporary use permit.
- c. 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.

- d. 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 where vegetative ground cover to an overhead door cannot be maintained in the determination of the Zoning Administrator or Building Inspector.
- e. 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.
- f. Roofs 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.
- g. 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 shall be subject to subsections 5. and 6. of this section.
- h. 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.
- i. 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).
- j. 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, except where approved by the Plan Commission as part of an approved site plan.
- k. 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 and all of the following standards for the Detached Accessory Structure:
 - i. Not taller or have more floors above ground level than the principal building.
 - ii. 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.
- iii. Shingles or other roof surface shall be of a similar material and color as the roof surface of the principal building.
 - iv. 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.
 - v. May not be located further toward the front lot line than the principal building.
 - vi. Shall meet all setback requirements normally applicable to principal buildings per Figure 5.01(2).
- l. 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.

3. Family Day Care Home (4 to 8 Children).

An occupied residence in which a qualified person(s) provides child care for four to eight children. Does not include a child provided care by his or her legal guardian or his or her parent, grandparent, great-grandparent, stepparent, brother, sister, first cousin, nephew, niece, uncle, or aunt of a child, whether by blood, marriage, or legal adoption. The care of fewer than four children is not subject to the regulations of this Chapter. These shall not be considered “Home Occupations” or “Residential Businesses” for purposes of this Chapter.

Performance Standards:

- a. Facility must be licensed by the State and follow rules and procedures in Wis. Stats. § 48.65 and 66.1017(1)(a) and DCF 202, Wis. Admin. Code, including but not limited to physical plant, equipment, and open space requirements.
- b. Each Family Day Care Home must be conducted by one or more members of the immediate family residing on the premises, with no outside employees conducting care on site.
- c. The use must meet all performance standards associated with the type of dwelling in which it is located.
- d. There shall be no exterior alterations to the dwelling that change the character thereof as a dwelling.

4. Intermediate Day Care Home (9 to 15 Children).

An occupied residence in which a qualified person(s) provides child care for 9 to 15 children. These shall not be considered “Home Occupations” or “Residential Businesses” for purposes of this Chapter.

Performance Standards:

- a. Facility must be licensed by the State and follow rules and procedures in Wis. Stat. § 48.65 and DCF 202 and 251, Wis. Admin. Code, as applicable, including but not limited to physical plant, equipment, and open space requirements.
- b. Each Intermediate Day Care Home must be conducted by one or more members of the immediate family residing on the premises.
- c. Subject to Plan Commission or Extraterritorial Zoning Committee approval, an Intermediate Day Care Home may employ up to one employee living off-site.
- d. The Plan Commission or Extraterritorial Zoning Committee may impose additional limitations on the percentage of the property and/or buildings that may be devoted to the use.
- e. The use must meet all performance standards associated with the type of dwelling in which it is located.
- f. There shall be no exterior alterations to the dwelling that change the character thereof as a dwelling, except that signage shall be as permitted for Intermediate Day Care Homes in Article 13.
- g. Each Intermediate Day Care Home shall provide for drop-off and pick-up of children in a manner that the Plan Commission or Extraterritorial Zoning Committee determines is safe and not impactful to traffic movement and the character of the neighborhood.
- h. No dwelling unit in a Two-family Residence or Multi-family Residence, and no mobile or manufactured home, may serve as an Intermediate Day Care Home.
- i. No Intermediate Day Care Home shall endanger the public health and safety or interfere with the enjoyment of other parcels in the neighborhood.
- j. No residence may serve as both an Intermediate Day Care Home and a Home Occupation or Residential Business.
- k. Each conditional use permit for an Intermediate Day Care Home shall run with the applicant and not with the land.

5. Home Occupation.

A low-impact economic activity performed within a dwelling unit and/or its attached garage, where the principal use of the lot is the residence of the person conducting the economic activity.

Performance Standards:

- a. The occupation shall be conducted only within the dwelling and/or an attached garage.
- b. 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.
- c. A Home Occupation shall be undertaken only by a member of the immediate family residing on the premises.
- d. 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.

- e. 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.
- f. No Home Occupation shall endanger the public health and safety or interfere with the enjoyment of other parcels in the neighborhood.
- g. No mechanical or electrical equipment may be used other than such as customarily incidental to domestic use or that creates any disturbance at the property line.
- h. The use shall not involve the use of commercial vehicles for more than the occasional delivery of materials to or from the premises.
- i. 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.
- j. No Home Occupation, combined with the principal residential use of the property, shall generate more than 15 vehicle trips per day.

6. Residential Business.

Compared to a “Home Occupation,” a higher-impact economic activity performed in a dwelling unit, its attached garage, and/or its “Detached Accessory Structure (for Residential Use),” where the principal use of the lot remains the residence of the person primarily conducting the economic activity.

Performance Standards:

- a. A Residential Business may be conducted within the dwelling, an attached garage, and/or in a permanent Detached Accessory Structure (for Residential Use).
- b. The area used to conduct the Residential Business shall not exceed 25 percent of the improved square footage of the principal dwelling unit, excluding any attached garage.
- c. The Plan Commission or Extraterritorial Zoning Committee may impose additional limitations on the percentage of the property and/or buildings that may be devoted to the occupation.
- d. Subject to Plan Commission or Extraterritorial Zoning Committee approval, a Residential Business may employ up to one employee living off-site, provided an immediate family member residing on site is the principal owner and operator of the business.
- e. No activity, materials, goods or equipment incidental to the Residential Business shall be externally visible, except for one licensed car, van, or light duty truck used for the Residential Business and external storage normally allowed for the principal residential use.
- f. No Residential Business may include retail sales other than items produced or value added on site. The Plan Commission may prohibit or limit the on-site sale of items or products produced or enhanced on the premises.
- g. No Residential Business shall endanger the public health and safety or interfere with the enjoyment of other parcels in the neighborhood.
- h. No mechanical or electrical equipment may be used that creates any

disturbance at the property line.

- i. Signage shall be as permitted for Residential Businesses in Article 13.
- j. No occupied residence may serve as both a Residential Business and an Intermediate Day Care Home.
- k. Each conditional use permit for a Residential Business shall run with the applicant and not with the land.

7. In-Home Suite.

An area within a “Single-Family Detached Residence” dwelling unit that may contain separate kitchen, dining, bathroom, laundry, living, sleeping, and/or recreation areas. A permanent interior, non-locking access way between the habitable area of the principal dwelling and the In-Home Suite is required. A separate outdoor access to a shared garage may be provided. Distinguished from an “Accessory Dwelling Unit,” which is a separately listed and regulated land use.

Performance Standards:

- a. Each In-Home Suite shall be considered a part of the principal dwelling unit for purposes of this Chapter.
- b. The principal dwelling unit and the In-Home Suite shall together appear from the outside as one single-family detached residence.
- c. A separate address and utility connection or meters for the In-Home Suite is not permitted.
- d. An all-weather interior access between the main habitable area of the principal dwelling and the In-Home Suite shall be maintained at all times. Connections through attics, basements, garages, porches, or non-living areas shall not be sufficient to meet the requirement for connected interior access. A connecting door may be used to separate the In-Home Suite from the rest of the dwelling provided that it is a non-locking door. Doors to bedrooms and bathrooms are exempt from the non-locking requirement.
- e. A separate driveway, garage, or walled garage area shall not be permitted. A separate connecting door between the In-Home Suite and the garage may be provided.
- f. Direct incidental access to the In-Home Suite from the building exterior may be provided via exterior porches, patios, and decks, but external stairs providing principal access to a second story In-Home Suite shall be prohibited.
- g. When an application is submitted for a building permit to accommodate what is explicitly listed as, or could possibly serve as, an In-Home Suite, the building plan shall be marked as "Not a separate dwelling unit nor apartment," and a signed letter from the applicant stating agreement with the performance standards in this subsection shall be filed with the Zoning Administrator.

8. Accessory Dwelling Unit.

A residential dwelling unit located on the same lot as a “Single-Family Detached Residence”, either as part of the same building as the “Single-Family Detached Residence” or in a detached building. Accessory Dwelling Units are sometimes also referred to as granny flats. An Accessory Dwelling Unit is different from an “In-Home

Suite” in that an interior physical connection between the Accessory Dwelling Unit and the primary “Single-Family Detached Residence” is not required for the former. The “Single-Family Detached Residence”/Accessory Dwelling Unit combination is different from a “Two-Family Residence” because the former may be in separate buildings and because they are subject to different performance standards.

Performance Standards:

- a. The gross floor area of the Accessory Dwelling Unit shall not exceed 50 percent of the principal dwelling’s gross floor area, or 1,500 square feet, whichever is less.
- b. The appearance or character of the “Single-Family Detached Residence” must not be significantly altered so that its appearance is no longer that of a single-family dwelling.
- c. The Accessory Dwelling Unit shall not be sold separately from the “Single-Family Detached Residence,” or the land under the Accessory Dwelling Unit divided from the land occupied by the “Single-Family Detached Residence.”
- d. Attached Accessory Dwelling Units shall adhere to the setback requirements and standards applicable to principal structures in the applicable zoning district. Detached Accessory Dwelling Units shall adhere to the setback requirements and standards applicable to accessory structures in the applicable zoning district.
- e. The occupants of the Accessory Dwelling Unit shall not exceed one family plus one unrelated person, or two unrelated individuals.

9. Animal Fancier.

An accessory use wherein a person who owns or keeps, within or adjoining a residence, four to ten dogs or five to ten cats for personal and noncommercial purposes, which are limited to hunting, tracking, exhibition in dog shows, obedience trials, field trials, dog sledding, animal foster rescue or to enhance or perpetuate a given breed, and who has secured a license for such activity in accordance with the provisions of this Chapter and Chapter 10 of the Code.

10. Keeping of Farm Animals on Residential Lots and School Sites.

The keeping or raising of farm animals on a residential lot or school sites, in zoning districts where allowed under Figure 3.04 and where such activity is clearly accessory to the principal residential use, as opposed to a principal “Agricultural Use.” Farm animals are as defined in Article 17. The animals may be kept for show, breeding, or products that are predominantly consumed or used by the residents of the same lot. Gardening and residential composting are allowed in all zoning districts.

Performance Standards:

- a. All animals shall be kept within a completely enclosed, covered area to the rear of the residence.
- b. Animal enclosure areas may not exceed 20 percent of the lot area.
- c. Use shall meet all performance standards in Article 12, including odor standards in Section 94.12.15.
- d. Any slaughtering shall take place in a completely enclosed building.

- e. The use of mechanized farm equipment and on-site sale of food or fur are prohibited.
- f. To be considered an accessory use within any RR zoning district:
 - i. The only permitted farm animals are up to 8 chickens, up to 8 ducks, and bees.
 - ii. All animal enclosures and beehives shall meet the minimum interior side and rear setback requirements for detached accessory buildings per Figure 5.01(2).
 - iii. No animal enclosure shall be located closer than 10 feet from the principal building.
 - iv. The minimum lot size for the keeping of farm animals is two acres (three acres for bees).
 - v. The raising or keeping of farm animals shall be permitted at a density not to exceed one animal unit per every acre owned, not considering fractional amounts of acreage.
- g. Within the AR and RM zoning districts:
 - i. The keeping or raising of hogs or fur-bearing animals as an accessory use to the principal residential use, as opposed to a principal “Agricultural Use,” shall not be permitted.
 - ii. The raising or keeping of farm animals shall be permitted at a density not to exceed one animal unit per every acre owned, not considering fractional amounts of acreage. The definition of an animal unit is in Section 94.17.04. The Zoning Administrator may approve modifications and exceptions to this animal unit density standard if, each year the normal density standard is to be exceeded, the land owner provides conservation compliance documentation from Marathon County signifying that the keeping of a higher density of animal units is in compliance with all NR 151 Agricultural Runoff Performance Standards and Prohibitions.
 - iii. Animal enclosures may be no closer than 50 feet from any lot line, except that beehives and poultry houses for not more than eight chickens or ducks need only meet the minimum setback requirement for detached accessory buildings in Figure 5.01(2).
- h. The keeping of bees shall be governed by the following additional regulations:
 - i. No more than one beehive shall be kept for each 5,000 square feet of lot area.
 - ii. The front of any beehive shall face away from the property line of the residential property closest to the beehive. A “flyway barrier” consisting of a solid fence of six feet in height or a dense hedge at least six feet in height shall be placed along the side of the beehive that contains the entrance to the hive, be located within five feet of the hive, and extend at least two feet on either side of the hive. No such flyway barrier shall be required if all beehives are located at least 25 feet from all property lines.
 - iii. A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent

bees from congregating at neighboring swimming pools or other sources of water on nearby properties.

iv. No Africanized bees may be kept.

11. Company Cafeteria.

A food service operation that provides food only to company employees and their guests, meets state food service requirements, and is located on the same property as a principal land use engaged in an operation other than food service.

12. Company Provided On-Site Amenities

An accessory use located on the same site as a principal land use, with such accessory use providing an amenity or benefit reserved solely for the use of company employees, their families, and their occasional guests. Such accessory uses may be devoted to recreation, health, wellness, child care, training, and other similar employee and guest support activities as determined by the Zoning Administrator. 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. Such uses may require further licensing by the State.

13. Indoor Sales Incidental to Storage or Light Industrial Land Use.

Includes any retail sales activity conducted exclusively indoors that is incidental to a principal land use such as warehousing, wholesaling, or any “Light Industrial” land use on the same site.

Performance Standards:

- a. The total gross floor area devoted to sales activity shall not exceed 25 percent of the total gross floor area of the buildings on the property. Areas devoted to uses such as custom ceramics, glass, wood, paper, fabric, and similar crafts may exceed 5,000 square feet with the granting of a conditional use permit.
- b. The indoor sales area shall be physically separated by a wall from other activity areas.
- c. Parking requirement: Adequate parking, per the requirements for “Indoor Sales or Service” land uses, shall be provided for customers. Said parking shall be in addition to that required for the “Light Industrial” or other uses on the lot.

14. Light Industrial Activities Incidental to Indoor Sales or Services.

Any “Light Industrial” use conducted exclusively indoors that is incidental to another principal land use such as “Indoor Sales or Service” land use on the same site.

Performance Standards:

- a. Must be conducted exclusively indoors and with doors and windows to the building closed.
- b. Floor area devoted to light industrial activities must not exceed 20 percent of the total floor area of the buildings in the property, or 5,000 square feet,

whichever is less.

- c. Must be physically separated by a wall from other activity areas that are available for public access.
- d. Must not generate any noise, odor, or vibration at any property line.
- e. May only operate between the hours of 7 a.m. and 6 p.m., Monday through Friday.

15. Outdoor Display Incidental to Indoor Sales or Service.

Any “Outdoor Display” use as defined in Section (d)(6) of this Section that does not exceed 15 percent of the total sales area of the principal building on the site, or 15 percent of the Gross Floor Area of the principal use(s) with which it is associated, whichever is less.

Performance Standards:

- a. Shall comply with all conditions applicable to a principal “Outdoor Display” principal use.

16. Outdoor Alcohol Area.

Outdoor Alcohol Areas are those that serve or allow for the consumption of alcohol outside of the principal structure, generally associated with an approved “Indoor Commercial Entertainment” use such as a restaurant, tavern, bar, and/or live music venue, but possibly also certain “Indoor Institutional” uses and other land uses. Examples of Outdoor Alcohol Areas include, but are not limited to, beer gardens and outdoor dining and recreational areas (e.g., volleyball courts) that allow the consumption of alcohol.

Performance Standards: The following standards shall apply to all Outdoor Alcohol Areas established or expanded after March 18, 2015, except as specifically indicated below:

- a. In the zoning districts where they are allowed, Outdoor Alcohol Areas that are proposed to be within 300 feet of residentially zoned property and/or propose hours different than subsection 6 shall first require a conditional use permit, and all other Outdoor Alcohol Areas shall be a permitted use. In either case, all of the following standards shall be met.
- b. Non-temporary Outdoor Alcohol Areas shall be set back a minimum of 100 feet from any residential use in any zoning district and provide a bufferyard meeting the requirements of Section 94.11.02(3)(d) along all property borders abutting residentially zoned property.
- c. The maximum allowable area for an Outdoor Alcohol Area shall not exceed 50 percent of the indoor gross floor area where accessory to a principal “Indoor Commercial Entertainment” use.
- d. As may be limited by State Statute or rule, the exterior of the Outdoor Alcohol Area shall be enclosed with a fence or wall, which shall be decorative except for temporary areas as determined by the Zoning Administrator. Emergency exits shall be provided in accordance with applicable Fire and Building

Codes.

- e. Except as a temporary use or in conjunction with a recreational use, an Outdoor Alcohol Area must be located on an impervious surface or hard all-weather decking material. No parking lot or driveway shall be used for any Outdoor Alcohol Area established or expanded after February 23, 2018, unless the pavement is professionally replaced or overlaid with a raised non-asphaltic material to establish the Outdoor Alcohol Area as a protected and deliberately designed space for persons outside of vehicles.
- f. Except where otherwise specified by the conditional use permit, Outdoor Alcohol Areas shall not open earlier than 7 a.m. or remain open later than 11 p.m. on any day.
- g. Except where otherwise limited by conditional use permit, Outdoor Alcohol Areas may play amplified music, whether live or recorded and may have speakers, microphones, televisions, or other audio or video devices provided all noise standards established in Section 94.12.13 are met.
- h. Outdoor Alcohol Areas shall at all times comply with all applicable regulations concerning accessibility and nondiscrimination in the providing of service.
- i. All applications for conditional use permit or site plan approval for an Outdoor Alcohol Area shall include operational details and site plan details addressing each of the requirements above in addition to the requirements for site plan review in Section 94.16.09. Any application for this use directly abutting a public right-of-way, parking lot, or driveway shall include details regarding the specific location of street, parking lot, or driveway improvements, and how the activity will be kept off of the street, parking lot, or driveway.
- j. Each Outdoor Alcohol Area shall meet all state and local permit and license requirements before commencing operations and at all times during operation, including but not limited to a local liquor license and a Wisconsin Department of Health and Family Services to operate said establishment pursuant to Wis. Stat. Chapter 254.
- k. Minimum Parking Off-Street Requirements: one space for every three persons at the maximum capacity of the Outdoor Alcohol Area. No conversion of space formally utilized for parking spaces to the Outdoor Alcohol Area shall reduce the number of parking spaces serving all uses on the premises below, or further below, the minimums under this chapter.

17. Small Exterior Communication Device.

Includes roof top antennas 15 feet in height or less as measured from the highest part of the roof to the top of the antenna and satellite dishes with an area of 7 square feet or less, generally used for television, radio, telephone, or internet reception, but allowable for other forms of transmission or reception (except for cellular and digital communication facilities).

Performance Standards:

- a. Small Exterior Communications Devices shall meet setback standards applicable to accessory structures.
- b. Small Exterior Communications Devices shall be erected and installed in

accordance with the state electrical code adopted by reference in the National Electrical Code, Federal Communications Commission, and the instructions of the manufacturer.

18. Large Exterior Communications Device.

Includes any apparatus capable of sending and/or receiving communications from a transmitter or a transmitter relay, and consisting of satellite dishes with a diameter greater than 7 square feet; antennas greater than 15 feet in height as measured from highest part of the roof to the top of the antenna; and/or ground-mounted antenna arrays. Does not include any commercial cellular and digital communication facilities that are mounted on a “Communications Tower,” which instead is described and regulated as a principal use earlier in this Article.

Performance Standards:

- a. No Large Exterior Communications Device shall be erected or installed within the front yard or street side yard. In non-residential districts, if reasonable reception of signals is not possible within an interior side or rear yard placement due to the physical characteristics of the lot and area, such facility may be placed in the front yard or street side yard, or on a building roof. Any ground-mounted device and its supporting structure shall be located a minimum of 10 feet from any interior side or rear property line.
- b. There shall be not more than one Large Exterior Communications Device per residentially zoned lot. On residentially zoned lands, Large Exterior Communications Devices shall not be allowed on rooftops, and the total height of ground-mounted signal receiving devices and any platform or structure upon which said device is mounted or affixed shall not exceed 12 feet in height as measured from the ground to the highest point of the device.
- c. Signal receiving antennas attached to any structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. The Zoning Administrator may require engineering calculations.
- d. The signal receiving antenna shall not exceed 15 feet in diameter, except for systems used to provide community antenna television services or cellular transmission.
- e. In non-residential zoning districts, ground-mounted signal receiving devices, including any platform or structure upon which said device is mounted or affixed, may not exceed 18 feet in height.
- f. All such devices shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of 80 MPH.
- g. Large Exterior Communication Devices shall be erected and installed in accordance with the Wisconsin State electrical code adopted by reference in the National Electrical Code, Federal Communications Commission, and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground installation. If a signal

receiving antenna is to be used by two or more residential property owners, all interconnecting electrical connections, cables, and conduits must also be underground. The location of all such underground lines, cables, and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.

- h. No form of advertising or identification sign or mural is allowed on the any part of the device other than the customary manufacturer's identification and warning plates.
- i. Communications devices shall be filtered, positioned, and/or shielded so as to prevent the emission and reflection of any electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on the same or adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the communications device shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- j. Supporting structures and equipment for antennas and satellite dishes shall be screened with foundation landscaping, decorative fencing, or placement within a building.
- k. The installation and use of all signal receiving antennas shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder.
- l. In making a recommendation on each conditional use permit application for an amateur radio antennae that exceeds the one or more thresholds for a "Small Exterior Communications Device," the Plan Commission shall make reasonable efforts to formulate reasonable conditions and the minimal practical restrictions that will allow for the approval of such facilities and shall deny such application only if it finds that the requested use, if installed and operated in accordance with all reasonable conditions and restrictions, will cause a significant danger to the public safety or welfare. It shall be a condition to each conditional use permit for an amateur radio antenna that the operation of the amateur radio service using such antennae shall at all times be maintained in compliance with the applicable regulations and permit conditions issued by the Federal Communications Commission.

19. Geothermal Energy System (GES).

A Geothermal Energy System (GES) is a central heating and/or cooling system that uses the moderate temperatures of subsurface ground or a body of water to assist with the heating or cooling of a building or a building's water. A GES requires an underground heat exchanger, in the form of a network of underground or underwater pipes or tubes filled with a liquid medium (refrigerant, water mixed with anti-freeze, or water). The liquid medium within the heat exchanger is transferred between a structure and the heat exchanger via pumps. In an Open Loop GES, ground or surface water is continuously drawn from an outside source through the heat exchanger pipes and discharged after use. In a Closed Loop GES, the system is designed so that heat

exchanger fluid does not come in direct contact with soils, groundwater, or surface water.

Performance Standards:

- a. Mechanical pumps used to move water between heat exchangers structures shall be located entirely within principal or accessory structures.
- b. Underground GES pipes or tubes shall be set back a minimum of 10 feet from any lot line, public right-of-way, buried utility line, utility easement, and permanently protected natural resource area.
- c. Underground GESs shall comply with state requirements regarding setbacks from private or public water wells.
- d. Earth moving or drilling activities associated with installation or maintenance of the underground element of GES heat exchangers shall comply with applicable erosion control requirements.
- e. Installation of a GES within a WHP Wellhead Protection Area Overlay District shall be allowed subject to review and approval by the Director of Public Works and in accordance with all applicable licensing and permit requirements.
- f. All activities, materials, structures, and products associated with the installation and maintenance of a GES shall comply with applicable state-approved standards and drilling permit procedures and shall meet the certification standards established by the IGSHPA or other professional geothermal system accreditation association recognized by the State of Wisconsin. Materials shall be able to withstand long-term exposure to the levels of moisture and/or acidity of soils of the site.
- g. Open loop GESs using only water as the heat exchange fluid shall be permitted. GESs may not be installed directly in a navigable body of water, and discharged water shall meet the state requirements for thermal and other water pollutants. Discharged water shall not be directed onto adjacent property or interfere with the function of on-site or off-site stormwater management structures.
- h. In closed loop GESs, only heat exchange fluids certified by the State of Wisconsin for use with underground heat exchangers may be utilized. Heat exchange fluids shall not pose a contamination hazard to ground water quality. Fluids removed from closed loop heat exchangers shall be disposed of in accordance with State and Federal requirements and shall not be discharged onto neighboring properties.

20. Small Wind Energy System.

Equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy with an installed nameplate capacity of not more than 100 kilowatts each and a total installed nameplate capacity of not more than 300 kilowatts.

Performance Standards: The following performance standards shall apply to any new Small Wind Energy System, and to any expansion or other material change to any

existing Small Wind Energy System:

- a. Shall be subject to all definitions, provisions, and requirements of Wis. Admin. Code PSC § 128 and Wis. Stat. § 66.0401 that are applicable to Small Wind Energy Systems, including the owner's and the Village's responsibilities under such requirements, except as limited by the standards below.
- b. The height and setback of a Small Wind Energy System near airports, heliports, or helipads shall be as follows:
 - i. If near a public use airport, shall comply with Wis. Stat. §§ 114.135 or 114.136, or if no applicable height or setback provision is contained in such sections, shall comply with Federal Aviation Administration obstruction standards in 14 CFR Part 77.
 - ii. If near a private use airport or private heliport/helipad at a medical facility used for air ambulance service, shall comply with Federal Aviation Administration obstruction standards for private use airports or public use heliports/helipads, respectively.
 - iii. If the Small Wind Energy System includes turbine-mounted lighting, such lighting shall include shielding or control systems approved by the Federal Aviation Administration to reduce visibility of lighting to individuals on the ground, to the extent determined practical by the Zoning Administrator.
- c. No Small Wind Energy System, or an expansion or material change to an existing System, shall be constructed prior to obtaining zoning and building permits. In addition to meeting zoning permit and building permit application requirements, the applicant shall submit all application materials required under Wis. Admin. Code PSC §128.30(2), as limited for Small Wind Energy Systems by Wis. Admin. Code PSC §128.60, along with information showing that the applicant has complied with the notice requirements in Wis. Admin. Code PSC §128.105 and Wis. Admin. Code PSC §128.30(5), with such notices also providing contact information for the Zoning Administrator.
- d. After receiving an application for zoning and building permit approval for a Small Wind Energy System (or expansion or material change thereto), the Zoning Administrator shall:
 - i. Determine the completeness of the application, and notify the applicant in writing whether the application is complete or incomplete no later than 15 days after the day the application is filed.
 - ii. Publish a Class I notice per Wis. Stat. §66.0401(4)(a)1, including a brief description of the proposed Small Wind Energy System, its proposed location, the locations where the application is available for public review, the method and time period for the submission of public comments, and the approximate schedule for review of the application by the Village.
 - iii. Make the application available for public review at the nearest public library to the proposed installation and at the Zoning Administrator's office.
 - iv. Accept written public comments on the application for 20 days after the Class I notice is published, or until the administrative hearing is

- held, whichever is later.
- v. Prior to action on the zoning and building permit, conduct an administrative hearing to obtain comments on and to inform the public about the proposed Small Wind Energy System.
 - vi. Either grant or deny the land use permit within 60 days of the submittal of a complete application.
- e. The Village may hire professional consultants to assist with the review and processing of the application. In addition to paying the required permit fees, the applicant for any Large Wind Energy System shall reimburse the Village for such consultant time, within 30 days of receipt of an invoice from the Village, per the requirements and limitations in Wis. Admin. Code PSC § 128.32(5)(b).
- f. Per PSC 128.33(5), the Zoning Administrator may require a written report from the owner of an approved Small Wind Energy System, no greater than once per year, documenting compliance over the previous calendar year with the requirements of this Chapter, Wis. Admin. Code PSC §128, Wis. Stat. § 66.0401, approved plans, conditions of approval, the requirement to maintain the System in good repair and operating condition; including all necessary state and federal permits and approvals; and including the maintenance log for each wind turbine. The log must contain the date and time maintenance was performed, the nature of the maintenance performed, and the reason for the maintenance. Such written report shall be provided within 60 days of Zoning Administrator request.
- g. In the event that the Village determines that a Small Wind Energy System does not comply with the requirements of this Chapter, Wis. Admin. Code PSC §128, Wis. Stat. § 66.0401, approved plans, conditions of approval, and the requirement to maintain the System in good repair and operating condition, the zoning and building permits may be revoked per normal procedures associated with such permits.
- h. Consistent with Wis. Admin. Code PSC §§128.12(2) and128.18(3)(am), and Wis. Stat. Chapter 91, in the FP zoning district, the Small Wind Energy System shall be subject to the following additional standards:
- i. The use and its location are consistent with the purpose of the FP district.
 - ii. The use and its location are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - iii. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

21. Small Solar Energy System.

A Small Solar Energy System is an energy system that converts solar energy to usable thermal, mechanical, chemical, or electrical energy, where such solar energy system is accessory to the principal use of the lot (such as a solar panel system providing energy for a dwelling on the same lot), and primarily supplies energy to such principal use.

Performance Standards:

- a. Rooftop, ground-mounted, and building-mounted solar energy systems shall comply with the height limits and minimum required yards for principal structures.
- b. The requirements of Wisconsin Statutes, including but not limited to Wis. Stat. §§ 66.0401 and 66.0403, shall apply to all Small Solar Energy Systems.

22. Outdoor Solid Fuel Furnace.

An outdoor accessory structure designed to heat air or water through a fire and then transmit that heated air or liquid to a different structure for direct use and/or structural heating.

Performance Standards:

- a. Shall be set back a minimum of 75 feet from all property lines and roads and 100 feet from any dwelling unit on an adjacent property.
- b. If less than 300 feet from any dwelling unit on an adjacent property, the smoke stack shall be required to be raised to the height of the roofline of the dwelling that the furnace serves and a Class A (triple wall) chimney pipe shall be installed to facilitate the dispersion of smoke.
- c. Shall be prohibited on lots less than three acres in area.
- d. Fuel shall only be natural wood (not painted, stained, or treated), wood pellets, corn products, biomass pellets or other listed fuels specifically permitted by the manufacturer's instructions, such as fuel oil, coal, natural gas or propane backup.
- e. Shall be required to have a spark arrestor if the manufacture's specifications allow such spark arrestor.
- f. Shall comply with SPS 323.045, Wis. Adm. Code, and the Uniform Dwelling Code. Design shall also be laboratory tested and listed to comply with appropriate safety standards, such as Underwriters Laboratories or American National Standards Institute standards.
- g. Shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this Chapter. In the event of a conflict, the requirements of this Chapter shall apply unless the manufacturer's instructions are stricter in which case the manufacturer's instructions shall apply.

23. Private Lake (Pond).

A manmade water body containing water year-round.

Performance Standards:

- a. The slope of the proposed pond is no steeper than three to one.
- b. The perimeter of the pond and all other associated disturbed areas shall be planted to vegetation within five days of completion of the excavation or construction. In cases where pond construction occurs during frozen soil conditions the establishment of vegetation cover may be delayed until soils

- have thawed.
- c. The private lake or pond must meet the setback requirements normally applicable to a principal building in the associated zoning district.
 - d. The stocking of a private lake or pond with fish for personal use shall be permitted. Commercial fish hatcheries shall be regulated as an “Agricultural Use.” Commercial fishing ponds shall be regulated as an “Outdoor Commercial Entertainment.”

24. Vehicle Course or Track.

Any privately-operated track, course, circuit, strip, or loop designed for use by motorized vehicles such as automobiles, trucks, ATVs, motorcycles, motocross bikes, “dirt bikes,” snowmobiles, go-carts, or boats, where an accessory use. Such uses occasionally are operated for recreational purposes for family use. This use shall meet the following performance standards:

Performance Standards:

- a. Minimum lot size shall be 5 acres.
- b. If such use abuts any residentially zoned or used property, all track facilities shall be located a minimum of 200 feet from such property and such use shall not be permitted to have night lighting nor operate between 8 p.m. and 8 a.m.
- c. Such uses may be subject to enforcement actions under nuisance law and Article 12 for noise, dust, or other impacts.

25. Donation Drop-Off Box or Vending Machine.

A free-standing receptacle located outside of a building that is used either to (a) automatically dispense small consumer goods, such as beverages, candy, and DVDs, when money is inserted, or (b) collect clothing, shoes, or other contributions, generally collected from persons not occupying the premises on which the receptacle is located and with such contributions generally intended for reuse elsewhere. The term does not include a trash container or recycling bin designed to contain waste from a household, business, or other land use on the same premise.

Performance Standards:

The following standards shall apply to all Donation Drop-Off Box or Vending Machines installed after March 18, 2015, and for pre-existing installations to the extent determined practical by the Village approval authority in cases where site plan approval is required for a new or expanded activity on the parcel per Section 94.3.03(10):

- a. Shall require issuance of a zoning permit prior to installation, which shall be issued only upon evidence of compliance with this subsection and receipt of written authorization by the property owner, or his legal representative.
- b. Shall be setback from property lines a distance equal to accessory buildings in the district.
- c. Must be placed on a hard, all-weather surface.

- d. Shall not obstruct pedestrian or vehicular circulation nor be located in a public right-of-way or approved parking space.
- e. Shall not be placed in a fire lane, loading zone, or any other location that may cause hazardous conditions, constitute a threat to the public safety, or create a condition detrimental to surrounding land uses and developments.
- f. May be constructed of painted metal, rubber, wood, or plastic and shall be properly maintained in a safe and good condition.
- g. Shall not be accompanied by any items stored or left outside of the container that houses the Donation Drop-Off Box or Vending Machine. The area around each Donation Drop-Off Box or Vending Machine shall be maintained by the property owner, free of litter and any other undesirable materials. All donated items must be collected and stored in the Donation Drop-Off Box.
- h. Each Donation Drop-Off Box shall:
 - i. Have a firmly closing lid.
 - ii. Have a capacity no greater than six cubic yards.
 - iii. Not exceed seven feet in height.
 - iv. Be clearly marked to identify the specific items and materials requested to be left for donation, the name of the operator or owners of the donation container, and a telephone number where the owner, operator or agent of the owner or operator may be reached at any time.
 - v. Display a notice stating that no items or materials shall be left outside of the Donation Drop-Off Box.
- i. Each Donation Drop-Off Box or Vending Machine not located or maintained in compliance with this Article shall be subject to revocation of the zoning permit or other enforcement actions under this Chapter.

SECTION 3: **AMENDMENT** “Sec 94.4.10 Temporary Land Use Types” of the Weston Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 94.4.10 Temporary Land Use Types

1. Temporary Outdoor Sales.

Includes the short-term display and/or sale of any items outside the confines of a 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:

- a. 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.
- b. In commercial and industrial zoning districts, the products displayed and sold outdoors shall be of the same general nature as the permanent retail activity conducted on the property.
- c. 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.
- d. 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.
- e. No fireworks stands are permitted.
- f. 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.
- g. The applicant and operator shall comply with temporary use review and approval procedures in Section 94.16.07. A temporary use permit shall only be issued to the owner/operator of the associated permanent use of the property.
- h. The applicant or operator shall provide a layout of the activities, and additional details if requested by the Zoning Administrator.

2. Garage, Yard, Estate, and In-Home Sales.

Includes the short-term display and sales of household products in a residence, residential garage, driveway, or yard, whether for one or multiple families.

Performance Standards:

- a. Shall be limited to properties in residential use.
- b. Shall be permitted in association with a two-family and multiple family residence only in a private driveway from the residential unit to the public street or in a garage serving a two- to four-unit building. Sales within parking lots, common driveways, or yard areas of two-family or multiple family residences are not permitted.
- c. May only be conducted by or on behalf of the occupants of the residence.
- d. Shall be limited to a maximum of four sales per year, with a maximum duration of three days per sale.
- e. Shall not require a temporary use review and approval under Section 94.16.07.
- f. No hoop buildings or structures of similar design shall be used in conjunction with the sale.
- g. Signs shall meet applicable one-time event sign standards in Section 94.13.08. No sign shall be placed in the public right-of-way, except with the express consent of the Zoning Administrator.

3. Outdoor Assembly or Special Event.

Includes any organized assembly of more than 200 persons, outdoors, including

church festivals, community events, and other similar activities open to the public, but excluding one-time and occasional auctions, weddings, funerals, family reunions, and other similar private events. Also includes special events as defined in Chapter 67 of the Code.

Performance Standards:

- a. Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- b. Adequate parking, drinking water, toilet facilities, and crowd control shall be provided.
- c. If the subject property is located within or adjacent to a residentially zoned area, activities shall be limited to daylight hours, unless licensed for longer hours.
- d. Each such use or activity shall not exceed 14 days per quarter.
- e. The applicant and operator shall comply with temporary use review and approval procedures in Section 94.16.07.

4. Contractor's Project Office.

Includes any structure containing an on-site construction management office for an active construction project.

Performance Standards:

- a. Facility may be installed no sooner than 10 days before construction commences and shall be removed within 10 days of issuance of an occupancy permit for all structures on the construction site.
- b. The applicant shall comply with temporary use review and approval procedures in Section 94.16.07.

5. Contractor's On-Site Equipment Storage Facility.

Includes any structure or outdoor storage area designed for the on-site storage of construction equipment and/or materials for an active construction project.

Performance Standards:

- a. Facility may be installed no sooner than 10 days before construction commences and shall be removed within 10 days of issuance of an occupancy permit for all structures on the construction site.
- b. The applicant shall comply with temporary use review and approval procedures in Section 94.16.07.

6. Relocatable Building.

Includes any manufactured building that serves as a temporary building, supplementing permanent buildings on the site, but not including other temporary uses or buildings included in this Section. Examples include temporary classrooms and temporary manufacturing facilities.

Performance Standards:

- a. The building shall conform to all setback and height regulations for principal

- buildings in the associated zoning district, as provided in Article 5.
- b. The building shall conform to all building code regulations.
 - c. Each such building shall not be placed on a site for more than 120 days in any calendar year, except by conditional use permit.
 - d. The applicant shall comply with temporary use review and approval procedures in Section 94.16.07.

7. On-Site Real Estate Sales Office.

Includes any building that serves as an on-site sales office for a development project.

Performance Standards:

- a. Facility may be installed no sooner than 10 days before construction commences.
- b. The office shall be removed or converted to a permitted land use within 10 days of the completion of sales activity.
- c. The applicant shall comply with temporary use review and approval procedures in Section 94.16.07.

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.

Performance Standards:

- a. Outside of agricultural zoning districts, such uses shall be limited to the sale of holiday trees and associated products, except where conducted by organizations that are tax-exempt under Section 501(c)(3) of the Internal Revenue Code.
- b. The display of products shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- c. If subject property is located adjacent to residentially zoned property, sales and display activities shall be limited to daylight hours.
- d. Each such use shall not exceed 120 days in any calendar year.
- e. Roadside stands, less than 200 square feet in area, shall be set back a minimum of 30 feet from the existing road right-of-way line and 20 feet from any other lot line.
- f. Shall comply with temporary use review and approval procedures in Section 94.16.07.

9. Temporary Portable Storage Container.

A portable storage container designed and used primarily for temporary storage of household goods and other such materials for use on a limited basis on residential property. Also known as a “pod.”

Performance Standards:

- a. The container shall be 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.

- b. The Temporary Portable Storage Container cannot encroach on the public right-of-way, neighboring property, sidewalk, or be placed in the street. The unit must be sited on a hard surface as defined in Section 94.17.04.
- c. Shall comply with temporary use review and approval procedures in Section 94.16.07.

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:

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

11. **Temporary Agricultural Structure.**

Temporary structures normally accessory and incidental to farming operations.

Performance Standards:

- a. Shall be a permitted as a temporary use only, for a maximum of 180 days.
- b. The parcel the structure is proposed to be located on shall be a minimum of 40 acres in area.
- c. The structure shall conform to the underlying zoning district's setback regulations.
- d. The structure must be affixed to the ground or a structure to prevent the wind from relocating the structure.
- e. Need not comply with temporary use review and approval procedures in Section 94.16.07.

12. **Temporary Unscreened Outdoor Storage Accessory to an Industrial Use.**

Provisions for the temporary unscreened or marginally screened outdoor storage of products, equipment, or supplies used by a principal "Light Industrial" or "Heavy Industrial" use on the same property, intended to address one-time and rare occasions of heavy activity in the business.

Performance Standards:

- a. Shall be a permitted as a temporary use only, for a maximum of 90 days.
- b. The building shall conform to all setback regulations for principal buildings.
- c. Must be sited on a hard surface or gravel surface.

- d. Shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- e. The Zoning Administrator may limit such storage to only those uses and lots where a site plan approved after March 18, 2015 designated the possibility of a Temporary Unscreened Outdoor Storage Accessory to an Industrial Use.
- f. The Zoning Administrator may require measures to screen or buffer the storage area, or direct the placement to a location that minimizes visual impact, to the extent practical.
- g. Shall comply with temporary use review and approval procedures in Section 94.16.07.

13. Temporary Sales by Mobile Food Vendors

Includes the short-term sale of products and foods outside the confines of a building. Foods and beverages are made by the licensed mobile food vendor. Examples of this land use category include, but are not limited to, mobile retail food establishment, temporary retail food establishment, pushcart, ice cream vendor and temporary food stands. This category does not include “Seasonal Sales of Farm Products” (including farmers’ markets), “Drive-in or Drive-through Sales or Service,” or licensed mobile food vendors associated with a licensed and approved “Outdoor Assembly or Special Event.”

Performance Standards:

- a. Each such use shall require the issuance of a “Mobile Food Vendor” License from the Village Clerk per Section 18.148 of the Municipal Code.
- b. Vending shall only be permitted to operate between the hours of 7:00 a.m. and 30 minutes after the provided closing hours for Class “B” licensed alcohol establishments as provided in Wis. Stat. §125.32(3).
- c. No mobile food vending unit may be set up at any one location for more than a 7-day period. Mobile food vending units that operate out of a motorized vehicle shall be parked in a parking stall overnight as to not inhibit traffic flow.
- d. All mobile food vendor units shall be located on a hard or gravel surface, as defined by this Chapter.
- e. All mobile food vendor units shall adhere to the setbacks of the hard or gravel surface of the respected zoning district as defined in Figure 5.02(2) Non-residential District Setbacks and Height Standards within this Chapter.
- f. Written permission from the property owner or designee granting the permission to vend food from a mobile food vending unit on their property.
- g. No mobile food vendor unit shall be located or operate within a rural, open space or residentially zoned district, with the exception of the PR – Parks and Recreation district or unless the mobile food vendor is identified under Section 18.148(d)(2) of Licensing.
- h. No mobile food vendor unit shall be located or operate within the right-of-way, which includes, but not limited to, the street and sidewalk, with the exception of a mobile ice cream vendor. No vending shall be made in a public street from a vehicle or other on-street unit except from the curbside of said vehicle or on-street unit. Vehicle or pedestrian flow shall not be impeded in any way. All vending from the right-of-way shall cease at sunset.

- i. No mobile food vendor unit shall be located within 10 feet of a fire hydrant or designated bus stop and shall not be located within the vision triangle as described in Chapter 71.
- j. No mobile food vendor unit shall be located on the same parcel where a business is selling the same or similar products during the hours of operation of said business, unless written permission is granted by the owner of said business and such documentation is provided with the required application.
- k. No mobile food vendor unit shall be located or operating within 1000 feet of school property during school hours, unless written permission is granted by the school superintendent or designee and such documentation is provided with the required application.
- l. It shall be prohibited for any mobile food vendor units to be connected to any public source of water, sewer or electricity.
- m. The utilization of public property, such as light poles, utility pole, planters is prohibited.
- n. The utilization of a drive-up or drive-through window for motorized vehicles is prohibited.
- o. The licensee or designated operator of the mobile food vendor unit shall be present at all times during which food is being displayed and sold, except that the operator may leave his/her vending location and mobile vending unit unattended during lawful vending hours for a maximum of 30 minutes per day.
- p. The Everest Metropolitan Police Department or the Village shall have the authority to remove or cause the removal of any mobile food vendor unit, any of its accessories or product that is in violation of this chapter or poses a risk to the health, safety or welfare of the general public. In addition to any forfeiture that may be imposed, the violator shall also be liable for any removal, towing and storage charges incurred by the Village or any of its associated agencies as a result.
- q. Any signs that are attached to the mobile vending unit are exempt from the requirements of filing a sign permit but shall adhere to all regulations within Article 13.

14. Temporary Asphalt, Batch or Concrete, Stone Crushing and/or Processing Operations

Where not accessory to a non-metallic mineral extraction operation, this temporary use shall be proposed in conjunction with and exclusively serving a specific public highway or road improvement, other public works project, or large scale construction project warranting on-site processing in the Zoning Administrator’s opinion that benefits the Village and/or the Extraterritorial Zoning District, subject to the issuance of a temporary use permit and the following performance standards.

Performance Standards:

- a. The permitted length of time of operation are as follows:
 - i. All temporary use permits within the Village for any such operation shall not exceed a six-month (6) period.

- (1) An extension of the permit may only be considered for up to one year by conditional use permit. Projects proposed to exceed 1-year must qualify as a Solid Waste Disposal, Composting and/or Recycling Facility as defined in Section 94.4.06(5).
- ii. All temporary use permits within the Extraterritorial Zoning District for any such operation shall only be considered by conditional use permit.
 - (1) Projects proposed to exceed 1-year must qualify as a Solid Waste Disposal, Composting and/or Recycling Facility as defined in Section 94.4.06(5)
- b. Batch plants and material processing operations shall only be permitted as a temporary use within the AR Agriculture and Residential district, Non-Residential, and Mixed-Use Districts; or within a Subdivision where the preliminary plat has been approved or construction phase authorized within the preceding year.
- c. All temporary use permit applications shall include detailed site and operational plans, which describe the specific nature of the proposed operation, justification for why the operation needs to be performed on-site; the specific project(s) which the operation would supply; types and quantities of materials and processes; types, quantities, and frequency of use of equipment to move, process, and haul materials within and to and from the site; where materials would be hauled from and to and over what routes and roads; any special measures that will be used for spill prevention and control, dust control, and environmental protection; methods to keep all public roads free of all mud, debris, and dust; number of employees; proposed days and hours of operation; proposed time length of operation; other state, county, or federal permits required; public safety measures including fencing; evidence of adequate insurance, and contact information for all on-site managers/supervisors.
- d. All applications shall include a detailed map of the impacted areas showing the designated truck routes and frequency of travel. All off-site travel shall be restricted to arterial and collector streets and highways unless prior written approval is received from the Director of Public Works to use other streets.
- e. A bond or other performance guarantee for such work may be required as part of the temporary use permit provided that a clear relationship is established between the operation and the need for road upgrades, repair, and maintenance.
- f. All applications shall include a detailed site plan in accordance with Section 94.16.09 and shall also include the following:
 - i. Location of all fences or other screening mechanisms;
 - ii. Location of processing equipment and areas and material and equipment storage areas;
 - iii. The proposed type and amount of material being processed and/or stored;
 - iv. Employee parking; and

- v. An erosion control plan, drawn to scale by a professional engineer, meeting all applicable Village, State, and County requirements.
- vi. Other location-specific items required under subsection 3 indicated.
- g. Driveway access of the operation shall adhere to Section 94.12.08 and Chapter 71 of the Municipal Code.
- h. Batch plants and material processing operations proposed within 1,000 feet of any residential land use (not including undeveloped subdivisions) shall also have to obtain a conditional use permit per Section 94.16.06.
- i. On-site bulk fuel storage areas and areas for fueling of equipment shall be located in accordance with the Wisconsin Administrative Code and State Statutes. Fuel storage located within the Wellhead Protection Zones shall require a conditional use permit per Section 94.6.03 to minimize the potential for groundwater contamination.
- j. Depending on the nature of the use, the Zoning Administrator may require a reclamation plan clearly depicting the restoration of the property, proposed contours, depth of topsoil, vegetative cover and the proposed land use. A bond or letter of credit may be required to cover the costs of reclamation in the event that the applicant fails to complete the process or is unable to do so due to other circumstances. The amount is determined by the preexisting conditions of the site.
- k. At maximum, the operation of the batch plants and material processing uses shall be permitted between the hours of 7:00AM through 5:00PM, Monday through Friday; and between 7:00AM and 12:00PM on Saturday. Transportation of materials to and from the site shall not occur outside of these hours when within 1,000 feet of an existing residential land use. The entire project area shall be screened from view from all neighboring parcels and rights-of-way.
- l. To prevent tracking of mud onto public roads, access driveways shall be hard surfaced within one 100 feet of public roads, unless the adjacent road is not hard surfaced. This requirement may be satisfied with the use of a tracking pad as part of the erosion control plan.
- m. Material processed on site shall be only used for the project specified on the permit application. If it has been determined by the Zoning Administrator that other activities are occurring within the proposed site area unrelated to the specified project the temporary use permit shall be revoked.
- n. All public roads to all operations shall be kept free of all mud, debris, and dust.
- o. Operation sites and driveways shall be sprayed to control dust, except when the temperature is below freezing. All operations and sites shall also meet the air pollution standards in Section 94.12.14.
- p. Minimum Required Off-Street Parking: one space per each employee on the largest work shift.

SECTION 4: 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. ~~AH~~Each Detached Accessory Structures serving a multi-family residential principal building(s) shall meet applicable design requirements in Section 94.4.09(2). ~~AH~~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.
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, achieving this standard may require techniques such as rear- or side-loaded garages, or front-loaded garages that are fully or partially recessed into the main body of the building.
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 5: **AMENDMENT** “Sec 94.17.04 Definitions” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.17.04 Definitions

The following words, terms and phrases, wherever they occur in this Chapter, shall have the meanings ascribed to them by this Section.

Abutting: Having a common border with, or being separated from such common border by an alley or easement.

Access: A means of providing vehicular or non-vehicular egress from or ingress to a property, highway, or private roadway.

Access, direct: A condition of immediate physical connection resulting from a highway, alley, or private road abutting a property.

Access, secondary: A means of providing vehicular or non vehicular ingress to or egress from a property and a source other than a street or alley (e.g., easement, common driveway).

Access standards: See Chapter 71 of the Weston Municipal Code.

Acre: 43,560 square feet.

Accessory dwelling unit (land use): See Section 94.4.09.

Accessory land use or structure: A use or structure subordinate to, and serving, the principal use or structure on the same lot and customarily incidental thereto.

Accessory residential use or dwelling unit: For purposes of this Chapter, a dwelling unit that is accessory to one or more principal land uses. Includes “In-Home Suites,” “Accessory Dwelling Units,” and similar uses.

Active outdoor public recreation (land use): See Section 94.4.04.

Addition: Any walled and roofed expansion to the perimeter and/or height of a building in which the addition is connected by a common load bearing wall. Any walled and roofed addition that is connected by a fire wall or is separated by independent perimeter load bearing walls shall be considered new construction.

Address and/or identification sign: An accessory wall sign containing only the name and/or address of the premises on which it is located.

Adjacent: Abutting a separate lot.

Adult entertainment or adult-oriented establishment (land use): See Section 94.4.05.

Agricultural-related use (land use): See Section 94.4.03.

Agricultural use (land use): See Section 94.4.03.

Agricultural (zoning) district or agriculturally zoned: Either or both the FP Farmland Preservation zoning district or AR Agricultural and Residential zoning district.

Air dome: An enclosed building, or portion of an enclosed building, where either the shape of the building or portion of said building is maintained either by elevated air pressure within the usable area or by air pressurization of cells or tubes to form a barrel vault over the useable area. Except where explicitly allowed under this Chapter, air domes are a prohibited building type. Not the same as a “Hoop Building,” which is separately defined and regulated.

Air pollution standards: See Section 94.12.14.

Airport or heliport (land use): See Section 94.4.07.

Alley: A public right-of-way which normally affords a secondary means of access to the side or rear of an abutting property, and which is not intended for through traffic.

Amateur radio antenna: Any combination of materials or equipment located outside of a principal structure on some premises used exclusively for the purpose of sending and/or receiving electromagnetic waves for amateur radio service, including any towers, support structures, guy wires, foundations or similar components of a support structure.

Amateur radio service: The transmission and reception of electromagnetic signals for non-commercial purposes, by an amateur radio operator licensed by the Federal Communications Commission.

Animal confinement facilities: Locations of confinement of livestock at a density exceeding three of such livestock animals per acre, except as applies to dairy production facilities which incorporate areas for manure application (at rates not to exceed the nutrient requirements of the crops grown thereon) as an integral part of the operation.

Animal fancier (land use): See Section 94.4.09.

Animal unit: A term which has the meaning that was given in NR 243.05(3), Wis. Admin. Code. Animal units are not the same thing as the number of animals on a farm. A conversion factor is used for each different animal type (beef, dairy, swine) and size (mature or immature) to determine animal units. Example: a mature dairy cow is equal to 1.4 animal units. The Wisconsin Department of Agriculture, Trade and Consumer Protection has created Worksheet 1 – Animal Units to determine the number of animal units.

Apartment: See definition of Multi-Family Residence.

Appeal: A means for obtaining review of a decision, determination, interpretation, order, or failure to act pursuant to the terms of this Chapter as expressly authorized by the provisions of Section 94.16.14.

Aquifer: A saturated, permeable, geologic formation that contains, and will yield, significant quantities of water.

Arterial street: See Street, Arterial.

Artisan studio (land use): See Section 94.4.05.

Artwork: Means a sculpture, monument, or structure erected solely for aesthetic purposes, which in no way identifies a product or business or is used for commercial purposes.

Auction yard (land use): See Section 94.4.06.

Awning: A shelter projecting from and supported by the exterior wall of a building, constructed of non-rigid materials on a supporting framework.

Banner: A sign made of fabric or any non-rigid material with no enclosing framework.

Basement: A portion of a building located partly underground, but having one half or less of its floor to ceiling height below the average grade of the adjoining ground.

Bed and breakfast (land use): See Section 94.4.05.

Bedroom: A room in a residence marketed, designed, or otherwise likely to function primarily for sleeping.

Billboard: An off-premise advertising sign that directs attention to a business, product, or service offered at a location other than on the premises on which the sign is located.

Blanket variance: A variance that is automatically granted by a provision of this Chapter in order to reduce the creation of legal nonconforming sites (see Section 94.15.05).

Board of Trustees: See “Village Board.”

Boarder: A person renting a room, or being provided a room as a stipulation of employment, in a Boarding House.

Boarding house (land use): See Section 94.4.05.

Brewpub: A use that is accessory to a restaurant or tavern use, produces less than 10,000 barrels of beer per year, is permitted under Wis. Stat. § 125.295, and where beer is primarily produced for on-site consumption.

Bufferyard: Any permitted combination of distance, vegetation, fencing, and/or berming that results in a reduction of visual and other interaction with an adjoining property, as required for certain land uses and activities and specified in Section 94.11.02(3)(d).

Building: A structure having a roof and intended for the shelter, housing, or enclosure of persons, animals or chattels.

Building, accessory: A building that meets the following criteria:

1. Is subordinate to and serves a principal structure and/or principal use;
2. Is subordinate in area, extent, and purpose to the principal structure or use served;
3. Is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Chapter; and
4. Is customarily incidental to the principal structure or use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

Building coverage: The percentage of a lot covered by all principal and accessory buildings, including all structures with a roof.

Building front: That exterior wall of a building that faces the front lot line of the lot.

Building height: The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof; the deck line of a mansard roof; or to the average height of the highest gable of an umbral, hip, or pitched roof.

Building Inspector: The employee or contractor of the Village officially designated to administer the Building Code.

Building, principal: A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

Building separation: The narrowest distance between two buildings. See Minimum Building Separation.

Building size: The total gross floor area of a building.

Bulk (of a building): The combination of building height, size, and location on a lot.

Business day: Any 24-hour day from Monday to Friday, except for any day on which Village employees are not required to work due to its association with a state or federal holiday.

Campground (land use): See Section 94.4.05.

Camping cabin: A camping unit that is a hard-sided tent or shelter less than 400 square feet in area whose foundation is not part of the cabins structure that is designed to be moveable which may or may not have an inside water connection or water using sanitary fixtures.

Camping unit: Any structure, equipment or vehicle intended for temporary sleeping accommodations for recreation or travel, not more than 400 square feet in area, including recreational vehicles (RV's), pick-up trucks with sleeper attachments, motor homes, camping trailers, tents, park models, yurts, camping cabins, and similar equipment.

Camp site: A clearly signed piece of land within a camp ground that provides a location for a camping unit(s), with its location delineated on a campground site plan map.

Camping trailer: A camping unit that is a vehicle with a collapsible or folding structure and towed upon a highway by a motor vehicle.

Canopy (building): A rigid multisided structure covered with fabric, metal, or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities.

Canopy (freestanding): A rigid multisided structure covered with fabric, metal, or other material and supported by columns or posts embedded in the ground.

Carport: An attached or detached structure having a roof designed to shelter a motor vehicle, but open on more than one side.

Cellar: That portion of the building having more than one-half of the floor-to-ceiling height below the average grade of the adjoining ground.

Certificate of Occupancy: See Section 94.16.10.

Collector street: See Street, Collector.

Commercial animal establishment (land use): See Section 94.4.05.

Commercial indoor lodging (land use): See Section 94.4.05.

Commercial land use(s): See Section 94.4.05.

Common ownership: Any combination of contiguous parcels singly owned by one uniquely named entity as identified by deed. Such an entity includes, but is not necessarily limited to, an individual person, a married couple or family trust, or a partnership or corporation.

Communications tower (land use): See Section 94.4.08.

Community character: The impression an area makes in regard to the type, intensity, density, quality, appearance, and age of development.

Community garden (land use): See Section 94.4.03.

Community living arrangement (land use): See Section 94.4.04.

Company cafeteria (land use): See Section 94.4.09.

Company provided on-site amenities (land use): See Section 94.4.09.

Comprehensive Plan: The adopted Comprehensive Plan of the Village, as may be from time to time amended. The Comprehensive Plan is intended to promote public health, safety, and welfare of the Village by effectively guiding long-range growth and development within the Village and its extraterritorial area. The Comprehensive Plan provides goals, objectives, policies, and recommendations for future land use, transportation, housing, economic development, utilities, community facilities, agricultural resources, natural resources, cultural resources, intergovernmental relations, and implementation. Implementation of the Comprehensive Plan is accomplished through this Chapter, other chapters of the Municipal Code, more detailed plans, public investments, private development decisions, intergovernmental cooperation, and citizen involvement. The authority for the Village of Weston to prepare and adopt a Comprehensive Plan is established under Wis. Stats. § 62.23 and 66.1001.

Conditional use: A land use that requires a conditional use permit in order to develop.

Conservation neighborhood design: A technique of designing neighborhoods in which the preservation of natural resources is central to the overall design.

Construction, start of: The installation of foundation footings and/or materials for road construction.

Contractor's on-site equipment storage facility (land use): See Section 94.4.10.

Contractor's project office (land use): See Section 94.4.10.

County: Marathon County, Wisconsin.

Cul-de-sac: A local street having one end open to traffic and the other end permanently terminated in a vehicular turnaround meeting Village standards.

Day care: See “Family Day Care Home,” “Intermediate Day Care Home,” or “Group Day Care Center.”

Deck: A platform, raised above the ground surface, either freestanding or attached to a building, and supported by pillars or posts.

Dedication: The transfer of property interest from private to public ownership for a public purpose. The transfer may be of fee simple interest or of a less than fee simple interest, including an easement.

Density: A term used to describe the number of dwelling units per acre.

Detached accessory structure (for non-residential use) (land use): See Section 94.4.09.

Detached accessory structure (for residential use) (land use): See Section 94.4.09.

Detached garage: See “Garage, detached.”

Developer: The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including an option or contract purchaser.

Development: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Chapter.

Disposal land use(s): See Section 94.4.06.

Distribution center (land use): See Section 94.4.07.

Donation Drop-off box or vending machine (land use): See Section 94.4.09.

Drainage: The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff, to minimize erosion and sedimentation during and after development, and the means necessary for water supply preservation or prevention or alleviation of flooding.

Drive-in or drive-through sales or service (land use): See Section 94.4.05.

Drive-in theater: See “Outdoor Commercial Entertainment.”

Dwelling: A building or one or more portions thereof, containing one or more dwelling units, but not including habitations provided in nonresidential uses such as lodging uses and campgrounds.

Dwelling, attached: A dwelling joined to another dwelling at one or more sides by a shared wall or walls.

Dwelling, detached: A dwelling entirely surrounded by open space on the same lot.

Dwelling unit: A room or group of rooms providing or intended to provide permanent living quarters for not more than one family. Also “housing unit.”

Dwelling unit separation: The narrowest distance between two dwelling units. See Minimum dwelling unit separation.

Earth filling/excavating: See Section 94.12.02.

Easement: Written authorization, recorded in the Register of Deeds' office, from a landowner authorizing another party to use any designated part of the land owner’s property for a specified purpose.

Encroachment: Any fill, structure, building, use, or development that advances beyond proper limits.

Erosion: The detachment and movement of soil or rock fragments by water, wind, ice, and/or gravity.

Essential services: Facilities that meet the following criteria:

1. Are owned or maintained by public utility companies or public agencies;
2. Are located in public ways or in easements provided for the purpose, or on a customer's premises and not requiring a private right-of-way;
3. Are reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communication, or similar services to adjacent customers, and;
4. Do not include any cross-country line on towers.

Existing Facilities and Land Uses: Pertaining to the wellhead protection regulations of this Chapter, those facilities, practices, or activities existing as of the date that the WHP Wellhead Protection Area overlay zoning district is first mapped in that area and in continuous operation since that date, which may cause or threaten to cause environmental pollution within the WHP district. Existing facilities and land uses include but are not limited to the type listed in the Department of Natural Resources’ form 3300-215, Public Water Supply Potential Contaminant Use Inventory Form, incorporated herein as if fully set forth.

Explosion standards: See Section 94.12.17.

Exterior storage standards: See Section 94.12.06.

ETZ Area: The area outside of the Village municipal limits in which the Village exercises joint zoning authority with the Town of Weston, under extraterritorial zoning authority granted by Wisconsin Statutes. Also “extraterritorial zoning area.”

Extraterritorial Area: The area outside of the Village municipal limits in which the Village may exercise extraterritorial powers of planning, land division, official mapping, and/or zoning under Wisconsin Statutes.

Extraterritorial Zoning Committee: The committee formed under Wisconsin Statutes to make and advise zoning decisions within the ETZ Area. Also referred to as the “Joint Committee” or “Joint Extraterritorial Committee.”

Façade: That portion of the exterior vertical surface of a building extending from finished grade to the top of the parapet, wall, or eaves.

Family: An individual or two or more persons, each related by blood, marriage, adoption, or guardianship, living together as a single housekeeping unit; or a group of not more than four persons not so related, maintaining a common household in which bathrooms, kitchen facilities, and living quarters are shared.

Family day care home (land use): See Section 94.4.09.

Farm: A parcel or parcels of land (a) where the majority of the land is used for growing farm products—such as vegetables, trees, and grain—and/or for the raising of the farm animals, (b) from which at least \$6,000 of gross farm revenue in the prior full calendar year (or \$18,000 total over the last 3 years) have been earned or where the land is enrolled in a farm commodity or conservation program, and (c) in common ownership as defined in this Section. Also referred to as a “farm operation.”

Farm animal: Any animal that is customarily raised for a profit on a farm and/or to supplement household food supplies or income, and that has the potential for causing a nuisance or public health concerns if not properly maintained. Includes bovine animals, equine animals, goats, poultry, sheep, swine, farm raised deer, farm raised game birds, camelids, ratites, farm raised fish, and bees, but does not include pot-bellied pigs. Refer to Wis. Admin. Code ATCP § 51 for applicable definition related to certain livestock facilities covered by those rules. Also referred to as “livestock” for purposes of this Zoning Ordinance.

Farm residence: The only single-family residence located on a farm.

Farmers’ Market: The days the Village of Weston provides a time and space for vendors to peddle, vend, sell, serve, display, offer to sell or give away a grown or homemade good, product, food or beverage.

Fencing standards: See Section 94.12.03.

Fire and explosion standards: See Section 94.12.17.

Flag: Any fabric, plastic, or similar material containing distinctive colors, patterns, or symbols used as a symbol or emblem of any corporation, nation, organization of nations, state, Village, or religious, fraternal, educational or civic organization displayed for noncommercial purposes.

Flashing sign: A directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.

Flicker: The moving shadow created by sun shining on the rotating blades of the wind turbine.

Floor area: The sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines, basements, attached accessory buildings, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, inside off-street parking or loading space (decks are not included in this measurement). Measurements shall be made from the inside of the exterior walls and to the center of interior walls.

Floor area ratio (FAR): The ratio calculated by dividing the Gross Floor Area of all buildings on a site by the Gross Site Area.

Footcandle: A unit of illumination produced on a surface, all points of which are one-foot from a uniform point source of one candle, or approximately 10 LUX.

Freight terminal and mass transportation depot (land use): See Section 94.4.07.

Garage: A detached garage or a portion of the principal building, not including a carport, which is used primarily for storing vehicles and equipment. See also “Detached Accessory Structure (for Residential Use).”

Garage, detached: A detached accessory building that is 200 square feet in area or greater; used primarily to store vehicles and equipment; and installed on a foundation, hard surface, or graveled surface. A detached garage is not a utility shed.

Gas station: See “Drive-In or Drive-Through Sales or Service.”

Gazebo: A detached accessory structure that is covered but that also allows open air and views on all sides, and is for recreational use that does not include storing vehicles or equipment.

Geothermal energy system (GES) (land use): See Section 94.4.09.

General floor plans: A graphic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

Glare: The brightness of a light source that causes eye discomfort.

Glare standards: See Section 94.12.16.

Green space: Includes all landscape surfaces, in ground stormwater management facilities, woodlands, and permanently protected natural resource areas that allow ground water infiltration.

Gross density: The result of dividing the number of dwelling units located on a site by the gross site area. See Maximum gross density.

Gross floor area (GFA): The total floor area on all levels of a building.

Gross site area (GSA): The total area of a site available for inclusion in calculations of the maximum permitted density or intensity of development.

Group day care center (land use): See Section 94.4.05.

Group development: Any unified non-residential or mixed-use development that consists of two or more separated, individual business spaces within one or more buildings, or a collection of buildings and businesses on separate lots or building pads developed as a unified project, including industrial parks, health care complexes, and shopping centers.

Habitable building: Any building, or portion thereof, used for human habitation.

Hard surface: A dustless, all-weather surface including concrete, asphalt paving, “black-top,” pervious pavement, interlocking pavers, paving stones commercially designed and manufactured for the proposed purpose, any combination of these materials, or other similar material approved by the Zoning Administrator. Does not include gravel, other crushed stone, limestone screenings, clay, or other loose aggregate or organic material.

Hazardous materials: See Section 94.12.20.

Heat standards: See Section 94.12.16.

Heavy duty trucks: A Federal Highway Administration classification of including all trucks with a gross vehicle weight rating of over 26,000 pounds.

Heavy industrial (land use): See Section 94.4.08.

Height of structure: See Building Height.

Historic structure: Any building or portion of a building that is (a) listed or eligible for listing on the National or State Registers of Historic Places or (b) identified as having historic or architectural significance by a comprehensive survey of historic resources conducted by or with authorization of the Village.

Hobby farm: A type of agricultural use that produces food or fiber, or that houses horses or similar animals, but is operated for pleasure or supplemental income rather than for primary income and exceeds the limitations associated with the “keeping of farm animals on residential lots and school sites” land use.

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.

Home occupation (land use): See Section 94.4.09.

Hotel: See “Commercial Indoor Lodging.”

Ice shanty: A portable shed placed on a frozen lake to provide shelter during ice fishing. Also called an ice shack, ice house, fishing shanty, fish house, fish coop, or ice hut. Where placed or stored outside of another fully enclosed building on land, an ice shanty shall be classified and regulated as a “recreational vehicle” if it has wheels and as a “detached accessory structure” if it does not have wheels.

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 shall also be considered impervious.

In-home suite (land use): See Section 94.4.09.

Indirectly (externally) illuminated sign: A sign that is illuminated from a source outside of the actual sign.

Indoor commercial entertainment (land use): See Section 94.4.05.

Indoor institutional—general (land use): See Section 94.4.04.

Indoor institutional—intensive (land use): See Section 94.4.04.

Indoor repair and maintenance (land use): See Section 94.4.05.

Indoor sales incidental to storage or light industrial land use (land use): See Section 94.4.09.

Indoor sales or service (land use): See Section 94.4.05.

Indoor storage or wholesaling (land use): See Section 94.4.06.

Institutional and recreational land use(s): See Section 94.4.04.

Institutional residential (land use): See Section 94.4.04.

Intensity: A term used to describe the amount of gross floor area or landscaped area, on a lot or site, compared to the gross area of the lot or site.

Intermediate day care home (land use): See Section 94.4.09.

Internally illuminated sign: A sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within such sign.

Interpretations: See Section 94.16.12.

Joint Extraterritorial Committee: See Extraterritorial Zoning Committee.

Junkyard or salvage yard (land use): See Section 94.4.06.

Keeping of farm animals on residential lots and school sites (land use): See Section 94.4.09.

Landscape points: See Section 94.8.02(4).

Landscaped area: The area of a site that is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced groundcovers, shrubs, bushes, and trees. Landscaped area includes the area located within planted and continually maintained landscaped planters. Landscaped areas do not include stormwater detention ponds unless the Zoning Administrator deems that the design of the facility also meets the aesthetic, screening, or other open space requirement applicable to the use or site.

Landscaped surface area ratio (LSR): The percentage of the gross site area or lot area that is preserved as permanently protected landscaped area, including vegetative roofs meeting the definition in this section.

Landscaping: A deliberately designed collection of living plants installed and maintained on a lot, generally including a combination of trees, shrubs, and perennial plantings.

Land use: The type of use, development, and/or activity occurring on a piece of property.

Large exterior communication device (land use): See Section 94.4.09.

Lawn care: Any activity involving the preparation, installation, and maintenance of vegetative ground cover, including but not limited to grass.

Lawn ornaments. Decorative, human-made objects placed in the yard area of a property, such as statuary, bird baths, bird feeders, sundials, fountains, and similar features. Yard accessories that serve a more utilitarian or recreational purpose, such as clothes lines and play sets, are not considered lawn ornaments.

Light duty trucks: A Federal Highway Administration classification including all trucks with a gross vehicle weight rating of up to 14,000 pounds.

Light industrial (land use): See Section 94.4.08.

Light industrial activities incidental to indoor sales or service (land use): See Section 94.4.09.

Lighting standards, exterior: See Section 94.12.11.

Livestock or farm commodity trucking (land use): See Section 94.4.07.

Loading standards: See Section 94.12.10.

Local collector street: See “Street, Collector.”

Local residential street: See “Street, Local Residential.”

Local street: See “Street, Local.”

Lot: A parcel of land that: (a) is undivided by any street or private road; and (b) has frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other provisions of this Chapter and the Village Subdivision Ordinance.

Lot area: The area contained within the exterior boundaries of a recorded lot, excluding public streets and land under bodies of water.

Lot, corner: A lot situated at the junction of and abutting two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

Lot depth: The average distance between the front lot line and the rear lot line of a lot.

Lot frontage: Lot width measured at the front lot line.

Lot interior: A lot other than a corner lot.

Lot line: A lot line is a property line bounding a lot, except that where any portion of a lot extends into the public right of way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line for purposes of this Chapter.

Lot line, front: A lot line that abuts a public or private street right-of-way. For corner lots, the lot line along the street from which the house is addressed shall be the front lot line. (See also lot line, street side).

Lot line, interior side: Any boundary of a lot that is not a front lot line, a street side lot line, or a rear lot line.

Lot line, rear: In the case of rectangular or most trapezoidal shaped lots, the lot line that is opposite and most distant from the front lot line of the lot is the rear lot line. In the case of an irregular, triangular, or gore shaped lot, a line 20-feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of a double frontage lot, there shall be no rear lot line

Lot line, street side: For corner lots, the lot line that abuts a public or private street right of way but that is not the front lot line.

Lot of record: A platted lot or lot described in a certified survey map or in metes and bounds description that has been approved by the Village and/or by Marathon County; and has been recorded in the office of the Register of Deeds.

Lot, through: A lot that has a pair of opposite lot lines abutting two substantially parallel streets (one or more of which may be a portion of a cul-de-sac).

Lot width: The maximum horizontal distance between the side lot lines of a lot, measured at a location of the lot that is (a) parallel to the front lot line and at (b) at the minimum required front yard. Such minimum required front yard shall be per this Chapter for the associated zoning district, or further towards the rear lot line if so delineated on an approved subdivision plat or certified survey map. See also “Minimum lot width.”

Lowest floor: The lowest enclosed floor (including basement). Any unfinished or flood resistant enclosure, usable solely for parking vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosed area is not built so as to render the structure in violation of the applicable non elevation design requirements of this Chapter.

Manufactured home: A structure that is designed to be used as a dwelling with or without a permanent foundation and that it is certified by the Federal Department of Housing and Urban Development as complying with the standards established under 42 USC §§ 5401 to 5424, and includes any additions, attachments, annexes, foundation appurtenances and multiple sections.

Maximum accessory building coverage: The largest permitted area of all accessory buildings on a lot.

Maximum floor area ratio (FAR): The largest amount of floor area permitted on a lot. See also “floor area ratio.”

Maximum gross density (MGD): The maximum number of dwelling units permitted per acre of Gross Site Area. See also “gross density.”

Maximum height: The maximum height of the highest portion of any structure. See also “height.”

Micro-beverage production facility (land use): See Section 94.4.05.

Minimum building separation: The narrowest permitted building separation for buildings on the same building lot or site.

Minimum dwelling unit separation: The narrowest permitted dwelling unit separation on the same building lot or site.

Minimum landscape surface ratio (LSR): The lowest permitted landscape surface ratio. See also “landscape surface ratio.”

Minimum lot area (MLA): The minimum size lot permitted within the specified zoning district and development option.

Minimum lot width: The smallest permissible lot width within the applicable zoning district.

Minimum setback: The narrowest distance permitted from a front, street side, interior side, or rear property line to a building or structure as specified in this Chapter.

Minimum site area (MSA): The minimum gross site area in which the specified development option may occur. See also “gross site area (GSA)”.

Mixed use: Some combination of residential, commercial, industrial, office, institutional, or other land uses within a district or development, except as may otherwise defined in the standards for a PD or N district.

Mixed use dwelling unit (land use): See Section 94.4.02.

Manufactured home community (land use): See Section 94.4.02.

Mobile food vending unit: Any motorized or non-motorized vehicle, trailer, kiosk, pushcart, pedal cart, stand, display, carried container, blanket, ground covering or other device designed to be portable and not permanently attached to the ground from which food and/or beverages are being peddled, vended, sold, served, displayed, or offered for sale or given away. This definition does not include a mobile wholesale delivery unit, a vehicle which is used solely to transport or deliver food, or a common carrier regulated by the state or federal government. See Section 94.4.10(13).

Mobile food vendor: means a person who peddles, vends, sells, serves, displays, offers to sell or give away food or beverages from a mobile food vending unit.

Mobile home: A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. “Mobile home” includes the mobile home structure, its plumbing, heating, air and Housing Construction electrical and systems, and all appliances Safety Standards all other equipment carrying Act a manufacturer’s warranty, and includes any additions, attachments, annexes, foundations and appurtenances

Modular home: Includes homes that are built to State, County, and Village building code standards and consist of one or more modules, panels, and pre-cut sections that are manufactured off-site and are transported to the site for final assembly.

Multi-family residence (land use): See Section 94.4.02.

Navigable water: All natural lakes, rivers, streams, ponds, sloughs, flowages, and other waters that are navigable under the laws of this state. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 492 (1952), and DeGaynor and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)] For the purposes of this Chapter, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps until such time that the Wisconsin Department of Natural Resources has made a determination that the waterway is not, in fact, navigable.

Noise standards: See Section 94.12.13.

Non-metallic mineral extraction (land use): See Section 94.4.08.

Nonconforming lot: See “Substandard Lot.”

Nonconforming sign: A sign that was legally constructed under the regulations in place at the time, but does not conform to the regulations of this Chapter.

Nonconforming site: Any development that was lawfully established prior to March 18, 2015 or subsequent amendments thereto, but that would not conform to one or more current site, building, landscape, lighting, or other design regulations within this Chapter. See Section 94.15.05.

Nonconforming structure: Any building, or other structure, that was lawfully established prior to March 18, 2015 or subsequent amendments thereto, but that would not conform to one or more current density, intensity, or bulk regulations within this Chapter. See Section 94.15.04.

Nonconforming use: An active and actual use of land, building(s), or structure(s) that was lawfully established prior to March 18, 2015 or subsequent amendments thereto, that has continued as the same use to the present, and that does not comply with all the applicable use regulations of this Chapter. See Section 94.15.03.

Non-Residential and Mixed Use (Zoning) Districts: The INT, B-1, B-2, B-3, BP, LI, GI and RM districts, and any property within a PD or N district approved for non-residential use. Alternately referred to as “Non-Residential Zoning Districts” in this chapter.

Non-residential building: Any building containing a non-residential land use.

Non-residential land use(s): All uses that are not intended for long term or permanent use as a dwelling unit. Commercial lodging and similar land uses intended for short-term occupancy are considered non-residential land uses.

Noxious matter or materials: Material capable of causing injury to living organisms by chemical reaction, or capable of causing detrimental effects on the physical or economic well being of individuals.

Noxious materials standards: See Section 94.12.18.

Odor standards: See Section 94.12.15.

Office (land use): See Section 94.4.05.

Official map: A map adopted and designated by the Village as being the “Official Map,” pursuant to Wis. Stat. § 66.23(6), which shows current and proposed municipal sites, rights-of-way, and/or drainageways.

Official Overlay Zoning Map: The map adopted and designated by the Village as being the “Official Zoning Map” that includes all lands within the Village municipal limits and ETZ Area, and that visually represents the location of overlay zoning districts under this Chapter.

Official Zoning Map: The map adopted and designated by the Village as being the “Official Zoning Map” that includes all lands within the Village municipal limits and ETZ Area, and that visually represents the location of zoning districts under this Chapter.

On site: Located on the lot in question, except in the context of on site detention, when the term means within the boundaries of the development site as a whole.

On-site agricultural retail (land use): See Section 94.4.03.

On-site real estate sales office (land use): See Section 94.4.10.

Opacity: The degree to which vision is blocked by a bufferyard. Opacity is a measure of complete visual obstruction measured as the percentage of a bufferyard's vertical plane to a height of six feet above ground level measured from the property or land use to be screened.

Operational plan: A plan describing the basic characteristics and approach for operating a proposed use.

Outdoor assembly or special event (land use): See Section 94.4.10.

Outdoor commercial entertainment (land use): See Section 94.4.05.

Outdoor display (land use): See Section 94.4.05.

Outdoor institutional (land use): See Section 94.4.04.

Outdoor solid fuel furnace (land use): See Section 94.4.09.

Outdoor storage of firewood standards: See Section 94.12.05.

Outdoor storage or wholesaling (land use): See Section 94.4.06.

Outdoor vehicle repair and maintenance (land use): See Section 94.4.05.

Overlay zoning district: A zoning district that imposes uniform restrictions on all properties within its area that are in addition to the restrictions specific to the underlying standard or special zoning districts and the general restrictions of this Chapter. See Article 6.

Owner: The person, persons, or other legal entity having the right of legal title to a lot or parcel of land.

Parapet: The extension of a false front or wall above the roofline.

Parcel: The area within the boundary lines of a lot.

Parking requirements: For minimum parking requirements associated with individual land uses refer to Article 4. For parking space and lot design standards, see Section 94.12.09.

Passive outdoor public recreation (land use): See Section 94.4.04.

Penalty: See Section 94.16.19.

Pennant: A sign made of fabric, plastic, or similar material, which may or may not contain distinctive colors, patterns or symbols of a corporation or business, often in series, and usually mounted without a frame and hung from poles and structures to allow movement by air. Such attention-getting displays not specifically defined as a flag or banner are considered pennants.

Performance guarantee: A financial guarantee to ensure that all improvements, facilities, or work required by this Chapter will be completed in compliance with the Chapter regulations and the approved plans and specifications of a development.

Performance standard: Criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings.

Permitted by right, use: A particular type of land use that is allowed as a matter of right within an associated zoning district, provided that all other requirements of this Chapter are met.

Personal or professional service (land use): See Section 94.4.05.

Personal storage facility (land use): See Section 94.4.06.

Placemaking: A multi-faceted approach to the planning, design and management of small scaled public, quasi-public and private spaces, in which visitors, customers, and/or the public is both directly and indirectly invited and welcomed to utilize. The design incorporates sociability, complementary land uses and activities, access and linkages, and comfort and image. See Section 94.6.02.

Plan commission: The Plan Commission of the Village, also commonly referred to as the Planning Commission. See Section 94.16.16.

Pole building: A building with sides consisting of corrugated steel or aluminum panels supported by vertical poles secured in the ground to serve as both the foundation and framework.

Porch: A covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building.

Portable sign: A sign not permanently attached to the ground that is designed to be moved from one location to another, not including a sandwich board/pedestal sign.

Predatory bird: An owl, hawk, falcon, eagle or similar bird that feeds principally by catching living prey.

Principal building: See Building, principal.

Principal use: Any and all of the primary uses of a property, treated as a use permitted by right or as a conditional use (rather than as an accessory use or a temporary use).

Private On-Site Wastewater Treatment System (POWTS): A sewage treatment and disposal system serving a single principal building with a septic tank and soil absorption field, holding tank where permitted under this Chapter, or alternative private sewage system located on the same lot as the principal building. Private on-site wastewater treatment systems are regulated under SPS 383, Wis. Admin. Code, other state regulations, and the Marathon County Sanitary Ordinance.

Prohibited sign: A sign that is not allowed to be erected within the jurisdiction of this Chapter.

Protest petition: A written protest against a proposed amendment to the Official Zoning Map (or Official Zoning Overlay Map), duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed amendment, or by the owners of 20 percent or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land.

Public improvement: Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as streets, roads, alleys, pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

Public sanitary sewer: Includes the Village sanitary sewer system and other forms of sanitary sewer systems approved by the State Department of Natural Resources and maintained by a public agency authorized to operate such systems.

Public service or utility (land use): See Section 94.4.04.

Railroad right-of-way: A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

Rain garden: A specially-designed, depressed garden that collects and infiltrates stormwater from impervious areas such as roofs, driveways, and heavily-compacted lawns. Rain gardens are usually planted with native vegetation, though ornamentals may also be used.

Real estate sign: A sign that is used to offer for sale, lease, or rent the property upon which the sign is placed.

Recorded lot: See “Lot of record.”

Recreational vehicle: For purposes of this Chapter, includes any of the following pieces of equipment or vehicles designed for human habitation and/or recreation: all-terrain motorized vehicles (e.g., “four-wheelers”); golf carts; snowmobiles; water craft (e.g., boats, jet-skis, canoes and kayaks 19 feet or longer); towed, motorized, or truck-mounted campers; motor homes; travel trailers; roof mounted cargo carriers; ice shacks or shanties on wheels; any trailer whether flat-bed or with a chassis-mounted container and for any purpose; or any vehicle or vehicle trailer similar to the above as determined by the Zoning Administrator.

Relocatable building (land use): See Section 94.4.10.

Residential agriculture (land use): See Section 94.4.09.

Residential business (land use): See Section 94.4.09.

Residential (land) use(s): A land use intended for use as a long-term residence or dwelling, whether owner or renter occupied, including “institutional residential” and “community living arrangement” land uses in any district and accessory residential land uses. Excludes commercial lodging, tourist lodgings, and campgrounds.

Residentially zoned or residential (zoning) district(s): The SF-L, SF-S, 2F, MF, and MH zoning districts, and any property within a PD or N district approved for residential use.

Restrictive, more/less: A regulation imposed by this Chapter is more/less restrictive than another if it prohibits or limits development to a greater/lesser extent or by means of more/less detailed specifications.

Restaurant: A type of “Indoor Commercial Entertainment” land use in which food and beverages are sold to paying customers for on-site consumption.

Restaurant, fast food: A type of “Drive-In or Drive-Through Sales or Service” use in which food and beverages are sold to customers ordering and/or picking up such food or beverages in vehicles, with or without an option or eat and drink in the premises instead.

Rural and open space (zoning) district: The FP, AR, RR-2, RR-5, and PR zoning districts.

Scale (of development): A term used to describe the gross floor area, height, or volume of a single structure or group of structures.

Seasonal outdoor sales of farm products (land use): See Section 94.4.10.

Sedimentation: The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a result of erosion.

Setback: The shortest distance between a building’s or structure’s exterior and the nearest point on the referenced lot line. See also “minimum setback.”

Shadow: The outline created on the surrounding area by the sun shining on the wind energy system.

Shrub: A low lying deciduous or evergreen plant.

Sign: An emblem, name, identification, description, or illustration that is affixed to or appears directly or indirectly upon a building, structure, or piece of land and that directs attention to an object, product, place, activity, person, institution, organization, or business. Definitions, descriptions, and regulations for various types and configurations of signs are found in Article 13.

Sign, abandoned: A business sign that is no longer being used in connection with an ongoing business on the lot; a sign that is no longer being used because the business is discontinued; and/or a sign that has not been maintained in a manner that renders it legible.

Sign, gross area of: The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of such sign. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

Signable wall: A front wall, street side wall, or interior or rear side wall with a customer building entrance facing a customer parking lot. No individual wall shall count as more than one signable wall for purposes of determining the allowable number and area of business signs.

Signal receiving antenna (satellite dishes) standards: See “Small Exterior Communication Device” and “Large Exterior Communication Device.”

Single-family detached residence (land use): See Section 94.4.02.

Site area: See Gross site area.

Site plan: See Sections 94.3.03(10) and 94.16.09.

Skylight: A window or other paned area located on the ceiling or roof of a structure.

Small exterior communication device (land use): See Section 94.4.09.

Small solar energy system (land use): See Section 94.4.09.

Small wind energy system (land use): See Section 94.4.09.

Solid waste disposal, composting, and/or recycling facility (land use): See Section 94.4.06.

Special zoning district: A zoning district that has unique land use, density, and other zoning rules applied at the time the special zoning district is zoned over a particular parcel(s) of land, as opposed to a standard or overlay zoning district in which such rules are fully articulated in this Chapter. Also describes those zoning districts listed as special zoning districts in Article 14.

Spreading of municipal waste/compost (land use): See Section 94.4.10.

Standard zoning district: A zoning district that primarily regulates the use, density, and other characteristics of land by a standard set of zoning rules written into this Chapter, as opposed to an “overlay” or “special” zoning district. Also describes those zoning districts listed as standard zoning districts in Section 94.2.02.

State: The State of Wisconsin.

Steep slope: Steep slopes are areas that contain a gradient of 12 percent or greater.

Stormwater management structure/facility: Includes in ground detention/retention ponds, basins, swales, ditches, stormwater drains, and similar site features or structures. See Section 94.12.02.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. Neither a basement nor a cellar shall be counted as a story.

Street: A public or private right-of-way that affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but excepting driveways to buildings.

Street, arterial: A street that serves longer intra-urban trips and traffic traveling through the Village, has limited to no direct access for abutting land uses, and has measured or projected traffic volume of over 6,000 vehicles per day; or as otherwise may be designated as an arterial street within the Comprehensive Plan or by the Village Board. Private access may be permitted with limitations imposed by the Village, Marathon County, the Wisconsin Department of Transportation and/or the Federal Highway Administration. The Functional Classification System includes designations as principal and minor arterials.

Street, collector: A street that collects and distributes internal traffic within the Village (such as within a residential neighborhood), provides connections between local and arterial streets and limited restrictions on access for abutting land uses, and has a measured or projected traffic volume of between 1,500 and 8,000 vehicles per day; or as otherwise may be designated as a collector street within the Comprehensive Plan or by the Village Board. The Functional Classification System includes designations as major and minor collectors.

Street side lot line: See “Lot line, street side.”

Street, local: A street designed to provide access to abutting land uses and leading into a collector or occasionally into an arterial street, but which is not designed to carry through traffic from outside the neighborhood where it is located. Not an arterial street or a collector street.

String of lights: Lighting used to enhance or decorate store fronts, displays, or signage and associated only with decoration.

Substandard lot: A legally created lot that met any applicable lot dimensional requirement when it was created but does not meet the minimum dimensional requirements applicable to the zoning district that are listed in this Chapter. Also referred to as a “legal nonconforming lot.” See Section 94.15.02.

Structure: Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excepting public utility fixtures and appurtenances.

Swale: A linear depression in land running downhill or having a marked change in contour direction in which sheet runoff would collect and form a temporary watercourse.

Swimming pool standards: See Section 94.12.04.

Swimming pool: Either an above ground or in-ground outdoor structure that contains a body of water in a receptacle or other container having a depth for water at any point greater than 18 inches below the adjacent ground or deck elevation; used or intended to be used solely by the owner, operator, or lessee thereof and his family and invitees; and including all structural facilities, appliances, appurtenances, equipment, and other items intended to be used for the operation and maintenance of the swimming pool. Includes hot tubs, spas, and any other structure meeting the above definition. For the purposes of the associated regulations in Section 94.12.04, a swimming pool does not include any pond or any pool that is designed to be readily and/or seasonally disassembled, stored, and reassembled to its original integrity, provided that pool wall height does not exceed 48 inches.

Temporary outdoor sales (land use): See Section 94.4.10.

Temporary portable storage container (land use): See Section 94.4.10.

Temporary shelter (land use): See Section 94.4.10.

Temporary vehicle shelter: A structure typically supported by poles, having a fabric roof and/or sides, and usually used to cover automobiles, boats, or recreational vehicles. See Section 94.4.10.

Temporary unscreened outdoor storage accessory to an industrial use (land use): See Section 94.4.10.

Temporary use: A land use that is present on a property for a limited and specified period of time. See Section 94.4.10 for temporary uses, and 94.16.07 for applicable procedures.

Tent: A portable easily collapsible sleeping shelter made of canvas, plastic, or other woven or foldable materials and supported by poles or framework.

Terrace area: The land within a public street right-of-way between the street curbing and the sidewalk on the same side of the street. Where no sidewalk exists, the area within six feet from the street surface edge (or within six feet from curb if curb exists) shall be deemed to be a terrace area for the purpose of this Chapter.

Throat length: The centerline length of a driveway that accesses a public road and that serves an off-street parking lot, as measured between the nearest public street right-of-way and the point where the driveway merges into the off-street parking lot.

Total height (for wind turbine): The distance measured from ground level to the blade extended at its highest point.

Tourist rooming house (land use): See Section 94.4.05.

Toxic materials standards: See Section 94.12.18.

Tower: The monopole or freestanding structure on which a cellular communication device, wind turbine, and accessory equipment are mounted.

Townhouse: A type of Multi-family Residence containing between 3 and 8 dwelling units, where each unit has a private individual exterior access (beyond one that connects only to a private patio, porch, deck, or balcony), shares at least one common wall with an adjacent dwelling unit, and is not stacked on top of and does not share interior space with any other unit. Also referred to as a “row house.”.

Turf grass: Grass commonly used in regularly-cut lawns or play areas such as, but not limited to, bluegrass, fescue, and ryegrass blends.

Two-family residence (land use): See Section 94.4.02.

Unnecessary hardship: A circumstance where strict compliance with this Chapter would unreasonably prevent the property owner from using the property owner’s property for a permitted purpose or would render conformity with this Chapter unnecessarily burdensome. The property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

Urban development: Development that is connected to public sanitary sewer and water services.

Use: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, accessory: See Accessory Use.

Use, conditional: See Conditional Use.

Use, principal: See Principal Use.

Utility Shed: A detached accessory building that is less than 200 square feet in area and used primarily to store maintenance equipment for the same property. A utility shed is not a detached garage.

Variance: Permission to depart from the literal requirements of this Chapter granted pursuant to Section 94.16.11.

Vegetative roof: An extension of a typical gravel-ballasted flat roof built on top of a human-made structure that allows vegetation to grow in either a growing medium, and designed by an experienced vegetated roofing consultant to address gravity loads, slope stability, wind uplift, fire safety, waterproofing, drainage, water retention, vegetative performance, and maintenance in accord with industry standards and state and Village building codes.

Vehicle course or track (land use): See Section 94.4.09.

Vibration standards: See Section 94.12.12.

Violation: See Section 94.16.19.

Village: The Village of Weston, Wisconsin.

Village Board: The Board of Trustees of the Village.

Visibility and vision clearance standards: See Section 94.12.08(12).

Waste materials standards: See Section 94.12.19.

Well field: A piece of land used primarily for the purpose of locating wells to supply a municipal water system.

Well recharge area: The land area that contributes water to a well by infiltration or water into the subsurface and movement towards the well, regardless of the municipal or zoning jurisdiction of such land area.

Wetland: An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

Wind turbine: The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

Working days: Monday, Tuesday, Wednesday, Thursday, or Friday; excluding holidays recognized by the Village.

Yard: A required open space on a lot that is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this Chapter. 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.

Yard, front: The yard between the side lot lines extending from the front lot line to the nearest part of the nearest principal building. For corner lots and other double frontage lots, the yard abutting the street on which the lot is addressed shall be the front yard.

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

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

Yard, street side: For corner lots, the yard between the front and rear lot lines, extending from the street side lot line to the nearest part of the nearest principal building.

Zero lot line structure: A structure that is built over the property line, where walls separating occupancy units follow lot lines, such as a zero-lot-line duplex or townhouse.

Zoning Administrator: The person authorized and charged by the Village with the administration of this Chapter. See Section 94.16.15.

Zoning Board of Appeals: See Section 94.16.17. Also commonly referred to as “Board of Zoning Appeals” or “Board of Appeals.” Not the same as the Village Board or Board of Trustees.

Zoning district: A designation for a portion of the community designated for certain types of land uses and/or with certain standards for land development that are different than other portions.

Zoning map: See “Official Zoning Map.”

SECTION 6: **REPEALER CLAUSE** 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 CLAUSE** 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** EFFECTIVE DATE. This Ordinance shall take effect upon approval and publication date of March 24, 2023.

PASSED AND ADOPTED BY THE VILLAGE OF WESTON BOARD OF TRUSTEES
 MARCH 24, 2023.

	AYE	NAY	ABSENT	ABSTAIN
Mark Maloney	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Barbara Ermeling	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Nathan Fiene	<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> </u>	<u> </u>	<u> X </u>	<u> </u>
Jasper Hartinger	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



Mark Maloney, Village President,
 Village of Weston



Pamela Brehm, Village Clerk, Village of
 Weston

