

**VILLAGE OF WESTON
ORDINANCE 24-015**

AN ORDINANCE TO AMEND PROVISIONS WITHIN CHAPTER 94 OF THE MUNICIPAL CODE, TO UPDATE ANY REFERENCES TO THE DISBANDED EVEREST METRO POLICE DEPARTMENT WITHIN SECS. 94.4.06(3) PERSONAL STORAGE FACILITY, 94.4.10(13) TEMPORARY SALES BY MOBILE FOOD VENDORS & 94.8.11 ADMINISTRATION AND ENFORCEMENT OF CODE WITHIN THE SHORELAND ZONING REGULATIONS; SEC. 94.11.02 LANDSCAPING REQUIREMENTS; SEC. 94.12.08 ACCESS AND DRIVEWAY STANDARDS AND SECTION 94.17.04 DEFINITIONS TO ADD A DEFINITION OF SIGN, ALTERATION IN THE VILLAGE OF WESTON AND THE EXTRATERRITORIAL ZONING AREA OF THE TOWN OF WESTON.

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 94.4.06 Storage Or Disposal Land Use Types” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.4.06 Storage Or Disposal Land Use Types

1. Indoor Storage or Wholesaling.

Uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples include warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Retail outlets associated with this use shall be considered accessory uses, which are separately listed and regulated.

Performance Standards:

- a. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
- b. Minimum Required Off-Street Parking: one space per 2,000 square feet of Gross Floor Area.

2. Outdoor Storage or Wholesaling.

Uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses, and where any activity beyond loading and parking is located outdoors. Examples of include contractors' outdoor storage yards, equipment yards, lumber yards, coal yards, landscaping materials yards, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a “Junkyard or Salvage Yard” use, which is separately listed and regulated.

Performance Standards:

- a. Within the LI Light Industrial zoning district, outdoor storage yards be located or expanded within 300 feet of residentially zoned property shall first require a conditional use permit, and all other outdoor storage yards in the LI district shall be a permitted use. In either case, all of the following standards shall be met.
- b. All outdoor storage areas shall be located no closer to a residentially zoned property than the required minimum setback for buildings on the subject property.
- c. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
- d. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls or fencing shall be designed to completely screen all stored materials from view from non-industrially zoned areas and public rights-of-way, up to the maximum fence heights allowed under Section 94.9.03.
- e. The storage of items shall not be permitted in the minimum required front yard.
- f. Minimum Required Off-Street Parking: one space for every 10,000 square feet of Gross Storage Area, plus one space per each employee on the largest work shift.

3. **Personal Storage Facility.**

Includes indoor storage of items entirely within partitioned buildings with individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. Also known as mini-warehouses.

Performance Standards:

- a. In addition to the building design standards in Section 94.10.03, buildings and facility shall be designed to minimize adverse visual impacts on nearby developments. The color, exterior materials, and orientation of proposed buildings and other structures shall complement surrounding development and be consistent with any building design standards within the Comprehensive Plan.
- b. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property and public rights-of-way.
- c. The Plan Commission or Extraterritorial Zoning Committee may restrict or limit unit doors facing a public street right-of-way or property not in an industrial zoning district, or may otherwise require that any such doors be screened from view with berms, landscaping, and/or opaque fencing.
- d. Facility shall be limited to indoor storage for individuals to store personal items and similar durable goods. or for businesses to store material for operation of a business establishment located at another location No live animals, perishable items, odor producing materials (see Section 94.12.15), flammable or explosive materials (see Section 94.12.17), toxic or noxious materials (see Section 94.12.18), or hazardous materials (see Section 94.12.20) shall be stored on site.
- e. No storage unit may have any other function aside from storage, including but not limited to any retail, wholesale, workshop, hobby shop, manufacturing, residential, lodging, or service use.
- f. Facility may include outdoor storage of recreational equipment including

recreational vehicles, camping trailers, ice shanties, and recreational equipment stored in/on trailers. Any such outdoor storage shall be an accessory use and require conditional use approval. All outdoor storage areas shall be completely screened by any permitted combination of buildings, structures, walls, and solid fencing. Outdoor trash or recycling receptacle, if proposed and approved as part of the site plan, shall be screened in accordance with Section 94.12.06.

- g. To prevent unauthorized access, each storage unit shall be outfitted with quality commercial locks and the Plan Commission or Extraterritorial Zoning Committee may require gated access to the facility and/or security fencing.
- h. The Plan Commission or Extraterritorial Zoning Committee may require that the project be equipped with a digital security camera(s) that records site activity, with footage made available to the ~~Everest Metro~~ Police Department upon suspicion of criminal activity.
- i. All storage units shall gain access from the interior of the building or site, as opposed to direct access from units to public streets.
- j. The Plan Commission or Extraterritorial Zoning Committee may deny or limit a conditional use permit, where required, if it determines that the location, size, quantity, job or tax base creation, or other applicable characteristics of the proposed facility are incompatible with the economic development goals and objectives of the Village, including those within the Comprehensive Plan and any approved tax incremental district project plan.
- k. Minimum Required Off-Street Parking: one space for each employee on the largest work shift.

4. Junkyard or Salvage Yard.

Any land or structures used for a salvaging operation including but not limited to the above-ground, outdoor storage and/or sale of waste paper, rags, scrap metal, and any other discarded materials intended for sale or recycling; and/or the collection, dismantlement, storage, or salvage of two or more unlicensed and/or inoperative vehicles. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use.

Performance Standards:

- a. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
- b. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls or fencing shall be designed to completely screen all stored materials from view from off site, up to the maximum fence heights allowed under Section 94.12.03.
- c. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
- d. Activity and storage areas shall not be permitted in the minimum required front yard.
- e. Shall not involve the storage, handling, or collection of hazardous materials, including any of the materials listed in Section 94.9.20.
- f. A license must be also obtained pursuant to Chapter 18, Article V of the Code for the proposed use.
- g. Minimum Required Off-Street Parking: one space for every 20,000 square feet of Gross Storage Area, plus one space for each employee on the largest

work shift.

5. Solid Waste Disposal, Composting, and/or Recycling Facility.

Any use dedicated to the collection, storage, processing, and/or disposal of solid wastes as defined by Wis. Stat. § 289.01(33), organic materials for composting or for off-site energy production, and/or materials for recycling.

Performance Standards:

- a. In addition to the information normally required for conditional use permit applications, the application shall include the following information:
 - i. A written description of the proposed operation, including the types and quantities of the materials that would be kept, stored, or processed; the proposed date to begin operations; existing natural features on and adjacent to the site; where materials would be hauled from and to and over what roads; types, quantities, and frequency of use of equipment to move, process, and haul materials within and to and from the site; whether, which, and how frequently sorting, burning, processing, and other activities would be performed on site; description and elevations of all temporary and permanent structures; proposed hours and days of operation; 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; assurances that the site will be developed and operated in accordance with all approved plans and all village, county, state, and federal regulations; and a listing of all applicable regulations, licenses, and permits required.
 - ii. A site or operations plan map, drawn to scale by a qualified professional, and including site boundaries; existing contour lines; existing roads, driveways, entrances, and utilities; existing natural features including lakes, streams, floodplains, wetlands, and shoreland areas; all dwellings and private and municipal wells within 1,000 feet; location of the proposed staging areas, fueling, fuel storage, and material and equipment storage areas; proposed location and surfacing of roads, driveways, and site access points; proposed phasing plan, if any; proposed and fencing of property and gating of access points; proposed locations of stockpiles; proposed location and types of bufferyards, screening berms, and landscaping; and proposed temporary and permanent structures, including scales and offices.
 - iii. An erosion control plan, drawn to scale by a professional engineer, meeting all applicable Village, state, and county requirements.
 - iv. A reclamation plan clearly depicting proposed stages of restoration, proposed contours following restoration, and proposed land use.
- b. The applicant shall obtain all required Federal, State, County permits and licenses, as well as any other Village permits and/or licenses, necessary to operate the facility. The applicant shall maintain requirements set forth by these permits and licenses, and abide any standards set therein, as well as any other ordinances and statutes applicable to the operation. The applicant shall provide copies of all required permits and licenses, and inspections and reports thereunder, to the Village Zoning Administrator immediately upon applicant receipt or in another timeframe specified by the conditional use permit.
- c. All buildings, structures, storage, and activity areas shall be located a

minimum of 50 feet from all lot lines.

- d. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders.
- e. Operations shall not involve the on-site holding, storage, processing or disposal of hazardous materials, food scraps, or other vermin-attracting materials.
- f. Outdoor material stockpiles shall be limited to no more than 30 feet in height, except as may be specifically prescribed by the Plan Commission or Extraterritorial Zoning Committee by conditional use permit.
- g. All performance standards in Article 12 shall be met.
- h. The use shall be established and maintained so as to not create a fire hazard as determined by the Fire Inspector.
- i. Trucking activity shall be limited to a maximum number of trips per day as indicated in the Plan Commission/Extraterritorial Zoning Committee approved operational plan. A written request to exceed the maximum number of trips for a specific limited period of time not to exceed 30 days may be approved in advance by the Zoning Administrator, where he or she determines that exceptional circumstances are present. Exceptions exceeding 30 days must first be approved by the Plan Commission or Extraterritorial Zoning Committee.
- j. To prevent tracking of mud onto public roads, access driveways for all new and expanded uses shall be hard surfaced within one 100 feet of public roads, unless the adjacent road is not hard surfaced.
- k. All public roads to all such uses shall be kept free of all mud, debris, and dust by sweeping or other means.
- l. Access to the site shall only be through points designated as entrances on the site or operations plan. Such access points shall be secured when the site is not in operation.
- m. The conditional use permit may include limits on the amount of time the use shall remain in operation and/or hours and days of operation.
- n. The conditional use permit may include provisions for the upgrade, repair, and maintenance of public roads serving the use, which shall depend on the intensity of the operation and the existing condition and capacity of such roads. A bond or other performance guarantee for such work may be required as part of the conditional use permit provided that a clear relationship is established between the operation and the need for road upgrades, repair, and maintenance.
- o. If any public road is damaged or destroyed as a result of any such use, the owner shall restore or pay for the restoration of the same to an acceptable condition and value. The owner shall have the right to show and bear the burden of proof in showing that the indicated damage was not the result of its operation.
- p. For all such facilities, including facilities established prior to March 18, 2015, noise levels shall be kept at or below allowable limits under Section 94.12.13. The owner may be required to verify, through use of appropriate equipment and an analysis technique approved by the Zoning Administrator, that such limits are met. If the Zoning Administrator determines that noise requirements under Section 94.12.13 are not met, he or she may enforce such requirements per Section 94.16.19 and/or refer the matter to the Plan Commission or Extraterritorial Zoning Committee. The Commission or Committee may require additional conditions or mechanisms to control noise in a manner that

meets ordinance requirements, or may enact proceedings under subsection 17 below.

- q. Approval shall be subject to amendment or revocation if non-compliance with approved plans, this subsection, or approval conditions is identified.
- r. Approved operations shall be subject to periodic review to ensure compliance with the conditional use permit, including but not limited to approved limitations over the portion of the lot or parcel where activities may occur.
- s. Any conditional use permit issued for such use shall not be transferable to a new owner of the property, except via a new or amended conditional use permit. In other words, the conditional use permit shall not run with the land.
- t. Minimum Required Off-Street Parking: one space for each employee on the largest work shift, plus parking spaces for expected patrons of the facility as indicated in the approved conditional use permit.

6. Auction Yard.

A use or parcel dedicated to the regular auctioning of products, generally produced at another location and transported to the site for the auction.

Performance Standards:

- a. In addition to the information normally required for conditional use permit applications, the application shall include the following information:
 - i. A written description of the proposed operation, including the types and quantities of the materials that would be auctioned; the proposed date to begin operations; existing natural features on and adjacent to the site; where materials would be kept; description and elevations of all temporary and permanent structures and parking; proposed hours and days of operation; any special measures that will be used for spill prevention and control, dust control, or environmental protection; methods to keep all public roads free of all mud, debris, and dust; assurances that the site will be developed and operated in accordance with all approved plans and all village, county, state, and federal regulations; and a listing of all applicable regulations, licenses, and permits required.
 - ii. A site or operations plan map, drawn to scale by a qualified professional, and including site boundaries; existing contour lines; existing roads, driveways, entrances, and utilities; existing natural features including lakes, streams, floodplains, wetlands, and shoreland areas; location of the proposed auction, storage, staging, and parking areas; proposed location and surfacing of roads, driveways, and site access points; and proposed temporary and permanent structures.
- b. The use shall comply with all county, State and Federal regulations at all times.
- c. All buildings, structures, storage, and activity areas shall be located a minimum of 50 feet from all lot lines.
- d. Operations shall not involve the on-site holding, storage, auctioning, processing, or disposal of hazardous materials, food scraps, or other vermin-attracting materials.
- e. Outdoor material stockpiles shall be limited to no more than 30 feet in height.
- f. No odor shall be created that exceeds the standard in Section 94.12.13.
- g. The level of noise generated by the facility or equipment meet the noise

standards in Section 94.12.13.

- h. Access to the site shall only be through points designated as entrances on the site or operations plan. Such access points shall be secured when the site is not in operation.
- i. Hours or days of operation may be limited by the Village.
- j. Minimum Required Off-Street Parking: one space for each employee on the largest work shift, plus additional on-site parking in suitable quantity and location to accommodate projected and actual traffic.

SECTION 2: AMENDMENT “Sec 94.4.10 Temporary Land Use Types” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

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 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 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 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 Unscrened 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 3: AMENDMENT “Sec 94.8.11 Administration And Enforcement Of Code” of the Weston Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 94.8.11 Administration And Enforcement Of Code

The Zoning Administrator or their designee(s) are hereby designated as the administrative and enforcement officer(s) for the provisions of this article. The duty of the Zoning Administrator’s

designees shall be to interpret and administer this article and to issue, after on-site inspection, all permits required by this article. They shall further:

1. Maintain records of all permits issued, inspections made, work approved, and other official actions.
2. Record the lowest floor elevations of all structures erected, moved, altered, or improved in the floodland districts.
3. Establish that all necessary permits that are required for floodland uses by State and Federal law have been secured.
4. Inspect all structures, lands, and waters as often as necessary to assure compliance with this Article.
5. Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this article to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the Village Attorney.
6. Assist the Village Attorney in the prosecution of violations of this Article.
7. Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by them to ensure compliance with this article. If, however, they are refused entry after presentation of their identification, they may procure a special inspection warrant in accordance with Wis. Stat. § 66.0119.
8. Prohibit the use or erection of any structure, land or water until they have inspected and approved such use or erection.
9. Request assistance and cooperation from the ~~Everest Metro~~ Police Department and Village Attorney as deemed necessary.
10. Attend all meetings of the Plan Commission and the Zoning Board of Appeals.

SECTION 4: AMENDMENT “Sec 94.11.02 Landscaping Requirements” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.11.02 Landscaping Requirements

1. **Applicability.** Except as exempted elsewhere in this Chapter, any use for which site plan approval is required under Section 94.3.03(10) shall provide landscaping in accordance with the requirements of this Section, including expansion, renovation, and redevelopment of existing buildings and sites. Where the predecessor zoning ordinance, or a Village zoning decision under that ordinance, required landscaping which has not been satisfactorily installed or maintained, the property owner shall be required to install or restore such landscaping. Where the appropriate site plan approval authority under Section 94.16.09 determines that full compliance with the requirements of this Section is impractical, the approval authority may require compliance to the extent it determines practical. Such a determination of “impracticality” may be based on one or more of the following conditions:
 - a. Preexisting buildings or impervious services, and/or insufficient lot area, do not provide sufficient green space for full compliance.
 - b. Village stormwater management or easement requirements do not provide sufficient area for full compliance.
 - c. A redevelopment project would otherwise be infeasible, based on financial information provided by the applicant.
 - d. Full compliance would result in a plan in which landscaping would, by maturity,

interfere with or compete with one another for survival and may therefore require removal at a later date.

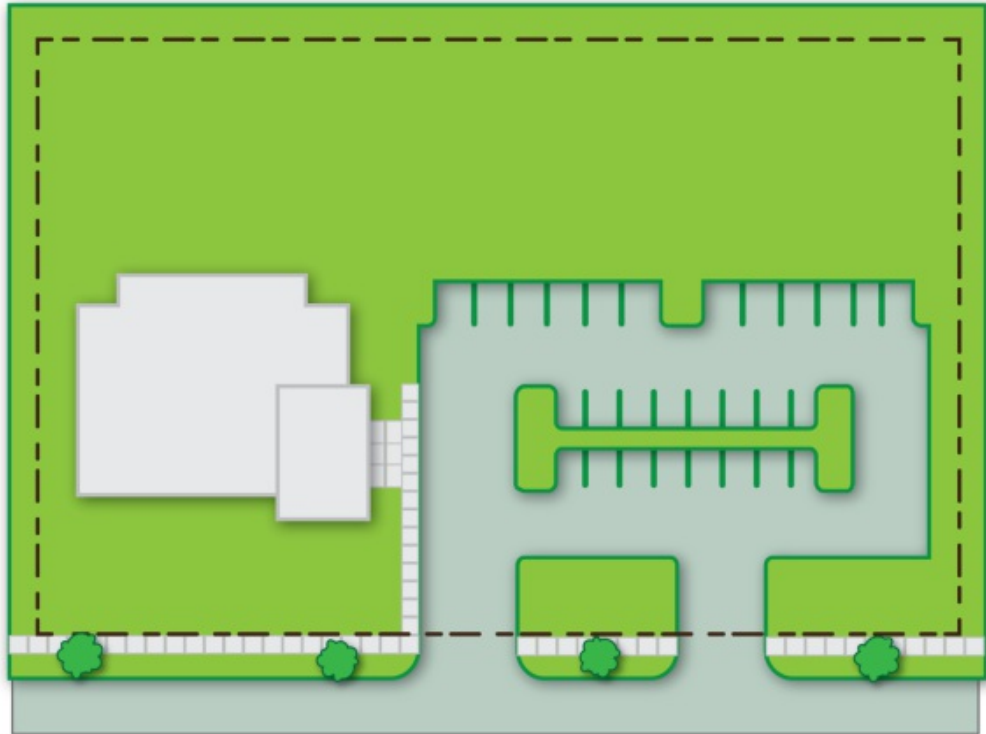
- e. Where a proposed expansion, plus any other expansions in the previous five years, does not exceed 50% of the building or hard surfaced area before such expansion(s). The Zoning Administrator, or designee, and the Plan Commission shall have the authority to allow alterations or substitutions of one type of plant for another to the landscaping requirements, when the altered requirements achieve an equivalent or greater level of landscaping on a site. Such alterations or substitutions must be based on one or more of the following: a. Unusual site conditions. b. Scale, massing, or overall site design. c. The consideration of landscape architecture approaches, such as intentional minimalism, sustainability, integration of functional features or technology, water features, or outdoor living spaces. d. To encourage tree preservation. e. To encourage Wisconsin native landscaping, ecosystem restoration, pollinator or bird habitat, or enhanced stormwater management.

2. **Required Landscape Plan and Preparer Qualifications.** All proposed landscape plantings to be located on the subject property shall be depicted on a landscape plan as to their location, type, and size at time of planting and maturity. All landscape plans required under this Article shall be prepared in accordance with landscaping best practices and by a licensed landscape architect, certified landscape designer, or another professional or individual skilled in landscape design. The Zoning Administrator shall have the right to reject any landscape plan that does not follow best practices and/or is not prepared by a person with such credentials or skills.

3. **Landscape Planting Requirements.** Landscaping shall be provided based on the following requirements for street frontages, hard or gravel surfaced areas, building foundations, bufferyards (where applicable), and general yard areas. These requirements are additive to each other and any other landscaping or screening requirements in this Chapter. By approval of the applicable site plan approval authority, required landscaping points may be shifted between areas (e.g., hard surfaced areas to building foundations). The landscaping point system is described in greater detail in subsection (4), below.

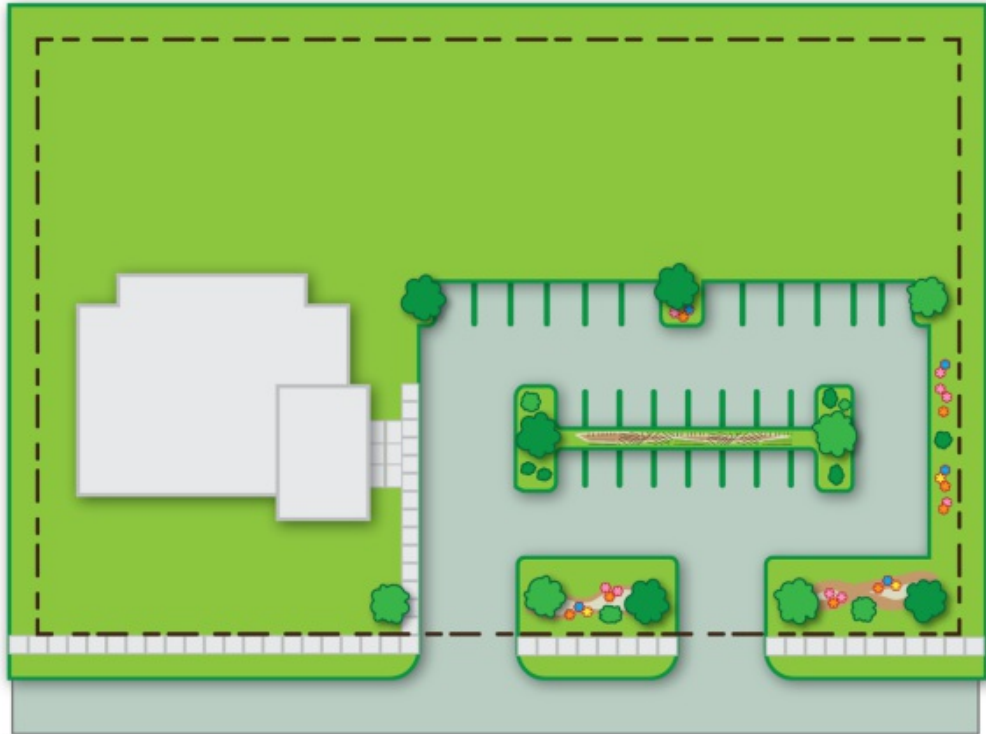
- a. Street Frontages. Street trees shall be planted in accordance with the following standards (see also example in Figure 11.02(1)):
- i. The total number of street trees shall be equal to or exceed the ratio of one for each ~~100~~150 feet of street frontage, minus widths of proposed or existing driveways.
 - ii. Street trees shall be planted no closer than ten feet from intersecting driveways, regulatory and wayfinding signs, fire hydrants, and other above-ground utility fixtures; no closer than 20 feet from the corner of two streets as measured from the intersection of their right-of-way lines; and so as to not conflict with underground utilities or traffic visibility.
 - iii. Such trees shall generally be planted in the street right-of-way, midway between the curb or street edge and a current or future sidewalk except where the Zoning Administrator approves a different placement. When conditions are such that the Zoning Administrator determines that the required spacing cannot be satisfied in the right-of-way, or the right-of-way is not wide enough to support tree growth, street trees under this subsection shall instead be planted within the first ten feet of the private property adjacent to the street right-of-way.
 - iv. The unpaved portion of a public right-of-way abutting a parcel shall be sodded with a salt tolerant grass equivalent to a mixture containing 30 percent alkali grass.
 - v. Tree or shrub planting in any public right-of-way or on any public land in the Village shall be governed by Chapter 90 of the Code.

Figure 11.02(1): Street Frontage Landscaping Example



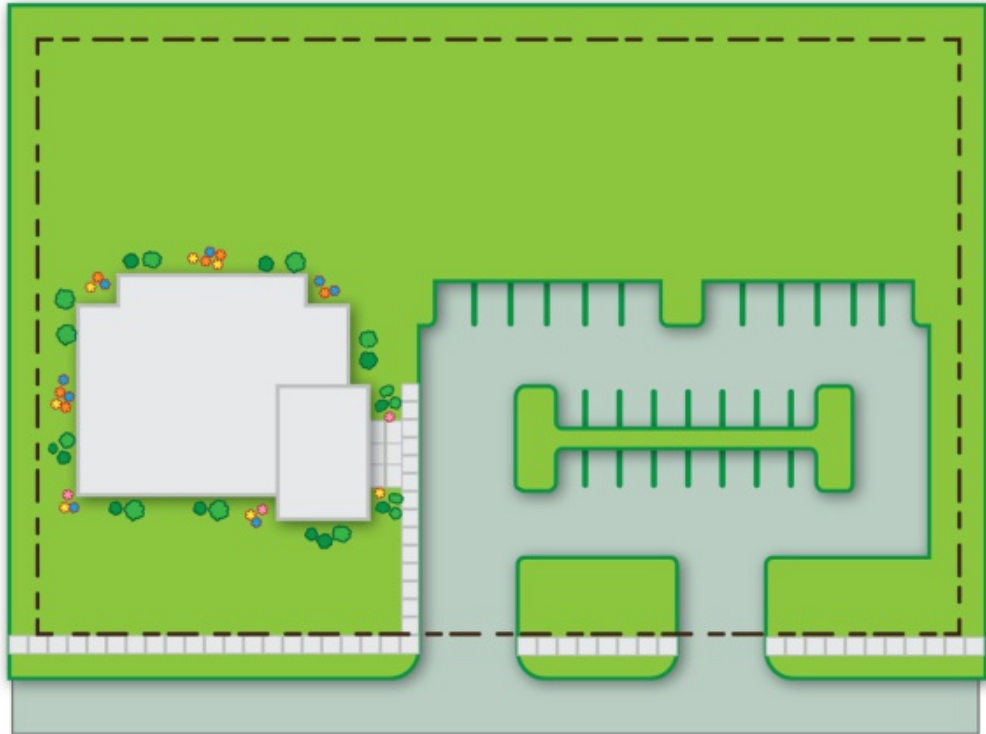
- b. Hard and Gravel Surfaced Areas. Within industrial zoning districts, 100 points of landscaping shall be planted for each 3,500 square feet of hard and gravel surfaced area, not including rooftops. Within all other zoning districts, 100 points of landscaping shall be planted for each 1,500 square feet of hard or gravel surfaced area, not including rooftops. Plants required under this subsection shall be installed within landscaped islands within the hard or gravel surfaced area or within 15 feet of its edges, and shall include large deciduous trees unless otherwise approved by the appropriate site plan approval authority. See example in Figure 11.02(2).

Figure 11.02(2): Hard or Gravel Surfaced Area Landscaping Example Assuming Mature Planting Sizes



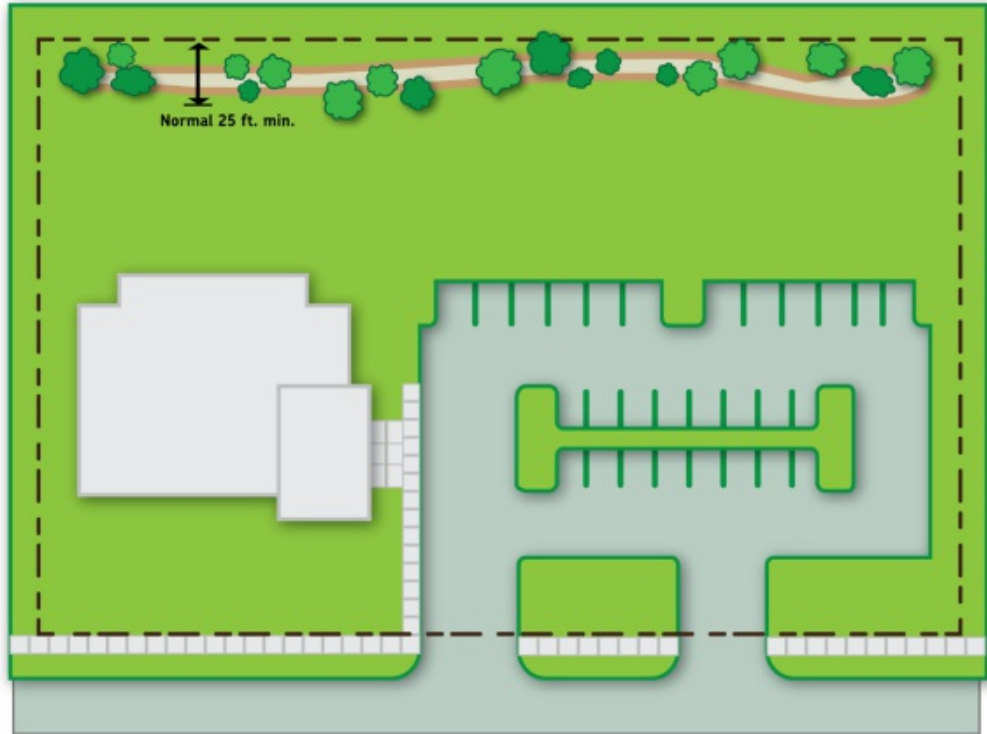
- c. Building Foundations. Within industrial zoning districts, 100 points of landscaping shall be planted for each 50 lineal feet of exterior building wall that is visible from a public right-of-way or residentially zoned property. Within all other zoning districts, 100 points of landscaping shall be planted for each 75 lineal feet of exterior building wall. Plants required under this subsection must be installed within 20 feet of the building foundation, and shall not include large deciduous shade trees. See example in Figure 11.02(3).

Figure 11.02(3): Building Foundation Landscaping Example Assuming Mature Planting Sizes



- d. Bufferyards. A bufferyard is a landscaped area, berm, fence, and/or wall that results in a reduction of visual and other interaction with an adjoining property. A bufferyard shall be provided if required for a particular land use listed in Article 4, and where otherwise required via site plan approval under Section 94.16.09. Where required, bufferyards shall comply with the following.
- i. The minimum width of a bufferyard shall be 25 feet, unless reduced by the site plan approval authority if it determines that a lesser width is adequate to separate incompatible uses/activities or is necessary owing to site constraints beyond the control of the owner.
 - ii. No building, parking lot, loading area, motor vehicle circulation area, trash storage area, or outdoor storage area shall be permitted in a required bufferyard.
 - iii. Landscaping within bufferyards shall be selected, positioned, and planted in sufficient quantities to provide an all-season screen within five years of planting and have a minimum height of three feet at time of planting. See example in Figure 11.02(4). Such landscaping shall not count towards any other frontage, hard or gravel surfaced area, building foundation, or general yard area planting requirement of this Article.
 - iv. The use of a decorative opaque fence or wall, and/or a berm, in lieu of or in addition to the landscaping may be approved by the site plan approval authority, provided the slope of any berm is less than 4:1; the berm, fence or wall does not interfere with access, utilities, or stormwater management.

Figure 11.02(4): Bufferyard Landscaping Example Assuming Mature Planting Sizes



- e. General Yard Areas. Within industrial zoning districts, 100 points of landscaping shall be planted for each 5,050 square feet of total lot area, excluding those areas under a rooftop, hard or gravel surfaced area, required bufferyard, or being reserved for a future phase of development. Within all other zoning districts, 100 points of landscaping shall be planted for each 3,54,000 square feet of total lot area, excluding those areas under a rooftop, hard or gravel surfaced area, required bufferyard, or being reserved for a future phase of development. Landscaping required by this standard shall be placed where appropriate on the site to maximize visual impact of landscaping, such as in a front or street side yard or adjacent to other uses.

Figure 11.02(5): General Yard Area Landscaping Example Assuming Mature Planting Sizes

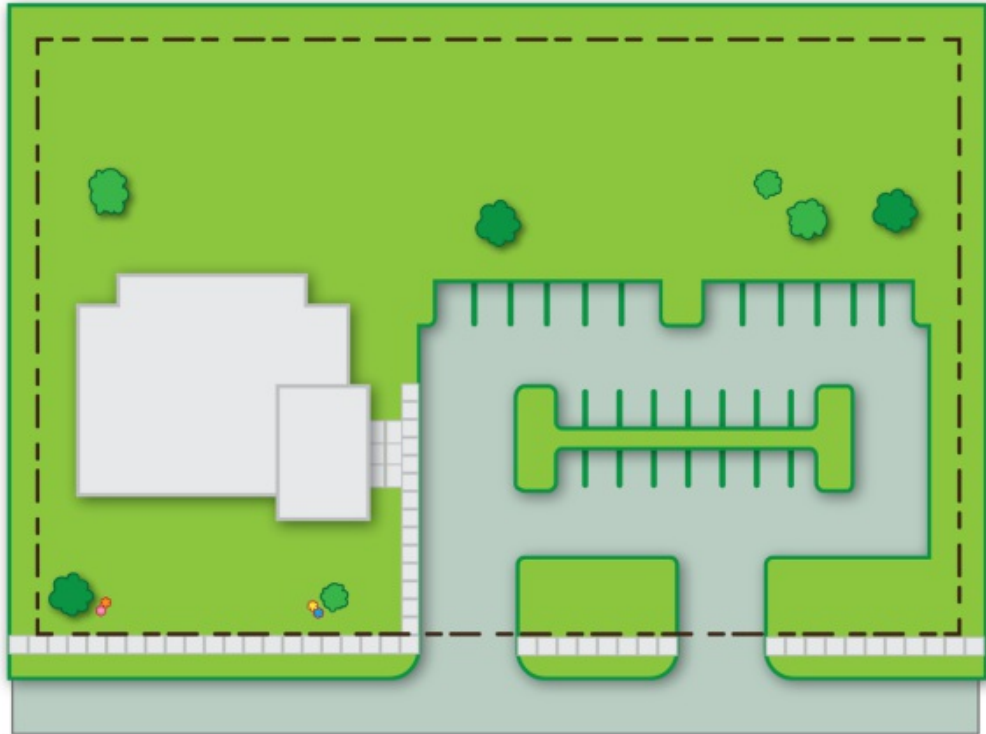


Figure 11.02(6): “Complete Picture” Landscaping Example Assuming Mature Planting Sizes (bufferyard will not be required in most cases)



f. Other Green Space Areas. Green space areas not used for landscape plantings, other than natural resource protection areas, shall be graded and sodded or seeded with a maintainable seed mix. Organic or natural mulch of plantings or planting beds is acceptable, but shall be

installed so it does not erode, fall, be plowed, or otherwise transported into walks, drives, streets, or other hard-surfaced portions of the site.

4. **Landscaping Points and Minimum Installation Sizes.** Most of the above landscaping requirements are expressed in terms of landscape points. Each plant type, below, is worth a certain number of landscape points that can be used to fulfill the landscaping requirements. Minimum permitted installation sizes for each plant category are provided to ensure that landscaping provides its aesthetic and screening functions at the time of installation and to improve survival rates. The schedule of landscaping points and minimum permitted installation sizes is as presented in Figure 11.02(7).

Figure 11.02(7): Landscaping Points, Minimum Installation Size, Examples of Appropriate Species

Plant Category	Expected Mature Height	Minimum Permitted Installation Size	Landscape Points per Plant	Examples of Appropriate Species ¹ (see Notes)
Large Deciduous Tree	Greater than 25 feet	2-inch diameter (1½ inch for street trees) 15-gallon pot	12505	Oak ² , Honeylocust*, Ginkgo (male) ^{2*} , Yellowwood , Hackberry ² , Basswood or Linden ² , Larch, Disease resistant Elm, Kentucky Coffeetree*, Freemand or Sugar Maple ² , London Planetree Birch, Ironwood
Small Deciduous Tree	25 feet or less	1½-inch diameter or 8 feet tall minimum 7-gallon pot	7560	Birch , Serviceberry, Thornless Hawthorn, MN Redbud ³ , Callery Pear, Flowering Crab, Ironwood , Japanese Tree Lilac, Hornbeam/Hophornbeam ³ , Amur Corktree , Pagoda Dogwood ³ , Winter King Hawthorne ³ , Korean Mountain ash, Ornamental Crabapple (persistent or sterile) ³ , Newport Plum ³ , Scarlet Hawthorne ²
Large Evergreen Tree	Usually greater than 4025 feet	4 feet tall	150	Spruce, Hemlock, Cedar, Fir, Pine
Small Evergreen Tree	25 feet or less	2 feet tall	75	Arborvitae

Large Shrub (Deciduous or Evergreen)	Usually between 4 and 10 feet	2 feet in height or 2 gallon pot	2 40	Serviceberry, Dogwood, Euonymus, Sumac, Lilac, Viburnum, Hedge Cotoneaster, Forsythia, Yew, Hazelnut, Ninebark, Arborvitae,
Small Shrub (Deciduous or evergreen)	Usually 4 feet or less	1 foot in height or 1 gallon pot	1 20	Gro-low Sumac, Weigela, Barberry, Hydrangea, Dwarf-Bush Honeysuckle, Potentilla, Rose, Juniper, Dwarf Ninebark, Azalea, Rhododendron, Spirea
Annual/Perennial Bed (including rain gardens and vegetative roofs)	Varies	Varies	1 point per square foot of bed, up to a maximum of 5 1,000 points per lot	Black-eyed Susan, Catmint, Coneflower, Lily, Daylily, Hosta, Ornamental grasses, Lady's Mantle, Columbine, Aster, Astilbe, Indigo, Brunnera, Cimicifuga, Liatris, Peony, Pachysandra, Sedum, others that are native to the region
Landscaped berm	Minimum of 3 feet	Minimum of 3 feet	1 point per lineal foot of berm, up to a maximum of 150 points per lot	Must be deliberately designed and contoured to provide a screen or buffer to adjoining properties
Natural Landscape Boulders		8 cubic feet	10 points per boulder, up to a maximum of 200 points per lot	Granite, Limestone, Sandstone, Marble ⁴
<u>Landscape Surface Ratio (LSR) Bonus (non-residential districts)</u>	<u>N/A</u>	<u>N/A</u>	<u>500 points per 5 percent over the minimum LSR (maximum of 1,000 points permitted)</u>	<u>Green Space</u>

Notes:

¹ Species listed are examples only. Other species such as non-invasive (not aggressive spreaders) and native plant species are also encouraged, except for those prohibited species listed below. Consider salt and snow tolerance when making plant selections.

² Appropriate trees in street terrace area, where no overhead power lines are present. Shall be balled and burlapped at time of installation.

³ Appropriate trees in street terrace area, where overhead power lines are present. Shall be balled and burlapped.

⁴ Other proposed landscape features, such as sculpture, fountains, or outdoor seating or recreational aesthetically pleasing facilities, with landscaping points afforded by the site plan approval authority based generally on the cost of such feature relative to landscaping planting

costs.*[These plantings require additional care.](#)

5. Prohibited and Discouraged Species.

a. The following species are prohibited in the public right-of-way, within 10 feet of any lot line or parking lot perimeter, and in parking lot islands:

- i. Ailanthus (Tree of Heaven).
- ii. American Elm, and any other species of elm not resistant to Dutch Elm Disease
- iii. Ash (all varieties, until threat of emerald ash borer is eliminated)
- iv. Buckthorn (common or glossy)

- v. Black Locust
- vi. Box Elder
- vii. Catalpa
- viii. Cottonwood (except along water edges)
- ix. European White Birch
- x. Fruit-bearing Trees (excluding crabapples)
- xi. Honeysuckle
- xii. Lombard Poplar
- xiii. Mulberry
- xiv. Red Maple
- xv. Russian Olive
- xvi. Siberian Elm
- xvii. Silver Maple
- xviii. Walnut
- xix. Willow (except along water edges).
- xx. Other weak-wooded tree species or species that deposit a significant number of twigs, seed pods, fruits, nuts, and/or other debris, as determined by the Zoning Administrator.

b. Evergreen trees are prohibited within the public right-of-way.

6. Existing Plant Materials. A reasonable attempt shall be made to preserve as many existing trees as is practicable and to incorporate them into the landscape plan, including techniques for preservation. In instances where healthy plant materials of acceptable species, as determined by the Village, exist on a site prior to its development, the application of the standards in this section may be adjusted by the Village to allow credit for such material, provided that such adjustment is consistent with the intent of this Article.

7. Installation. All landscaping required under this Section shall be installed consistent with Village standard specifications and industry accepted standards and shall be guaranteed by the applicant or the applicant's contractor for three years. Street terrace trees shall be balled and burlapped. All landscape beds shall be edged in accordance with industry best practices. Installation shall occur prior to occupancy or commencement of operations, unless doing so would result in unsatisfactory plant survival. In this case, landscaping shall be installed within six months of occupancy or commencement of operations, and the Village may require a performance guarantee, such as a bond, cash deposit or letter of credit, before a permit or certificate for building occupancy is granted and until such landscaping is installed according to plan.

a. A single tree species may not exceed twenty percent (20%) of all the tree species proposed to be planted on a single site.

8. Maintenance. Landscaping required by this Section is intended to be a permanent site improvement. As such, all landscaping shall be continually maintained in a live state. Maintenance shall include periodic and timely watering, irrigation where necessary,

replenishment of mulch, weeding, fertilizing, pruning and any other such normally required horticulture activity necessary to keep all landscaping in a healthy, safe and aesthetically pleasing state. Recognizing that over time plants may mature and die or otherwise expire because of natural or unnatural causes; maintenance shall also include the removal and replacement of dead or dying plants. Such replacement shall occur within the same year in which a plant dies or in the spring planting season of the following year. Landscaping shall also be subject to applicable maintenance standards with Section 50.102 of the Code.

9. **Location in Utility Easements.** Planting in utility easements is at the risk of the property owner. Any plants that must be removed because of utility work within such easements shall be replaced by the property owner at his or her cost.

SECTION 5: AMENDMENT “Sec 94.12.08 Access And Driveway Standards” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.12.08 Access And Driveway Standards

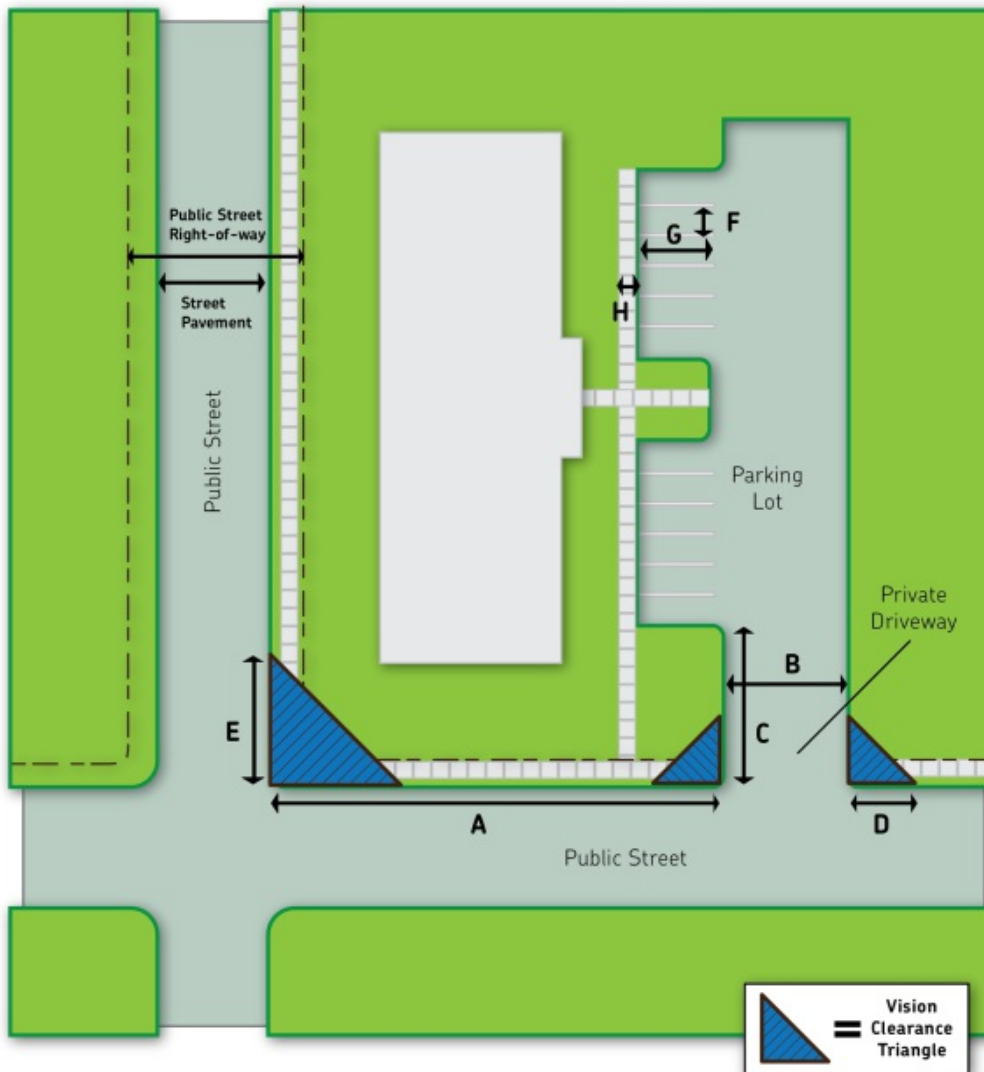
1. **Purpose and Applicability.** The purpose of this Section is to alleviate or prevent congestion of public rights-of-way, protect and enhance property values and community aesthetics, and promote the safety and general welfare of the traveling public. This Section establishes minimum requirements for the provision of access to public rights-of-way in accordance with the utilization of various sites.
2. **Roadway Access Control.** Access control to public roadways and driveway access design standards shall be per Chapter 71 of the Village of Weston Municipal Code
3. **Depiction on Required Site Plan.** The configuration and location of all proposed access drives on a property shall be depicted on any required site plan.
4. **Distance from Property Line.** The distance from an access drive or parking lot to the property line shall not be less than the minimum associated setback for hard or gravel surface areas in Figures 5.01(2) and 5.02(2), except or approved shared driveways, shared parking lots, cross-access ways, or as otherwise exempted in such figures.
5. **Width of Driveways.** All openings for access drives onto public streets shall adhere to the widths as specified in Chapter 71 of the Code.
6. **Traffic Control.** Traffic into and out of all off street parking, loading, and traffic circulation areas serving six or more parking spaces shall be forward moving, with no backing into streets or pedestrian ways.
7. **Surfacing.** Driveway surfacing shall be per Section 94.12.09(6)(a).
8. **All Garages to be Served by Driveways.** All garages intended for vehicle parking shall be served by a driveway extending from the garage to the curb or street edge. Where such driveway(s) meets the garage, the width shall be, at minimum, the width of all garage door openings.
9. **Installation Timing.** Except for apron sections within public rights-of-way, no residential driveway shall be constructed until the owner has been issued a building permit for the residence. Each residential driveway shall be constructed prior to occupancy of the associated dwelling, except in cases when construction of the dwelling is completed between December 1st and March 31st. In such cases, driveways must be installed no later than June 1st following occupancy.
10. **Provision for Sidewalk.** Where there is existing curb and gutter street sidewalks shall

be installed for all new construction and substantial remodels, which exceed 50% of the assessed value, of a structure, regardless if a sidewalk is present on either side of said project, in accordance with the Village's Complete Streets Policy. Where the construction project or remodel does not exceed 50% of the assessed value then all driveways, new or existing, shall accommodate a 5-foot wide concrete sidewalk section within the public right-of-way, built to Village sidewalk standards, to maintain connection with existing sidewalks or to allow for the connection of future sidewalks on either side of the driveway. ~~Plan Commission~~ The Site Plan Approval Authority may waive the above stated provisions under the following circumstances:

- a. The Village Capital Improvement Plan and/or sidewalk and trail planning maps, or similar planning documents do not include sidewalks within the project neighborhood; or
 - b. The Director of Public Works has determined that future sidewalk grades cannot be determined or;
 - c. The Director of Public Works has determined that substantial grading of the area between the curb and the right-of-way line is required for both the subject parcel and both neighboring parcels.
11. **Maintenance.** All driveways shall be maintained so as to prevent the transport of gravel, dirt, or other material from the property into the public right-of-way.
12. **Vision Clearance Triangles.** Within vision clearance triangles, no signs, structures, earthwork, vegetation, or other obstructions between 18 inches and ten feet in height shall be permitted, except for tree trunks, mailboxes and sign poles. The vision clearance triangle shall apply where public streets intersect, and where private driveways and alleys intersect with public streets, per the following standards (as also represented in Figure 12.08).
- a. Where public streets intersect with each other. To draw the first two lines of the triangle, measure 20 feet from the point of intersection of the two street rights-of-way along the two right-of-way lines. Next, draw a third straight line between the ends of the first two lines to form the vision clearance triangle.
 - b. Where a private driveway or alley intersects with a public street. To draw the first two lines of the triangle, measure from the point of intersection between the public street right-of-way and the private driveway/alley surface edge a distance of 10 feet where the intersecting local street is a local street, 15 feet where a collector street, and 20 feet where an arterial street. Next, draw a third straight line between the ends of the first two lines to form the vision clearance triangle.

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

Figure 12.08: Representation of Minimum Dimensional Requirements Affecting Vehicular Access



Minimum Distances/Widths A: Generally 75 to 300 feet (see Chapter 71 of Code) B: 12 feet for one-way/24 feet for two-way (for non-residential uses) C: 20 feet (for non-residential uses) D: 10 ft for local street, 15 ft for collector street, 20 ft for arterial street E: 20 feet (on each non-hypotenuse side) F: 10 feet (8 ½ feet for end spaces) G: 18 feet H: 6 feet (where vehicles parked against walkway)

SECTION 6: 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. 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 Acta 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, alteration: Any change in the size, shape, method of illumination, position, location, material, construction, or supporting structure of a sign.

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 7: 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 8: SEVERABILITY CLAUSE 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 9: EFFECTIVE DATE This Ordinance shall take effect upon approval and publication.

PASSED AND ADOPTED BY THE VILLAGE OF WESTON BOARD OF TRUSTEES
OCTOBER 21, 2024.

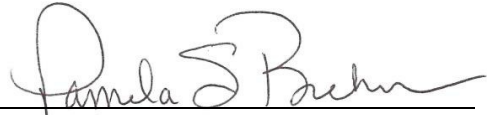
	AYE	NAY	ABSENT	ABSTAIN
Mark Maloney	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Barbara Ermeling	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Hooshang Zeyghami	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Steve Cronin	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Jamie Weiland	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Jim Pinsonneault	<u>X</u>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



AFFIDAVIT OF PUBLICATION

Village Of Weston
4747 Camp Phillips RD
Schofield WI 54476-1574


STATE OF WISCONSIN, COUNTY OF BROWN

I being duly sworn, doth depose and say that I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, has been published in said newspaper in the issues dated:

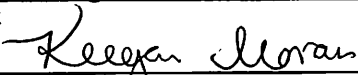
10/24/2024

That said newspaper was regularly issued and circulated on those dates and that the fees charged are legal.

Sworn to and subscribed before on 10/24/2024



Legal Clerk



Notary, State of WI, County of Brown

2.14.28

My commission expires

Publication Cost:	\$47.98	
Tax Amount:	\$0.00	
Payment Cost:	\$47.98	
Order No:	10697725	# of Copies:
Customer No:	1012831	0
PO #:	LWIX0179981	

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KEEGAN MORAN
Notary Public
State of Wisconsin

Notice of Newly Enacted Ordinance

Please take notice that the Village Board of Weston, Wisconsin enacted on October 21, 2024, the following Ordinances:

- Ordinance 24-015: An Ordinance to Amend Provisions Within Chapter 94 of the Municipal Code, To Update Any References to The Disbanded Everest Metro Police Department Within Secs. 94.4.06(3) Personal Storage Facility, 94.4.10(13) Temporary Sales by Mobile Food Vendors & 94.8.11 Administration and Enforcement of Code Within the Shoreland Zoning Regulations; Sec. 94.11.02 Landscaping Requirements; Sec. 94.12.08 Access and Driveway Standards and Section 94.17.04 Definitions to Add a Definition of Sign, Alteration in The Village of Weston and The Extraterritorial Zoning Area of The Town of Weston.
- Ordinance 24-016: An Ordinance to Amend Provisions within Chapter 54 Offenses and Miscellaneous Provisions, Section 54.113 Unauthorized Persons on School Property, Building Access, and Security.
- Ordinance 24-017: An Ordinance to Adopt Provisions within Chapter 54 Offenses and Miscellaneous Provisions, Section 54.203 Sexting Prohibited
- Ordinance 24-018: An Ordinance to Adopt Provisions within Chapter 82 Traffic and Vehicles, Section 82.113 Operator's License Required.

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

Dated this 22nd day of October 2024.

Pamela Brehm, Village Clerk
WNAXLP
October 24 2024
LWIX0179981