

**VILLAGE OF WESTON
ORDINANCE 21-011**

**AN ORDINANCE TO AMEND VARIOUS PROVISIONS WITHIN CHAPTER 94
(ZONING ORDINANCE) TO ADDRESS THE CREATION OF A PD PLANNED
DEVELOPMENT DISTRICT AND MAKE OTHER MISCELLANEOUS ZONING
ORDINANCE CHANGES**

WHEREAS, the Village of Weston is authorized to prepare, amend and adopt a zoning ordinance under Wis. Stats. §§ 62.23 and 61.35; and

WHEREAS, the Village adopted a new Chapter 94 in March 2015, to serve as the Village’s zoning ordinance and the Village’s extraterritorial zoning ordinance for the portions of the Town of Weston defined as the extraterritorial zoning area; and

WHEREAS, the Village has determined the need for a PD Planned Development District; and

WHEREAS, the Joint Town and Village of Weston Extraterritorial Zoning Committee and the Village Plan Commission held a joint public hearing on this ordinance, on May 10, 2021, in compliance with Wis. Stat. § 62.23; and

WHEREAS, following such hearing, the Village Plan Commission has recommended enactment of the zoning ordinance amendments contained herein for applicability within the Village limits; and

WHEREAS, following such hearing, the Joint Town and Village of Weston Extraterritorial Zoning Committee has recommended enactment of the zoning ordinance amendments contained herein for applicability within the extraterritorial zoning area; and

WHEREAS, following such hearing the Village Board considered public comments and the recommendations of said Commission and Committee; and

WHEREAS, the Village Board finds the proposed amendments contained herein are reasonable, consistent with the Village Comprehensive Plan, and in the public interest.

NOW THEREFORE, be it ordained by the Board of Trustees of the Village of Weston, in the State of Wisconsin, as follows:

SECTION 1: **AMENDMENT** “Sec 94.14.03 Allowable And Required Uses In A N District” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.14.03 Allowable And Required Uses In ~~A~~The PD and N District~~Districts~~

SECTION 2: **REPEAL** “Sec 94.14.12 Building Permit” of the Weston Municipal Code is hereby *repealed* as follows:

REPEAL

~~See 94.14.12 Building Permit (Repealed)~~

~~Once a Specific Implementation Plan has been recorded at the Marathon County Register of Deeds Office, building permits may be issued within all parts of the N district for which a Specific Implementation Plan has been approved, provided that said permits are for buildings that are in accordance with the approved SIP and any applicable conditions of approval.~~

SECTION 3: **REPEAL** “Sec 94.14.13 Delayed Effective Dates, Construction Required” of the Weston Municipal Code is hereby *repealed* as follows:

REPEAL

~~See 94.14.13 Delayed Effective Dates, Construction Required (Repealed)~~

- ~~1. In the event that a Specific Implementation Plan is not approved by the Village Board within 12 full calendar months following the date of the Village Board’s approval of the General Development Plan, no N district shall be effective therefore and the lands included within the N district shall revert to the zoning district in effect for the subject lands prior to the approval of the GDP and N zoning.~~
- ~~2. Within 18 months following Plan Commission approval of the Specific Implementation Plan, the basic right of use for the areas included within that particular Specific Implementation Plan area, when in conformity with such approved plan, shall lapse and be null and void unless the project, as approved, is commenced by the issuance of a building permit. If said building permit once issued, expires in accordance with the provisions of this Chapter, with no completed construction having occurred, then a new petition and approval process shall be required to obtain a Specific Implementation Plan approval.~~

SECTION 4: **REPEAL** “Sec 94.14.14 Incorporation Of New N Districts” of the Weston Municipal Code is hereby *repealed* as follows:

REPEAL

~~See 94.14.14 Incorporation Of New N Districts (Repealed)~~

~~When the Plan Commission approves the Specific Implementation Plan for a particular N district, such Specific Implementation Plan shall become part of this Chapter and shall be enforceable as part of this Chapter, as it may from time to time be amended.~~

SECTION 5: AMENDMENT “ARTICLE 94-14 N NEIGHBORHOOD DISTRICT” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

ARTICLE 94-14 ~~N NEIGHBORHOOD DISTRICT~~ SPECIAL ZONING DISTRICTS

SECTION 6: AMENDMENT “ARTICLE 94-2 ESTABLISHMENT OF STANDARD ZONING DISTRICTS” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

ARTICLE 94-2 ESTABLISHMENT OF STANDARD ZONING DISTRICTS

SECTION 7: AMENDMENT “Sec 94.2.01 Purpose” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.2.01 Purpose

The jurisdiction of this Chapter is hereby divided into standard zoning districts of such number and location as necessary to achieve compatibility of land uses within each district and achieve the purposes of this Chapter. Article 2 addresses standard zoning districts. Overlay zoning districts are addressed in Articles 6 through 9. Special zoning districts are addressed in Article 14.

SECTION 8: AMENDMENT “Sec 94.2.02 Listing And Purposes Of Standard Zoning Districts” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.2.02 Listing And Purposes Of Standard Zoning Districts

Aside from public rights-of-way [and those areas within special zoning districts](#), each part of the Village is mapped within one of the following standard zoning districts. The purpose of each district is stated below. Also listed (within parentheses) are parallel or similar zoning districts from the predecessor zoning ordinance, for reference purposes only.

1. Rural and Open Space Districts.

- a. *FP Farmland Preservation*. The FP district is intended to promote continued agricultural and forestry uses on lands suited for such uses: protect and encourage long-term investments in food, fiber, building material, bioenergy, and other resource-related production; enable property owner eligibility in the State's farmland preservation tax credit program following State certification of the FP district; preserve rural character and manage non-agricultural and non-forestry development; provide opportunities for farm residences, agriculturally- and forestry-related businesses, and home occupations. The FP district is intended for areas planned for long-term farmland preservation in the Comprehensive Plan. (Predecessor district: None)
- b. *AR Agriculture and Residential*. The AR district is primarily intended to preserve agricultural, forested, and other open lands until ripe for non-agricultural development, including residential, commercial, and industrial development, and to allow for very low density residential development. The AR district is also intended for areas planned for denser development in the Comprehensive Plan, but not yet suited for such denser development due to lack of public utilities or services in the area, inadequate roads, a sufficient supply of lands zoned for development elsewhere, and other factors. (Predecessor districts: AG, RR-10)
- c. *RR-2 Rural Residential 2 Acres*. The RR-2 district is intended for mainly single family detached residential development on minimum two acre sized rural lots, along with compatible home occupations, small-scale institutional and recreational uses, and low-intensity agricultural uses. Development within this district may be served by private on-site wastewater treatment systems (POWTS), and roadways within a rural cross section. The RR-2 district is intended for areas planned for rural residential development within the Comprehensive Plan. (Predecessor districts: RR Rural Residential; SR Suburban Residential)
- d. *RR-5 Rural Residential 5 Acres*. The RR-5 district is intended for mainly single family detached residential development on minimum five acre sized rural lots, along with compatible home occupations, small-scale institutional and recreational uses, and low-intensity agricultural uses. Development within this district may be served by private on-site wastewater treatment systems (POWTS), and roadways within a rural cross section. The RR-5 district is intended for areas planned for rural residential development within the Comprehensive Plan. (Predecessor districts: RR Rural Residential; SR Suburban Residential)
- e. *PR Parks and Recreation*. The PR district is intended to accommodate parks, public recreational areas, public open spaces, and private lands and buildings available for public recreation and/or conservation. (Predecessor districts: PUL Public and Utility Lands, OC-1 Conservancy Overlay)

2. Residential Districts.

- a. *SF-L Single Family Residential-Large Lot*. The SF-L district is intended for mainly single family detached residential development, along with compatible home occupations and small-scale institutional and recreational uses. New development within this district shall be served by public sanitary sewer and water services but may have roadways with a rural cross section (e.g., roadside swales). The SF-L district generally requires a minimum lot size between those required in the RR and SF-S districts. The SF-L district is intended for areas planned for single family residential development, or for portions of areas planned for neighborhood development, within the Comprehensive Plan. (Predecessor district: S-R Suburban Residence and R-E Residential Estate)
- b. *SF-S Single Family Residential-Small Lot*. The SF-S district is intended for mainly single family detached residential development, along with compatible home occupations and small-scale institutional and recreational uses. Development within this district is served by public sanitary sewer and water services, and roadways with an urban cross section (e.g., curbs, storm sewer). The SF-S district enables smaller lot sizes than other single family residential districts. The SF-S district is intended for areas planned for single family residential development, or portions of those areas planned for neighborhood development, within the Comprehensive Plan. (Predecessor districts: R-1 Residential-Single Family and R-2 Residential-Single Family)
- c. *2F Two Family Residential*. The 2F district accommodates two family residences such as duplexes and two-flats; single family residences; and compatible home occupations and small-scale institutional and recreational uses. Development within this district is served by public sanitary sewer and water services, and roadways with an urban cross section (e.g., curbs, storm sewer). The 2F district is intended for areas planned for two family residential development, or portions of areas planned for neighborhood development at the Village's discretion, within the Comprehensive Plan. (Predecessor district: RTF Residential Two Family)
- d. *MF Multiple Family Residential*. The MF district accommodates a range of housing types, including multiple family residences (e.g., townhouses, apartment buildings, multiplexes), two family residences, and single-family residences, along with compatible institutional and recreational uses. Development within this district is served by public sanitary sewer and water services, and roadways with an urban cross section (e.g., curbs, storm sewer). The MF district is intended for areas planned for multiple family residential development, or portions of areas planned for neighborhood development at the Village's discretion, within the Comprehensive Plan. (Predecessor district: R-3 Multiple Family, Garden Apartments and R-4 Multiple Family, Apartments)
- e. *MH Manufactured Home*. The MH district provides a safe, attractive, and functional environment for "parks" and subdivisions specifically intended for mobile and/or manufactured homes. Development within this district is served by public sanitary sewer and water services, and public roadways with an urban cross section (e.g., curbs, storm sewer). The roadway, sewer, and water networks within each manufactured home community are to be privately

owned, except where otherwise approved by the Village. The MH district is intended for portions of areas planned for multiple family residential development or neighborhood development, within the Comprehensive Plan, at the Village's discretion. (Predecessor district: R-5 Residential Manufactured/Mobile Home Park)

3. **Non-Residential and Mixed-Use Districts.**

- a. INT *Institutional*. The INT district enables a range of public, semi-public, educational, religious, and other "gathering" type uses generally intended for non-commercial purposes, subject to performance standards to ensure compatibility between institutional uses and surrounding uses, zoning districts, and infrastructure. Development within this district is generally served by public sanitary sewer and water services, and roadways with an urban cross section (e.g., curbs, storm sewer). The INT district is intended for areas planned for public/quasi-public uses within the Comprehensive Plan, and for other non-residential, non-agricultural use. (Predecessor district: PUL Public and Utility Lands; OIP Institutional and Public Service overlay)
- b. B-1 *Neighborhood Business*. The B-1 district accommodates small-scale office, retail, and service uses compatible with adjacent residential neighborhoods. Development within this district is served by public sanitary sewer and water services. The B-1 district is intended for areas planned for commercial uses, and for small portions of areas planned for neighborhood development, within the Comprehensive Plan. (Predecessor district: B-1 Neighborhood Convenience Retail and Service)
- c. B-2 *Highway Business*. The B-2 district accommodates a range of large- and small-scale office, retail, commercial service, restaurant, and lodging uses. Development within this district is served by public sanitary sewer and water services. This district is intended for mapping (i) along major highway corridors; (ii) outside of the Village's neighborhood areas; and (iii) in areas planned for commercial uses within the Comprehensive Plan. (Predecessor district: B-2 Community Retail and Service)
- d. B-3 *General Business*. The B-3 district accommodates a wide range of commercial uses, along with compatible wholesale, light industrial, and outdoor storage and display uses. Development within this district is served by public sanitary sewer and water services. This district is intended for mapping (i) along major highway corridors; (ii) outside of the Village's neighborhood areas; and (iii) in areas planned for commercial uses, and occasionally in areas planned for industrial uses, within the Comprehensive Plan. (Predecessor district B-3 General Commercial)
- e. BP *Business Park*. The BP district accommodates office, light industrial, and other compatible businesses and support uses in a controlled business or office park setting. Allowable uses and activities include those associated with low levels of noise, odor, vibrations, and particulate emissions. Development within this district is served by public sanitary sewer and water services. This district is intended for mapping in areas planned for commercial uses, and occasionally in areas planned for industrial uses, within the Comprehensive Plan. (Predecessor district: B-P Business Park and B-4 Office)
- f. LI *Limited Industrial*. The LI district accommodates primarily light industrial, storage, office, and other compatible businesses and support uses. Allowable

uses are geared toward activities which are not associated with high levels of noise, odor, particulate emissions, outdoor activities, and other potential nuisances. Development within this district is served by public sanitary sewer and water services. This district is intended for mapping in areas planned for industrial uses within the Comprehensive Plan. (Predecessor district: LMD Light Manufacturing Distribution)

- g. *GI General Industrial*. The GI district accommodates a range of manufacturing, assembling, fabrication and processing, bulk handling, storage, warehousing, trucking, and utility uses. The uses associated with this district may have significant off-site impacts such as heavy truck traffic, noise, and odors. Development within this district is served by public sanitary sewer and water services. This district is intended for mapping in limited areas planned for industrial uses within the Comprehensive Plan, at the Village's discretion. (Predecessor district: M1 Manufacturing and warehousing)
- h. *RM Rural Mix*. The RM district is intended to allow for a range of low density residential, general agricultural and forestry, and related on-site processing, storage, and rural business uses that are appropriate for certain larger rural parcels. The RM district is generally shown over areas planned for residential and/or agricultural uses in the Comprehensive Plan. The RM zoning district is available for mapping within the Village limits only; it may not be mapped within the extraterritorial zoning jurisdiction because the associated Extraterritorial Zoning Committee has not recommended its use there. (Predecessor districts: AG, RR-10) [Amended via Ord. 16-046, 12/21/2016]

4. ~~Other Districts:~~

~~*N Neighborhood*. The N district is intended to facilitate cohesive planned neighborhood developments that include desirable and innovative variations in the mix and relationship of uses, structures, and open spaces, consistent with proven principles of high-quality neighborhood design including traditional neighborhood design and conservation neighborhood design. Development within this district is served by public sanitary sewer and water services. See Article 14 for specifications. (Predecessor district: TND Traditional Neighborhood Development)~~

SECTION 9: AMENDMENT “Sec 94.2.03 Map Of Standard Zoning Districts” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.2.03 Map Of ~~Standard~~ Zoning Districts

Standard and special zoning districts established by this Chapter are shown on the Official Zoning Map and Official Extraterritorial Zoning Map, which together with all explanatory materials thereon, are hereby made part of this Chapter. For the remainder of this Chapter, the term Official Zoning Map is inclusive of the term Official Extraterritorial Zoning Map. The Zoning Administrator shall keep and maintain the Official Zoning Map; all other versions of such map(s) may not be complete or up to date.

SECTION 10: AMENDMENT “Sec 94.2.04 Interpretation Of Zoning District Boundaries On Official Zoning Map” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.2.04 Interpretation Of Zoning District Boundaries On Official Zoning Map

1. Zoning district boundaries shown as following or approximately following the limits of any municipal boundary shall be construed as following such limits.
2. Zoning district boundaries shown as following or approximately following streets or railroad lines shall be construed as following the nearest right-of-way line of such streets or railroad lines.
3. Zoning district boundaries shown as following or approximately following platted lot lines or other property lines as shown on parcel maps shall be construed to follow such lines. After March 18, 2015, no lot or parcel shall be divided into more than one standard or special zoning district.
4. Zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the then-current channel centerlines of such watercourses.
5. Zoning district boundaries shown as separated from any of the features listed in paragraphs (1) through (4) above shall be construed to be at such distances there from as are shown on the Official Zoning Map.
6. Where any uncertainty exists as to the exact location of a zoning district boundary line, as shown on the Official Zoning Map, the location of the line shall be determined by the Zoning Administrator.

SECTION 11: AMENDMENT “Sec 94.3.03 Standards Generally Applicable To Land Uses” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.3.03 Standards Generally Applicable To Land Uses

1. **Allowable Land Uses (per Article 3).** Allowable land uses are stated in Figures 3.04 and 3.05. Allowable uses shall be subject to the use regulations applicable to all land uses in Section 3.03 and those applicable to the individual uses established in Article 4.
2. **Density, Intensity, and Bulk Regulations (per Article 5).** Structures and site development shall comply with the density, intensity, and bulk regulations in Figures 5.01(1) and (2) and 5.02(1) and (2) and shall be subject to the general density, intensity, and bulk regulations of Article 5.
3. **Overlay District Requirements (per Articles 6 through 9).** All lots, uses, structures, and site features within one or more overlay zoning districts shall be subject to

applicable overlay zoning district requirements in Articles 6 through 9 in addition to those of the underlying standard or special zoning district.

4. **Building and Site Design Standards (per Article 10).** Land use and development shall conform to applicable building and site design requirements of Article 10. Agricultural uses and structures associated with them are exempt from these requirements.
5. **Landscaping and Preservation Standards (per Article 11).** Land use and development shall conform to applicable landscaping and preservation requirements of Article 11. Except for requirements specifically required for particular land uses under Article 4, agricultural uses and structures associated with them are exempt from these requirements.
6. **General Performance Standards (per Article 12).** Land use and development shall comply with applicable performance standards of Article 12. Except where the application of performance standards in Article 14 is specifically made applicable to agricultural and/or single- and two-family residential uses in this Chapter, such as via the listing of such use in Article 4, agricultural and single- and two-family residential uses and structures associated with them are exempt from these requirements.
7. **Signs (per Article 13).** All signs shall comply with applicable provisions of Article 13.
8. **Nonconforming and Substandard Lots, Uses, Structures, and Sites (per Article 15).** Any non-conforming or substandard situation shall comply with the requirements of Article 15.
9. **Procedural Regulations and Requirements (per Article 16).** All new and expanded uses and development of land shall comply with all applicable requirements of Article 16, pertaining to the procedures to secure approval of the land use and/or development.
10. **Site Plan Review Required.** All development activities or uses of land that result in construction, reconstruction, exterior remodeling, or expansion of structures, parking lots, loading areas, or outdoor storage areas are subject to site plan approval under Section 94.16.09, except for the following activities, uses, and structures:
 - a. “*Single-Family Detached Residence*” and “*Two-Family Residence*” structures. Before a “*Community Living Arrangement*” land use may be established in any residence, site plan approval shall be required.
 - b. Uses for which a Specific Implementation Plan in an ~~N-Neighborhood~~ special zoning district has been approved in accordance with the procedures of Article 14, provided that the Specific Implementation Plan provides a similar level of detail and range of plans as a typical site plan submittal required under this Chapter.
 - c. Agricultural uses and structures associated with them, such as barns and silos.
 - d. Accessory structures or improvements which, in the opinion of the Zoning Administrator, do not warrant site plan approval due to their insignificance on the landscape and to surrounding properties.
11. **Number of Principal Buildings per Lot.** More than one principal building is allowed on any one lot, but only by conditional use permit in any RR or SF district.
12. **Principal Use to Precede Accessory Use or Structure.** No accessory structure or use shall be constructed on any lot prior to establishment of a principal use on that same lot, unless otherwise allowed in this Chapter.
13. **Utility Connections to Principal Buildings for Human Habitation.** All principal

buildings used for human habitation shall be provided at all times with functional connections to water, sanitary sewer, and electrical utilities. Where public water utility service is not available to an area in the determination of the Village Public Works Director, connection to a functioning private well in accordance with Wis. Admin. Code NR § 812 shall suffice. Where sanitary sewer service is not available to an area in the determination of the Village Public Works Director, connection to a functioning private onsite wastewater treatment system approved by Marathon County shall suffice. The installation of holding tanks in the Village shall not be permitted, except in one of the following circumstances:

- a. As a replacement on a property where there was a legal holding tank as of March 18, 2015.
- b. As a replacement system for a private on-site wastewater treatment system only if the Marathon County Conservation, Planning & Zoning Department determines that the property is unsuitable for any other type of private on-site wastewater treatment system, including any conventional or mound system.
- c. In other circumstances if a conditional use permit is applied for and granted under Section 94.16.06.

[Amended via Ord. 16-012, 4/20/2016]

SECTION 12: **AMENDMENT** “Sec 94.5.07 Landscape Surface Ratio Inclusions And Exclusions” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.5.07 Landscape Surface Ratio Inclusions And Exclusions

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

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

Zoning District	Minimum Lot Area	Minimum Lot Width (ft)	Minimum Public Street Frontage (ft)	Maximum Total Building Coverage	Maximum Accessory Structure Floor Area (sf) (a)	Minimum Landscape Surface Ratio (LSR)
FP Farmland Preservation	20 acres	300	60	N/A	N/A	N/A

AR Agriculture and Residential	20 acres (f)(g)	300(f)	60	N/A	1,600 ^(h)	N/A
RR-2 Rural Residential 2 Acres	2.0 acres	150	60	20%	1,600	N/A
RR-5 Rural Residential 5 Acres	5.0 acres	200	60	20%	1,600 ^(h)	N/A
PR Parks and Recreation	N/A	N/A	N/A	10%	N/A	75%
SF-L Single Family – Large Lot	20,000 sf	100	50	30%	1,000	50%
SF-S Single Family – Small Lot	10,000 sf	80	40	40%	800	40%
2F Two Family Residential (c)	10,000 sf	80 (b)	40	40%	800	40%
MF Multi Family Residential (d)	1,600 sf/studio dwelling unit 400 sf per each bedroo m	100 80 (b)	40	40%	10% of Lot Area	30%
MH Manufactured Home	5,000 sf/home (e)	50	N/A	40%	350	30%

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

(b) For zero lot line structures, each separate lot must be at least ~~50~~40 feet in width within the 2F district and 20 feet in width within the MF district.

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

(d) Single-Family Detached and Two-family Residences within the MF district shall ~~comply with the SF-S district requirements. Two-family Residences within the MF District shall comply with 2F district requirements~~ have a minimum lot area of 5,000 square feet per unit.

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

(f) Instead of a 20-acre minimum lot size, land in the AR district may be developed at a

density of one residential lot per 20 acres and a minimum lot size of 2.0 acres and minimum lot width of 150 feet. See Section 94.5.08 for further description and method of calculation for regulating at a one residential lot per 20-acre density in the AR district.

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

(h) Maximum Accessory Structure Floor Area is increased to 2,500 square feet on parcels that exceed 10 acres. [Amended via Ord. 15-022, 10/21/2015; Ord. 16-014, 4/20/2016; Ord. 16-035, 8/18/2016; Ord. 17-038, 12/20/2017; Ord. 19-001, 1/23/19; Ord. 20-005, 3/19/2020]

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

Zoning District	Minimum Setbacks (ft) (b)								Minimum Building Separation (ft)	Maximum Building Height			
	Principal Residential Building including Attached Garage				Detached Accessory Building (a)		Hard or Gravel Surface (d)			Principal Building		Accessory Building	
	Front (a)	Street Side (a)	Interior Side	Rear	Interior Side (c)	Rear	Interior Side or Rear	Front or Street (a)		Feet	Floors	Feet	Floors
FP	50	30	20	40	15	15	15	10	10	NA	NA	NA	NA
AR	50	30	20	40	15	15	15	10	10	35	2.5	35	2.5
RR-2	50	30	20	40	15	15	15	10	10	35	2.5	35	2.5
RR-5	50	30	20	40	15	15	15	10	10	35	2.5	35	2.5
PR	30	30	12	20	12	12	6	10	10	35	2.5	25	2
SF-L	50	30	12	20	6	6	6	10	10	35	2.5	15	1
SF-S	30	20	8	20	6	6	6	10	10	35	2.5	15	1
SF (e)	30	30	8	20	6	6	6	10	10	35	2.5	15	1
MF (f)	30	30	8	20	6	6	6	10	10	50	4	15	1
MH	20(g)	20(g)	6	10	6	6	6	10	10 ^(h)	20	1	15	1

(a) See Section 94.4.09(2) for standards related to detached accessory buildings located within front yard areas, minimum separation requirements associated with detached accessory

buildings, and other standards associated with detached accessory structures.

(b) Additional setbacks may be required along zoning district boundaries for bufferyards, if required for the particular land use under Article 4 or Section 94.11.02(3)(d).

(c) Minimum street side yard setbacks are equal to the minimum street side setback for the principal structure.

(d) Includes all gravel and hard surfaces as defined in Section 94.17.04, along with recreational vehicles. This setback excludes intrusions required for driveway entrances and permitted or required for cross access driveways and pedestrian ways; shared driveways; and shared parking lots.

(e) Single-Family Detached Residences shall comply with the requirements for the SF-S district. No interior side yard setbacks for zero lot line structures.

(f) Single-Family Detached Residences shall comply with requirements of the SF-S District. Two-Family Residences shall comply with the requirements for the 2F district. No interior side yard setbacks for zero lot line structures.

(g) A minimum 100-foot wide buffer must be provided around the perimeter of each “Manufactured Home Community.”

(h) See Section 94.4.09(2) for further requirements regarding setbacks for Detached Accessory Structures (for Residential Use). [Amended via Ord 17-026, 8/23/2017; Ord 20-005, 3/19/2020]

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

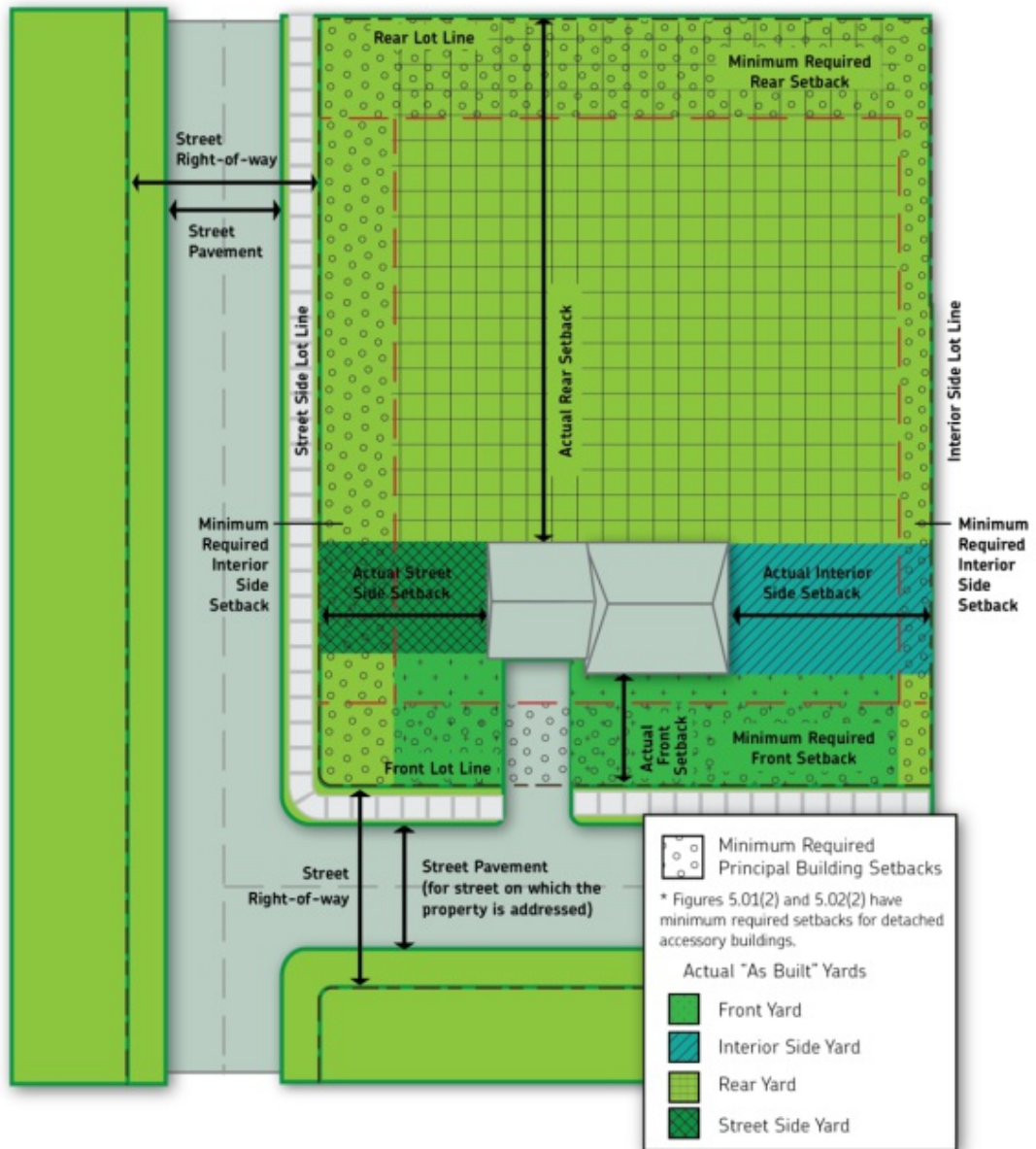


Figure 5.01(4): Different Yard and Setback Areas in a Variety of Different Lot Configurations

	Lines (a)		(d)		Rear				
INT Institutional	20	8	20	3	15	10	10	3/45	1/20
B-1 Neighborhood Business	10	6	10	3	10	5	10	3/45	1/20
B-2 Highway Business	30	12	20	6	15	10	10	3/45	1/20
B-3 General Business	30	12	20	6	15	10	10	3/45	1/20
BP Business Park	30	12	20	10	15	10	10	4/60	1/20
LI Light Industrial	30	12	20	10	10	5	10	2/30	1/20
GI General Industrial	40	15	30	10	10	5	10	4/60	2/35
RM Rural Mix	50	30	20	40	15	10	10	3/45	2.5/35

(a) See Section 94.4.09(1) for standards related to detached accessory buildings located within front yard areas, minimum separation requirements associated with detached accessory structures, and other standards associated with detached accessory structures.

(b) Additional setbacks may be required along zoning district boundaries for bufferyards, if required for a particular land use in Article 4 or Section 94.11.02(3)(d). No interior side lot line setback for zero lot line structures.

(c) Includes all gravel and hard surfaces as defined in Section 94.17.04. This setback does not apply to intrusions for driveway and pedestrian way entrances from street; driveways, pedestrian ways, and parking lots that are shared or provide cross-access between lots; or any land inside of a fenced yard area in an industrial district.

(d) Front and street side yard setbacks for accessory structures as the same as the minimum front and street side setback for the principal structure. [Amended via Ord. 16-046, 12/21/2016; Ord. 17-026, 8/23/2017; Ord. 20-013, 9/25/2020]

SECTION 13: AMENDMENT “Sec 94.6.01 Purpose And Application Of Overlay Districts” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.6.01 Purpose And Application Of Overlay Districts

1. **Purpose.** The purpose of this Article is to establish and convey overlay zoning districts wherein certain additional requirements are superimposed on the underlying standard or special zoning districts set forth in Articles 2 and 14 of this Chapter. Each overlay district is intended to address a special land use circumstance beyond those addressed by the underlying standard or special zoning district.
2. **Representation on Zoning Map.** Except where otherwise stated, the overlay zoning districts described in this Article are represented on the Official Zoning Map (or on a separate Official Overlay Zoning Map). The boundaries or presence of each overlay zoning district may be amended via the rezoning procedure in Section 94.16.03.
3. **Other Overlay Zoning Districts.** Floodplain, shoreland, and shoreland-wetland overlay zoning districts are described in separate articles of this Chapter, as each is adopted, maintained, enforced, and from time to time amended under unique state statutory requirements.

SECTION 14: AMENDMENT “Sec 94.6.02 D Design Overlay District” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.6.02 D Design Overlay District

1. **Description and Purpose.** The D Design overlay district is intended to codify unique and specific site and building design standards to preserve and enhance the appearance, character, and property values of key districts within the Village. The unique design standards applicable within each D district are either included in this section or within separate plans or ordinances duly adopted by the Village Board, as indicated in this section.
2. **D Design Overlay District Boundaries.** The boundaries of each D overlay district are as depicted on the Official Zoning Map and/or Official Overlay Zoning Map. A unique suffix is applied to each D district related to its geographic area or district name.
3. **Established D Design Overlay Districts.** The following D Design overlay districts, and documents within which design standards are located, are as follows:
 - a. **D-CONDO *Condominium Overlay*.** The Village Board hereby exercises the authority set forth in Wis. Stat. § 703.27 in the regulation of condominiums. This Chapter does not impose a greater burden or restriction and does not provide a lower level of service to a condominium than would be imposed or

is imposed if the condominium ownership were under a different form of ownership.

- i. Rezoning to the D-CONDO district shall be per Section 94.16.02. In addition to the normal rezoning application requirements in that section, the applicant shall submit a condominium plat and site plan meeting the requirements of Section 94.16.09.
 - ii. No use or structure in the D-CONDO district shall be established, maintained, or expanded except in conformity with a condominium plat and site plan approved under Section 94.16.09. Such requirements and conditions made a part of an approved condominium plat and site plan shall be, along with the site plan itself, construed to be and enforced as a part of this Chapter.
 - iii. Within the D-CONDO overlay district, the only permitted uses shall be residences in the condominium form of ownership, Community Garden, Passive Outdoor Public Recreation, Active Outdoor Public Recreation, Public Service or Utility, Community Living Arrangement (1-8 residents), Detached Accessory Structure (for Residential Use), Family Day Care Home (4-8 children), Home Occupation, and Private Lake (Pond).
 - iv. Density, Intensity and Bulk Regulations in Article 5 shall be applied to each development within the D-CONDO district to the extent determined practical by the Village approval authority at the time of rezoning to the D-CONDO district, or subsequent condominium plat and site plan amendment approved by the Village.
 - v. Each D-CONDO district shall be no less than two acres in area.
 - vi. Each interior condominium site shall be at least 24 feet in width. Each condominium site located on a corner of a public street shall be at least 48 feet in width. Each interior condominium site that is intended to be at the end of a row of attached condominium units shall be at least 34 feet wide.
 - vii. Each condominium development shall not exceed a density of seven dwelling units per acre, not including street rights-of-way and stormwater detention areas.
 - viii. No more than four condominium units shall be built in a row having the same building line. In a condominium building having more than four dwelling units, the required minimum offset in the building line shall be three feet. No single condominium building shall exceed 250 feet in any horizontal dimension.
- b. *D-RT Rail-to-Trail Overlay*. This district is intended to establish unique controls for lands, buildings, and uses adjacent to the Mountain Bay Trail and other potential “rail-to-trail” conversions in the Village, while still providing for an appealing environment for recreational use of the trail. This district promotes coordinated site planning as a means to achieve flexibility from certain provisions normally applicable to development in the underlying standard zoning district.
- i. Rezoning to the D-RT overlay district shall be per Section 94.16.02. In addition to the normal rezoning application requirements in that section, the applicant shall submit a site plan meeting the requirements

of Section 94.16.09, along with a written explanation of why D-RT zoning is desired and how the standards of this subsection will be met.

- ii. No use in the D-RT district shall be established, maintained, or expanded except in conformity with a site plan approved under Section 94.16.09. Such requirements and conditions made a part of an approved site plan shall be, along with the site plan itself, construed to be and enforced as a part of this Chapter.
 - iii. Specific lot size, density, open space, building location, height, size, floor area, screening and other such requirements within each site zoned D-RT shall be based upon determination as to their appropriateness to the proposed uses or structures as they relate to the total environmental concept of the development, and consistent with the purpose of this Chapter. The D-RT district does not allow any greater range of land uses than that allowed within the underlying standard zoning district.
 - iv. Design of and relative to adjoining properties, streets, sidewalks, street lighting, storm drainage, lot size, lot arrangement, screening, or other elements of the site development shall be based upon determination as to the appropriate standards necessary to effectively implement the specific function in the specific situation, and compatible with the trail. In no case shall minimal standards be less than those necessary to protect the public health, safety and welfare in the determination of the Village.
 - v. The site plan shall be prepared with competent professional advice and guidance and shall produce significant benefits in terms of improved environmental design in the determination of the Village approval authorities.
 - vi. The site plan shall reflect sensitive consideration of the physical nature of the site with particular concern for conservation of natural features, preservation of open spaces, careful consideration of terrain and landscaping which protects and enhances the recreational use of the trail, and proper drainage and preservation of natural terrain wherever appropriate.
 - vii. The site plan shall serve to implement the spirit and intent of the Village's Comprehensive Plan and Parks and Open Space Plan, especially as related to preservation of conservation and recreation areas, creation of common open spaces, and establishment of a diversified and interesting development pattern.
 - viii. The proposed design shall be functional in terms of circulation, parking, emergency services, delivery of other services and utilities, and snowplowing. Applicable building and site design, landscaping, and performance standards within Articles 10 through 12 shall be met, except where specifically waived or modified by the Plan Commission.
- c. *D-CC Commercial Corridor Overlay*. The purpose of the D-CC overlay district is to establish a greater development design requirements along the most highly traveled, utilized, and visited roadway corridors in the Village.

The objectives are to achieve a more unified vision and development form along these corridors, promote orderly and comprehensive development proposals, direct site and building designs that will stand the test of time, enhance the image of and entryway experiences in the Village, facilitate motor vehicle, bike, and pedestrian movement, enhance the surrounding neighborhoods, and create a unique sense of place. See definition of placemaking in Section 94.17.04. Single-family and two-family dwellings are exempt from the requirements of the D-CC district, and may not benefit from the bonus densities or setbacks if in this overlay district.

- i. The maximum allowable floor area ratio (FAR) in the D-CC overlay zone may exceed that allowed in the base zoning district under Figure 5.02(1), per the following schedule (totals are additive):
 - (1) Add 0.5 FAR if outdoor recreational, leisure, plazas, dining, activity, or other similar space is incorporated into the development, not including space in parking lots;
 - (2) Add 0.5 FAR if one or more buildings in the development includes residential uses combined with commercial service, retail, office, and/or institutional uses;
 - (3) Add 0.25 FAR if development includes residential uses in separate buildings from commercial service, retail, office, and/or institutional uses on the same site. Add 0.50 FAR if development includes other features to mitigate the impact of greater density on the environment, in the opinion of the Zoning Administrator, such as graduated setbacks of upper stories, exceptional building transparency (windows), pervious pavement, and vegetative or active roofs.
- ii. Where the base zoning district is INT, B-2, B-3, or B-P, the minimum required setback from the principal building to the front and street side lot lines shall be building setbacks in Figure 5.02(2) shall be reduced to 15 feet.
- iii. The maximum required setback from each new principal building to the front lot line shall be 40 feet, except for multiple building developments where at least 50% of the street frontage is occupied by buildings that meet this requirement.
- iv. All loading and service areas shall be orientated away from all street frontages. In cases where the parcel is surrounded by right-of-way on three or more sides, this requirement may be waived; however, any such area shall be screened by a landscaped bufferyard as established in Section 94.11.02(3)(d) or by a wall or fence as described below.
- v. Parking lots shall be orientated to the rear and/or side of the buildings, and not closer to the front lot line than the principal building except in multiple building developments where at least 50% of the street frontage is occupied by buildings.
- vi. Parking facilities within a parcel may be shared if multiple uses cooperatively establish and operate parking facilities and if these uses generate parking demands primarily when the remaining uses are not in operation. Applicants shall make an application to the Zoning Administrator for authorization for shared parking. Applicants shall

- include a draft of the easement establishing formal shared-parking between the applicant and all affected property owners. Shared parking arrangements may be approved by the site plan approval authority upon determination that the above stated off-street parking requirements for each use are met during said use's operational hours.
- vii. Buildings and parking lots shall be orientated to facilitate and protect pedestrian movement, such as via a pedestrian plaza or promenade. All public and employee building entryways shall be connected via walkways to parking lots.
 - viii. Wherever practical in the determination of the Zoning Administrator, public roadway access shall be shared, and cross-access driveways and pedestrian ways shall be provided, between adjoining properties.
 - ix. All utility systems including, but not limited to water, electric, gas, sewer, storm water, telephone, fiber optics servicing the site, shall be installed underground.
 - x. Wall and fences between the street side landscaping area and the building shall not exceed 3 feet in height unless used to screen public plazas, patios, outdoor dining areas or similar permitted outdoor uses in conformance with Section 94.4.05(11). Materials and design of all walls and fences shall be consistent with the architectural theme and materials of the building.
 - xi. Materials and design of all walls, fences, refuse and recycling enclosures, signs, and exterior lighting shall be unified across the site and consistent with the architectural theme of the building. No wall, fence, or enclosure shall exceed 6 feet in height. Roofed enclosures may exceed this limit but shall be no higher than 10 feet in height.
 - xii. If specified in an adopted element of the Village's Comprehensive Plan for the particular geographic area in which the development is proposed, building, site, landscaping and other design components of the proposed development shall conform to the standards in that Comprehensive Plan element.
 - xiii. The Plan Commission may approve a waiver or modification to one or more of the above requirements where it finds such requirement(s) would create practical difficulties in the development of the site and compensating design elements are incorporated.

~~4. D-WM *Weston Marketplace Overlay*: Design requirements are included within the Schofield Avenue Lifestyle Center Master Plan, dated October 19, 2006, amendments made to the Weston Center Master Plan, dated November 6, 2013 and now known as the Weston Marketplace Master Plan and as such plan may be amended or supplemented from time to time by the Plan Commission under the site plan approval procedures in Section 94.16.09. All future buildings depicted in such plan shall utilize materials, architectural design, and signage that are consistent with those used on the constructed "Retail Center #1" in such Plan. The areas around such buildings shall be landscaped in accordance with such Plan. D-R *Renaissance Development Overlay*: Design requirements are included within the Renaissance Development Plan, dated December 19, 2007 and as such plan may be amended or supplemented from time to time by the Plan Commission under the site plan approval procedures in Section~~

94.16.09.

[Amended via Ord. 15-005, 5/22/2015]

SECTION 15: AMENDMENT “Sec 94.6.03 WHP Wellhead Protection Area Overlay District” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.6.03 WHP Wellhead Protection Area Overlay District

1. **Description and Purpose.** The Village depends exclusively on ground water for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade ground water quality. The purpose of this Section is to institute land use regulations and restrictions to protect the Village’s municipal water supply and well fields, and to promote the public health, safety, and general welfare of the residents, employees, and visitors of the Village. The restrictions imposed in this Section are in addition to those of the underlying standard or special zoning district or any other provisions of this Chapter. This section is established under the authority of Wis. Stat. § 62.23(7)(a) and (c) and Wis. Admin. Code NR Chapter 811.
2. **Wellhead Protection Area Overlay District Boundaries.** The regulations of this Section shall apply to land within Wellhead Protection Area district boundaries mapped as “WHP” on the Official Zoning Map and/or Official Overlay Zoning Map. The WHP district is further divided into WHP-A and WHP-B, on the Map, indicating different zones of groundwater contribution to the associated well. WHP-A indicates one-year time of travel to the wellhead (Zone A); WHP-B indicates five year time of travel (Zone B). The list of conditional and prohibited uses in the WHP district varies depending on whether the property is in WHP-A or WHP-B per Figure 6.03.
3. **Separation Distance Requirements.** Minimum separation distances listed in Wis. Admin. Code NR Chapter 811 shall be maintained between the well and other potential sources of contamination, per Wis. Admin. Code NR §811.12(5)(d), where such potential sources of contamination were not in existence on the date that the district was first mapped on the Official Zoning Map or Official Overlay Zoning Map in that area and were not in continuous operation following that date. Such potential sources of contamination include, but may not be limited to:
 - a. Emergency or standby power system.
 - b. Storm water retention or detention pond.
 - c. Storm sewer main.
 - d. Sanitary sewer main, manhole, lift station.
 - e. Storage tank for gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
 - f. Private on-site wastewater treatment system tank or dispersal component.
 - g. Cemetery.
 - h. Land application of municipal, commercial, or industrial waste.
 - i. Agricultural, industrial, commercial or municipal waste water treatment plant,

- treatment units, lagoons, or storage structures.
 - j. Manure stacks or storage structures.
 - k. Solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one-time disposal or small demolition facility.
 - l. Sanitary landfill.
 - m. Any property with residual groundwater contamination that exceeds NR 140 enforcement standards.
 - n. Salt or deicing material storage area.
4. **Conditional and Prohibited Uses.** Figure 6.03 lists land uses that are conditional and prohibited (restricted) land uses within the different WHP districts, with a “C” indicating conditional status and a “R” indicating prohibited (or restricted) status. The land uses listed as conditional uses within a particular Wellhead Protection Area overlay district are only allowed if such uses are also listed as permitted or conditional uses in the underlying standard zoning district (See Figures 3.04 and 3.05). Uses marked with a “P” and other uses not listed below are permitted by right in the associated Wellhead Protection Area overlay district, provided that such uses are also permitted by right in the underlying standard zoning district. Any of the following uses that are not allowed in the underlying standard zoning district, per Figures 3.04 and 3.05, may not be established in the Wellhead Protection Area district that overlays that standard zoning district. All uses shall be further subject to the separation standards in subsection (3). Existing potential sources of contamination and land uses as of March 18, 2015 shall be permitted to continue subject to the requirements in subsection (6) below.

Figure 6.03: Conditional (C), Prohibited (R), and Permitted (P) Uses in WHP Overlay Districts

Land Use	Status in WHP-A District	Status in WHP-B District
Animal confinement facilities	R	C
Asphalt products manufacturing plants	R	C
Automobile fueling, service, painting, repair, and/or maintenance facilities	C	P
Building materials and product sales	C	P
Buried or exposed hydrocarbon- or hazardous chemical storage tanks. Hazardous chemicals are identified by OSHA criteria under 40 CFR Part 370, but not including residential LP gas tanks.	R	C
Car Washes	C	P
Cartage and express facilities	C	P
Cemeteries	C	C

Center-pivot or other large-scale irrigated agriculture operations	C	C
Chemical storage, sale, processing, and/or manufacturing facilities	C	C
Coal storage facilities	R	R
Composting and post-consumer material recycling and storage facilities	C	C
Dry cleaning establishments	R	C
Dumping or disposing of garbage, refuse, trash, or demolition material, including landfills but excluding composting and post-consumer recycling and storage facilities	R	R
Electronic circuit assembly plants	C	P
Electroplating plants	C	P
Exterminating shops	R	P
Fertilizer or pesticide manufacturing or storage, facilities	R	C
Foundries and forge plants	C	C
Industrial liquid waste storage areas, indoor.	C	C
Industrial waste storage facilities, outdoor, such as industrial lagoons and pits	R	R
Junk yards and salvage yards	R	C
Manure and animal waste storage facilities, except for animal waste storage facilities regulated by Marathon County	R	C
Metal plating, reduction, and/or refinement plants	C	P
Mineral extraction operations	C	C
Motor and machinery service and assembly shops	C	C
Motor freight terminals, rail yards	C	C
Petroleum products processing	R	C
Pharmaceuticals manufacturing	C	C
Photography studios involving the developing of film and pictures (digital excluded)	C	P
Plastics manufacturing	C	P

Printing and publishing establishments	C	C
Private on-site wastewater treatment systems designed for 12,000 gallons per day flow	C	C
Private on-site wastewater treatment systems on new lots under 20,000 square feet	C	P
Pulp and paper manufacturing	C	C
Rendering plants and slaughterhouses	R	R
Salt or de-icing storage facilities	C	C
Septage, wastewater, or sewage spreading, storage, treatment or disposal, outdoor, except for lagoons and pits exclusively for industrial use	R	C
Storage, manufacturing or disposal of toxic or hazardous materials not otherwise listed	R	C
Storage or processing of extremely hazardous substances, radioactive materials or substances listed in Table 1, Wis. Admin. Code NR Chapter 140. (Extremely hazardous substances are identified by SARA/EPCRA criteria under 40 CFR Parts 302 and 355.)	R	R
Underground petroleum products storage tanks, and above-ground petroleum product storage tanks greater than 660 gallons. All new or replaced tanks shall also be installed in compliance with Wis. Admin. Code SPS Chapter 10.	C	P
Woodworking, wood preserving, and wood products manufacturing	C	P

[Amended via Ord. 16-005, 4/20/2016]

5. Conditional Use Permit Application Review Requirements.

- a. Application. In addition to conditional use permit application requirements in Section 94.16.06, the request shall include an environmental impact study or environmental assessment prepared by a licensed environmental engineer. Said report shall be forwarded to an engineer designated by the Village for recommendation and final decision by the Village. The applicant shall reimburse the Village for all consultant fees associated with this review at the invoiced amount plus administrative costs.
- b. Criteria. General criteria for conditional use permit approval are included within Section 94.16.06(7). In its consideration of conditional use permit applications for one of the listed conditional uses in subsection (4) within the

associated Wellhead Protection Area overlay district, the Plan Commission shall also consider the following additional criteria:

- i. The Village's responsibility as a public water supplier to protect and preserve public health, safety and welfare.
 - ii. The potential of the proposed use to seriously threaten or degrade groundwater quality.
 - iii. The availability of alternative uses, locations, and operational characteristics, and the cost, effect, and extent of availability of such alternatives.
 - iv. The proximity of the applicant's property to other potential sources of contamination or vulnerable activities or uses.
 - v. The then-existing condition of the associated well, well field, well recharge area, and the vulnerability to further contamination.
 - vi. The direction of flow of groundwater and other factors in the area of the applicant's property which may affect the speed of the groundwater flow, including topography, depth of soil, extent of aquifer, depth to water table, and location of private wells.
 - vii. The zone of contribution for, or distance from, the associated well within which the proposed use is located.
 - viii. Any other hydrogeological data or information which is available from any public or private agency or organization.
 - ix. The potential benefit, both economic and social, from the approval of the application.
- c. Approval Conditions. In its approval of any conditional use permit within the Wellhead Protection Area overlay district, the Plan Commission may impose conditions to provide:
- i. Environmental and/or safety monitoring to indicate whether the potential sources of contamination may be emitting any contaminants.
 - ii. A financial guarantee in a form and amount determined by the Village for future monitoring and cleanup costs.
 - iii. Any requirement authorized for existing potential sources of contamination and land uses under subsection (6).

6. Requirements for Existing Potential Sources of Contamination and Land Uses.

- a. At the request of the Zoning Administrator, existing potential sources of contamination and land uses, as defined under Section 94.17.04, shall provide to the Village copies of all federal, state and local facility operation approvals or certificates and ongoing environmental monitoring results.
- b. Existing potential sources of contamination and land uses shall provide additional environmental or safety monitoring as deemed necessary by the Village Board, including the production of any and all environmental statements detailing the extent of chemical use and storage on the property.
- c. Existing potential sources of contamination and land uses, when upgrading or expanding, shall replace equipment or expand in a manner that improves existing environmental and safety technologies and performance. Before such operations upgrade or expand, the owner or operator may be required to obtain conditional use permit and/or site plan approval under this Chapter. If a conditional use under this Section, the operation would be required to comply

with all applicable provisions of this Section, to the extent determined practical by the designated Village approval authority.

- d. At the request and to the satisfaction of the Zoning Administrator, existing potential sources of contamination and land uses shall prepare and file with the Village, a contingency plan for unexpected release of contaminants or other emergency events.
 - e. Property owners with an existing agricultural use are exempt from requirements of this section as they relate to restrictions on agricultural uses, but such exemption shall only apply to operations in existence as of the date that the Wellhead Protection Area district was first mapped on the Official Zoning Map in that area, and continually operating after that date.
7. **Violations and Compliance.** In the event an individual and/or potential source of contamination within the Wellhead Protection Area district causes the release of any contaminants which endanger the public, in the determination of the Village, the individual and/or potential source of contamination causing said release shall immediately cease and desist and initiate clean-up satisfactory to the Village and the other State and Federal regulatory agencies. The person or other entity who releases such contaminants and the person who owns the potential source of contamination whereon the contaminants have been released shall be jointly and severally responsible for the cost of clean-up, consultant or other contractor fees, and all administrative costs for oversight, review and documentation, including for Village employees, contractors, equipment, and mileage. Following any such release, the Village may require additional environmental and/or safety monitoring. As a substitute for or in addition to any other action authorized above and under Section 94.16.19, the Village may commence legal action against the individual and/or potential source of contamination to recover the costs, together with the costs of prosecution.

SECTION 16:**AMENDMENT** “Sec 94.12.01 Purpose And Applicability” of the Weston Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 94.12.01 Purpose And Applicability

- 1. **Purpose.** The purpose of this Article is to indicate requirements for drainage structures, earth filling/moving, fences, swimming pools, vehicle access and driveways, parking and circulation, off street loading, exterior storage, exterior lighting, vibration, noise, air pollution, odors, , glare, heat, fire and explosion, toxic and noxious materials, waste materials, exterior construction materials, and hazardous materials.
- 2. **Non-applicability to Certain Agricultural and Single- and Two-family Residential Land Uses and Special Districts.** Except where a performance standard in this Article is specifically made applicable to agricultural uses and single- and two-family residential land uses in this Article, and through a Specific Implementation Plan to uses within PD and N districts under Article 14, such uses and associated structures are

exempt from these requirements. ~~S~~(but subdivisions intended for future residential use are not exempt.) In addition, to the extent that the associated Specific Implementation Plan for a PD or N district is silent as to the applicability of one or more performance standards in this Article 12, the Zoning Administrator may apply such standard(s) within the PD or N district.

SECTION 17: AMENDMENT “Sec 94.12.13 Noise Standards” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.12.13 Noise Standards

1. **Applicability.** The requirements of this Section apply to all uses and activities on real property that create detectable noise, except these standards shall not apply to incidental traffic, parking, loading, maintenance, or agricultural operations or where the activity is otherwise exempt or the standard is modified under state or federal law. The requirements in this Section shall be in addition to those in Section 50.103 of the Weston Municipal Code.
2. **Standards.** In no event shall the sound-pressure level of noise radiated continuously from a facility exceed at the lot line of a property the values given in Figure 12.13(1) as measured by a Type 2 sound meter that is in compliance with ANSI standard S1.4-1983, at both the surface level and five feet above the surface level, and for a duration of four consecutive hours. Noise levels shall also meet the standards in Section 50.103 of the Weston Municipal Code.

Figure 12.13(1): Maximum Permitted Noise Level at Lot Line for Noise Radiated Continuously*

Zoning District	Increase in Noise Level over Ambient Level
All Residential Districts, RR-2, RR-5, PR, N, <u>PD</u>	plus 3 dBA
FP, AR, INT, B-1, B-2, B-3, BP, RM	plus 5 dBA
GI, LI	plus 8 dBA
* If the noise is not smooth and continuous or is present only during daytime hours, one or more of the corrections, in Figure 12.13(2) below shall be added to or subtracted from each of the decibel levels given in this figure.	

[Amended via Ord. 16-046, 12/21/2016]

Figure 12.13(2): Adjustment Factors for Maximum Noise Levels

Type of Operation in Character of Noise	Correction in Decibels
Daytime operation only	plus 5
Noise source operates less than 20% of any one-hour period	plus 5*
Noise source operates less than 5% of any one-hour period	plus 10*
Noise source operates less than 1% of any one-hour period	plus 15*
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character (hum, speech, etc.)	minus 5
* Apply only one of these corrections.	

3. **Legal Nonconforming Noises.** Noises that were in effect as of March 18, 2015 shall be considered legal nonconforming noises under this Chapter but may not be exempt from Chapter 50.103. The burden of proof to demonstrate that said noises were in effect prior to the effective date of this Chapter shall be the responsibility of the noise producer.
4. **Compliance and Enforcement.** The Zoning Administrator may require the owner or operator of any use, facility, or operation that the Zoning Administrator reasonably suspects is in violation of this Section to verify compliance, by a licensed acoustic engineer, at the owner's or operator's expense. Enforcement actions may be per Section 94.16.19, and per Section 50.103(h) and (k) of the Weston Municipal Code.

SECTION 18: AMENDMENT “Sec 94.13.05 Regulations For Residential And RR Zoning Districts” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.13.05 Regulations For Residential And RR Zoning Districts

In all residential and RR zoning districts, signage shall be permitted per the following and all other applicable requirements of this Article:

1. **Identification Sign.**
 - a. For each single-family and two-family residential principal use:
 - i. Permitted Sign Types: Wall Signs, Arm/post signs.
 - ii. Maximum Permitted Number per Lot: One sign
 - iii. Maximum Permitted Area per Sign: Two square feet.
 - iv. Minimum Setback from All Property Lines: Three feet.
 - b. For a multi-family residential structure containing three or more dwelling units:
 - i. Permitted Sign Types: Wall Signs, Monument Signs, Arm/post signs.

- ii. Maximum Permitted Number per Lot: One Wall Sign or one Monument Sign.
 - iii. Maximum Permitted Area per Sign: 12 square feet.
 - iv. Minimum Setback from All Property Lines: Three feet.
 - c. For each multi-structure residential group development, residential subdivision, institutional use, or “Community Garden” land use:
 - i. Permitted Sign Type: Wall Sign, Monument Sign, or Arm/post Sign.
 - ii. Maximum Permitted Number: One per public street or driveway entrance, up to a maximum of three per lot.
 - iii. Maximum Permitted Area per Sign: 32 square feet.
 - iv. Minimum Setback from All Property Lines: Three feet.
- 2. **Auxiliary Sign.** (such as “Beware of Dog” or “No Trespassing”):
 - a. Permitted Sign Types: Wall Signs, Freestanding Signs.
 - b. Maximum Permitted Number of Freestanding Signs per Lot: Two, or more if allowed by site plan approval.
 - c. Maximum Permitted Area per Sign: Two square feet.
 - d. Minimum Setback from All Property Lines: Three feet.
- 3. **On-Premise Parking Area and Directional Sign.** (for multi-family residential use, multi-building development, or institutional use):
 - a. Permitted Sign Types: Wall Signs, Monument Signs, and Arm/post Signs.
 - b. Maximum Permitted Number per Lot: One directional sign for each vehicular entrance and each vehicular exit, and one parking restrictions/conditions sign for each parking area.
 - c. Maximum Permitted Area per Sign: Nine square feet.
 - d. Minimum Setback from All Property Lines: Three feet.
- 4. **One-time Event Sign.** One-time event signs are allowed per the requirements of Section 94.13.08.
- 5. **On-Premise Home Occupation, Residential Business, Intermediate Day Care Home, or Bed and Breakfast Sign.** These shall be in lieu of the allowances in subsection (1)(a) above.
 - a. Permitted Sign Types: Wall Signs and Arm/Post Signs.
 - b. Maximum Permitted Number per Lot: One Wall Sign or one Arm/Post Sign.
 - c. Maximum Permitted Area per Sign: Six square feet.
 - d. Minimum Setback from All Property Lines: Three feet.
- 6. **On-Premise Business Sign.** For legal, non-conforming businesses only, signs shall comply with the provisions for signs applicable to the B-31 Neighborhood ~~Commercial~~Business district.
- 7. **Community Information Sign.** Shall comply with the provisions of Section 94.13.04(3), except that no Community Information Sign advertising or providing directions to a business shall be located within a residential or RR zoning district.

SECTION 19: AMENDMENT “Sec 94.13.07 Regulations For Non-Residential, Agricultural, PR, And N Zoning Districts” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.13.07 Regulations For Non-Residential, Agricultural, PR, PD And N Zoning Districts

Except for residential uses within non-residential zoning districts (instead see Section 94.13.06), signage within non-residential, agricultural, and PR zoning districts shall be permitted per the following and all other applicable provisions of this Article. Signage standards for the PD and N districts are ~~exclusively~~ encompassed in subsection (8).

1. **Auxiliary Sign.** (such as “open”, business hours, "no trespassing", and required gas pump price signs):
 - a. Permitted Sign Types: Wall Signs, Freestanding Signs.
 - b. Maximum Permitted Number per Lot: Per approved sign plan.
 - c. Maximum Permitted Area per Sign: Combined area of all auxiliary signs on any lot shall not exceed 50 percent of the permitted freestanding or on-building sign area for the lot, whichever is greater.
 - d. Minimum Setback from All Property Lines: For freestanding auxiliary sign, same as for all other freestanding signs in district.
2. **On-Premise Parking Area and On-Premise Directional Signs.**
 - a. Permitted Sign Types: Wall Signs, Monument Signs, and Arm/post Signs.
 - b. Maximum Permitted Number per Lot: One directional sign for each vehicular entrance/exit, and one parking restrictions/conditions sign for each parking area.
 - c. Maximum Permitted Area per Sign: Nine square feet
 - d. Minimum Setbacks from All Property Lines: Three feet or the height of the sign, whichever is greater.
3. **On-Premise Group Directional Signs.** Within non-residential developments in which two or more separate establishments, agencies, and/or use areas occupy different buildings or occupy the same building but are accessed from different driveways, parking areas, and/or sides of a building, on-premise directional signage may be combined on a monument sign in accordance with subsections (a) through (e) below. Examples of eligible uses include multi-agency institutional buildings with separate building entrances and parking areas; hospitals with separate entrances or vehicle accommodation areas for distinctive functions (emergency rooms, visitor parking, clinics) or campuses with multiple buildings; sites or business parks with multiple, individual businesses; and large business or industrial principal structures with separate use area entrances (e.g. customer, employees, and/or shipping). Content of such signs shall be limited to destination name/logo and directional arrows or words.
 - a. Permitted Sign Types: Wall Signs, Monument Signs, and Arm/Post Signs.
 - b. Maximum Permitted Number per Lot: One, or as otherwise specified on an approved site plan.
 - c. Maximum Permitted Area per Sign: Five square feet per establishment, agency, or entrance. Area allowance shall not be combined and allotted in a manner that allows the directional sign for a specific destination to exceed five square feet in area. Maximum total area per freestanding Group Directional Sign shall be 50 square feet.
 - d. Maximum Height: Eight feet.
 - e. Minimum Setback from All Property Lines: Three feet or the height of the

sign, whichever is greater.

4. **Sandwich Board/Pedestal Signs.** Per the requirements of Section 94.13.04(6).
5. **One-time Event Signs.** Per the requirements of Section 94.13.08.
6. **Community Information Signs.** Per the provisions of Section 94.13.04(3).
7. **On-Premise Business Signs.** (also see summary in Figure 13.07)
 - a. **For the FP Farmland Preservation, AR Agricultural Residential, PR Parks and Recreation, and RM Rural Mix Zoning Districts.**
 - i. Permitted Sign Type: Wall Sign
 - (1) Maximum Permitted Number per Lot: One sign.
 - (2) Maximum Permitted Area per Sign: 48 square feet.
 - ii. Permitted Sign Type: Freestanding Sign (Monument Sign or Arm/Post Sign only)
 - (1) Maximum Permitted Number per Lot: One sign.
 - (2) Maximum Permitted Area per Sign: 32 square feet for all combined sign faces seen from a single vantage point.
 - (3) Maximum Permitted Sign Height: Eight feet.
 - (4) Minimum Permitted Sign Setback from All Property Lines: The greater of actual sign height or three feet.
 - b. **For the INT Institutional and B-1 Neighborhood Business Districts.**
 - i. Permitted Sign Type: On-Building Sign (Wall, Awning, Marquee, or Projecting sign)
 - (1) Maximum Permitted Area: 1 square foot of on-building sign area per 1 linear foot of exterior length of each signable wall. For buildings with multiple tenants, the building owner(s) shall be responsible for assignment of allowable sign area to individual businesses within the building.
 - (2) Maximum Permitted Number. 1 on-building sign per signable wall per business.
 - (3) Permitted Location: On any signable wall visible from a public street, except signable walls which are adjacent to a residentially zoned property. On-building signs shall not be located on any portion of upper stories. Sign placement shall be integrated with, and not cover, architectural elements and details.
 - ii. Permitted Sign Type: Freestanding Sign (Monument, Pylon, or Arm/Post)
 - (1) Maximum Permitted Number per Lot: 1 per lot.
 - (2) Maximum Permitted Area Per Sign: 48 square feet for all combined sign faces seen at one time, or up to 64 square feet by conditional use permit.
 - (3) Maximum Permitted Sign Height: 8 feet, or up to 20 feet by conditional use permit.
 - (4) Minimum Permitted Sign Setback from All Property Lines: The greater of actual sign height or 3 feet.
 - c. **For the B-2 Highway Business, B-3 General Business, BP Business Park, and I Industrial Districts.**
 - i. Permitted Sign Type: On-Building Sign (Wall, Marquee, or Awning sign).

- (1) Maximum Permitted Area per Sign: One square foot of on-building sign area for every one linear foot of signable wall length (for the subject wall). For buildings with multiple tenants, the owner(s) shall be responsible for assignment of allowable sign area to individual businesses within the building.
 - (2) Maximum Permitted Number: Two on-building sign per signable wall per individual business or establishment on the lot.
 - (3) Permitted Location: On any signable wall that is visible from a public street, except signable walls that are adjacent to a residentially zoned property.
- ii. Permitted Sign Types Freestanding Sign (Monument or Pylon Sign).
- (1) Maximum Permitted Area per Sign: 200 square feet for each sign located within 660 feet of the Interstate or State Highway 29 right-of-way, 64 square feet in other locations. Sign area shall be for all combined sign faces seen at one time.
 - (2) Maximum Permitted Number per Lot: One per public street frontage per lot.
 - (3) Maximum Permitted Sign Height: 40 feet for each sign located within 660 feet of the Interstate or State Highway 29 right-of-way, 20 feet in other locations.
 - (4) Minimum Permitted Sign Setback from All Property Lines: A distance equal to sign height. The Zoning Administrator may approve a lesser setback in the following instances: sign at least 10 feet from any vehicular, bicycle, or pedestrian travel way; safe relationship to pedestrian and vehicular traffic movement and safety; sign designed and installed to prevent or make extremely unlikely its collapse; lesser setback does not conflict with Village's adopted aesthetic standards for the area (including any design overlay district); and lesser setback does not conflict with Village and utility use and operations.
- iii. Permitted Sign Type: Freestanding Group Development Sign
- (1) Except within 660 feet of any Interstate or Highway 29, freestanding Group Development Signs shall be allowed only in lieu of and not in addition to freestanding signs for individual establishments allowed under subsection 2. above, and any existing or subsequent freestanding sign shall count against the maximum number of freestanding Group Development Signs allowed for the property or site.
 - (2) Maximum Permitted Area per Sign: 50 square feet per individual business or establishment on the Group Development site, to a maximum area of 200 square feet per freestanding Group Development Sign regardless of the number of business establishments located within the development (400 square feet if located within 660 feet of the Interstate or State Highway 29 right-of-way). The property

owner(s) shall be responsible for apportionment of allowable freestanding business sign area to individual businesses or establishments within the Group Development.

- (3) Maximum Permitted Number per Group Development: One per group development of 5 acres or less; two per each larger group development.
- (4) Maximum Permitted Sign Height: 50 feet for each sign located within 660 feet of the Interstate or State Highway 29 right-of-way, 25 feet in other locations.
- (5) Minimum Permitted Sign Setback from All Property Lines: A distance equal to sign height. The Zoning Administrator may approve a lesser setback in the following instances: sign at least 10 feet from any vehicular, bicycle, or pedestrian travel way; safe relationship to pedestrian and vehicular traffic movement and safety; sign designed and installed to prevent or make extremely unlikely its collapse; lesser setback does not conflict with Village's adopted aesthetic standards for the area (including any design overlay district); and lesser setback does not conflict with Village and utility use and operations.

[Amended via Ord. 16-046, 12/21/2016]

8. **For the PD and N Zoning Districts**, Permitted sign types, number, area, location, and other characteristics shall be per an approved Specific Implementation Plan per Article 14. Unless otherwise addressed in the Specific Implementation Plan, the types, number, area, location, and other characteristics of allowable signs on individual lots approved exclusively for residential use shall be those for the corresponding type of residential uses in other districts in Section 94.13.05. For non-residential uses, ~~no~~only signage ~~not~~ shown on an approved Specific Implementation Plan or otherwise specifically addressed in or authorized by the Specific Implementation Plan approval documents, ~~or an amendment thereto~~, shall be located on any site or lot in an PD or N district. Any such sign ~~erected after the approval that was not specifically reviewed and approved as part of the Specific Implementation Plan, but instead allowed under the development agreement with the Village per Article 14~~, shall also be subject to the permit requirements of Section 94.13.02.

[Amended via Ord. 15-021, 10/21/2015; Ord. 16-027, 5/18/2016] **Figure 13.07: SUMMARY of Maximum Dimensions and Number of On-Premise Business Signs (For Non-Residential, Agricultural, and PR Districts—See Section 94.13.05 for Residential and RR District Standards)**

Zoning District	Maximum Sign Area and Height		Maximum Number of Signs
	On-Building	Freestanding	
FP AR PR RM	Wall only: 48 SF	Monument or Arm-post only: Maximum Area: 48 SF Maximum Height: 8 ft	1 on-building sign and freestanding sign per lot
INT B-1	Wall, Awning, or Projecting: 1 SF of sign area per linear foot of wall length on that wall	Monument, Pylon, or Arm/post: Maximum Area: 48 SF (64 SF by CUP) Maximum Height: 8 ft (20 ft by CUP)	1 on-building wall sign per signable wall per business 1 monument or arm/post sign per lot
B-2 B-3 BP LI GI	Wall, Awning, or Projecting: 1 SF of sign area per linear foot of exterior wall length on that wall	Monument or Pylon: Maximum Area: 64 SF (200 SF if within 660 feet of Interstate or Highway 29) Maximum Height: 20 ft (40 ft if within 660 feet of Interstate or Highway 29)	2 on-building signs per signable wall per business 1 pylon or monument sign per lot; 2 for lots with more than one street frontage where each frontage is at least 200 ft
NOTE: This table is only a summary of the sign regulations applicable to nonresidential uses. Section 94.13.07 contains more specific requirements, including allowances for other signs in these districts such as group development signs and sign setbacks. In the event of any conflict, the text in Section 94.13.07 controls.			
[Amended via Ord. 16-027, 5/18/2016; Ord. 16-046, 12/21/2016]			

SECTION 20:AMENDMENT “Sec 94.14.01 Purpose” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.14.01 ~~Purpose~~Listing and Purpose of Special Zoning Districts

1. **PD Planned Development.** The PD district is intended to encourage and promote improved environmental design by allowing for greater freedom, imagination, and flexibility in land developments so zoned, as

compared applying one or more standard zoning districts, while assuring compliance to the purpose of this Chapter and with the Comprehensive Plan. Such developments shall be characterized by:

- a. Coordinated, professional, unified, and creative site and building planning and design.
- b. The thoughtful mixing of compatible uses within the context of a unified project, and/or the blending of uses in the development with surrounding existing and planned uses.
- c. Coordination of architectural styles, building forms and relationships, graphics, and other improvements.
- d. Preservation of natural landscape features and utilization of such features in a harmonious fashion.
- e. Attractive recreational or other development- or community-enhancing spaces and features.
- f. A safe, efficient, convenient, and integrated system for pedestrian and vehicular access and movement.
- g. Efficient use of land resulting in cost effective networks of utilities, streets, and other facilities.
- h. Environmental sustainability and energy efficiency. Flexibility granted through the use of the PD district shall be compensated through

development design that generally exceeds minimum standards were the project developed under one or more standard zoning districts.

2. N Neighborhoods. The N Neighborhood district is intended to facilitate cohesive planned neighborhood developments that include desirable and innovative variations in the mix and relationship of uses, structures, and open spaces, consistent with proven principles of high-quality neighborhood design including traditional neighborhood design and conservation neighborhood design. Further, this zoning district and the developments within it shall be characterized by:

- a. An environment that promotes human interaction, walkability, and a sense of place;
- b. A mix of housing styles, types, and sizes to facilitate housing choice and meet the requirements of people with different housing needs;
- c. Other characteristics similar to those expected in the PD district as listed in subsection 1.

~~The N Neighborhood district is intended to facilitate cohesive planned neighborhood developments that include desirable and innovative variations in the mix and relationship of uses, structures, and open spaces, consistent with proven principles of high-quality neighborhood design including traditional neighborhood design and conservation neighborhood design. Further, this zoning district: Creates an environment that promotes human interaction, walkability, and a sense of place; Provides a mix of uses where possible, including residential, commercial, civic, and open space uses in close proximity to one another; Provides a mix of~~

~~housing styles, types, and sizes where possible; Incorporates a system of interconnected streets with sidewalks or paths; and Incorporates significant environmental features into the design.~~

SECTION 21: AMENDMENT “Sec 94.14.02 Minimum N District Size” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.14.02 Minimum PD and N District ~~Size~~Sizes

1. For each PD District. Each mapped PD district shall be a minimum of 20,000 square feet in area.
2. For each N District. Each mapped N zoning district shall be a minimum of 10 acres in area, except that an individual N projects may be smaller than 10 acres if it is anticipated in the Comprehensive Plan to be part of a contiguous N-zoned area of 10 acres or greater.

SECTION 22: AMENDMENT “Sec 94.14.04 N District Density, Intensity, And Bulk Requirements” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.14.04 ~~N-District~~ Density, Intensity, And Bulk Requirements

Flexibility in lot area, lot width, setback, height, yard, floor area ratio, open space requirements, and other dimensional and density standards from those in Article 5 may be permitted. Each individual PD or N district shall establish lot area, lot width, building setbacks, and/or building separation standards via its approved Specific Implementation Plan, including with reference to such standards in Article 5 where desired, by default shall utilize the following such standards or some combination.

~~The following represent minimum and maximum standards for lot area, lot width, building setbacks, and building separation in the N-district. Each individual N-district shall either utilize these standards or establish other lot area, lot width, building setbacks, and/or building separation standards via its approved Specific Implementation Plan that are consistent with the purpose statement in Section 94.14.01.~~

- ~~1. Minimum Lot Area and Width. A variety of lot sizes shall be provided to facilitate housing choice and meet the requirements of people with different housing needs. Minimum lot areas and widths shall be as follows:~~

- a. For Single-Family Detached Residences:
 - i. Minimum lot area shall be 5,000 square feet.
 - ii. Minimum lot width shall be 50 feet.
 - iii. Total building coverage shall not exceed 80 percent of the lot.
 - b. For Two-Family Residences:
 - i. Minimum lot area shall be ~~73~~,000 square feet per dwelling unit.
 - ii. Minimum lot width shall be ~~70~~30 feet per dwelling unit.
 - iii. Total building coverage shall not exceed 80 percent of the lot.
 - c. ~~Multiple~~ For Multi-Family Residences:
 - i. Minimum lot area shall be ~~2,500 square feet per dwelling unit~~1,000 sf/studio dwelling unit 400 sf per each bedroom.
 - ii. Minimum lot width shall be ~~25~~60 feet, or 15 feet per dwelling unit; ~~not greater than 100 feet for zero lot line structures.~~
 - iii. Each multi-family residential building shall be within 100 feet of a public street right-of-way.
 - d. Minimum lot areas and widths for all other uses shall be as specified in the approved Specific Implementation Plan for the particular project.
2. **Building Setbacks and Separation.** ~~The N-district shall include buildings~~ Buildings shall be placed relatively close to the street to promote interaction, enclose space along the street, and direct less attractive site features to less visible yards.
- a. The minimum front and street side yard shall be five feet.
 - b. ~~The maximum front and street side yard shall be 25 feet where a sidewalk is proposed or required along the adjacent street frontage.~~
 - c. The minimum interior side yard shall be five feet, except for approved zero-lot line buildings.
 - d. The minimum rear yard and building separation shall be ten feet.
 - e. Vision clearance triangles in Section 94.12.07 12 shall be required.
 - f.

SECTION 23: AMENDMENT “Sec 94.14.05 N District Circulation And Parking Requirements” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.14.05 ~~N-District~~ Circulation And Parking Requirements

- 1. **Circulation System.** The circulation system shall allow for different modes of transportation; provide functional and visual links within the PD or N district~~among the residential area(s), mixed-use areas, and open space areas;~~ connect to existing and proposed developments outside the ~~N-district~~ while controlling through traffic; provide adequate traffic capacity; provide connected pedestrian and bicycle routes; limit direct lot access on arterial and collector streets with ~~higher expected traffic volumes;~~ and promote safe and efficient mobility. More specific design standards are as follows:
 - a. Block size. ~~Street layouts shall provide for perimeter blocks that are a maximum of 800 feet long~~Shall meet the requirements in Chapter 74, unless expressly permitted through a waiver to such standard or Specific

Implementation Plan approval.

- b. Pedestrian circulation. Convenient and continuous pedestrian circulation systems shall be provided to minimize conflicts between pedestrians and motor vehicles ~~shall be provided~~. All public streets, except for alleys, shall be bordered by sidewalk or shared-use path ~~in accordance with Village~~, unless expressly permitted through Specific Implementation Plan approval. Clear and well-lit walkways shall connect non-residential and multi-family residential building entrances to the adjacent public sidewalk/path and to associated parking areas. Between-lot walkways or paths may be required where necessary to maintain the continuity of the pedestrian circulation system.
- c. Bicycle circulation. Facilities for bicycle travel shall be included in the project and installed at the developer's expense, unless otherwise approved by the Village. Within each N district, such ~~Such~~ facilities may include off-street bicycle and multi-use paths, striped bicycle lanes on streets, signed bicycle routes, or some combination. Any existing bicycle routes through the site shall be preserved, enhanced, or relocated if necessary. Bicycle routes and facilities shall implement the recommendations in the Village Comprehensive Plan or comprehensive outdoor recreation plan. All businesses, civic uses, and multi-family dwelling units shall provide adequate bicycle parking areas and facilities per Section 94.12.09(14).
- d. Motor vehicle circulation. Motor vehicle circulation shall be designed to efficiently move motor vehicle traffic via multiple routes and to minimize conflicts with pedestrians and bicycles. Traffic calming features such as curb extensions, traffic circles, medians, and on-street parking along local streets are encouraged to slow traffic speeds. Any arterial and collector streets ~~shall be identified in the approved Specific Implementation Plan and~~ shall be subject to access controls ~~as part of said approved Plan~~. Minimum street design standards within the N district shall be in accordance with Figures 14.05(1) through (3) except as expressly permitted through Specific Implementation Plan approval.
- e. Street layout. The project shall maintain the existing street grid, where present, and restore any disrupted street grid where feasible. The orientation of streets shall be consistent with the Village Comprehensive Plan, enhance the visual impact of common open spaces and prominent buildings, create lots that facilitate passive solar design, minimize street gradients, and minimize the use of double frontage lots. All streets shall extend through the project or terminate at other streets, except streets may temporarily "dead end" when such streets will connect to future phases or other sites outside the N district, and local streets may permanently terminate in a cul-de-sac only where site conditions require a cul-de-sac and there will be a through connection via a walkway or path at the end.
- f. Parking and ~~loading~~ Loading requirements. ~~All N districts shall meet the parking~~ Parking and loading requirements ~~found in~~ shall be per Article 12, except that ~~the Village may allow~~ adjacent on-street parking to may apply toward the minimum parking requirements and otherwise as expressly permitted through Specific Implementation Plan approval. ~~For multi-family~~

~~residential buildings and in mixed-use areas, shared~~ Shared use parking lots and structures are encouraged, ~~off-street parking lots may not be adjacent to or opposite from a street intersection,~~ and parking lots ~~and structures~~ shall be ~~predominately~~ located to the rear or interior sides of buildings (see Figure 14.05(4) for examples). The edges of parking lots, landscaped islands, and all other areas not used for parking or vehicular circulation shall be landscaped. ~~per the requirements in Article 11. Reduction of~~ Minimizing impervious surfaces through the use of pervious pavement, interlocking pavers, and similar techniques is encouraged, particularly for remote parking lots and parking areas for periodic uses.

Figure 14.05(1): Minimum Street Design Requirements ~~in the N-Planned Neighborhood District~~

Street Classification	Street Width, curb-face to curb-face (feet)	Curb & Gutter	Street Terrace	Sidewalks	Bicycle Lanes
Collector Street	30 (two-sided parking) 26 (one-sided parking) 24 (no parking)	Both sides, 1.5 feet wide	Both sides, minimum 8.5 feet wide	Both sides, minimum 5 feet wide and 1-foot from lot line	Where required, add two 5 foot wide lanes
Local Street	28 (two-sided parking) 24 (one-sided parking) 20 (no parking)	Both sides, 1.5 ft wide, 2' ribbon curb may be permitted	Both sides, minimum 7 feet wide	Both sides <u>At least one side,</u> minimum 5 feet wide and 1-foot from lot line	None
Alley	12 (no parking)	1.5 2 foot flat ribbon	None	None	None

Figure 14.05(2): Schematic sketch of a minimum collector street cross-section with one-sided parking and two bike lanes.

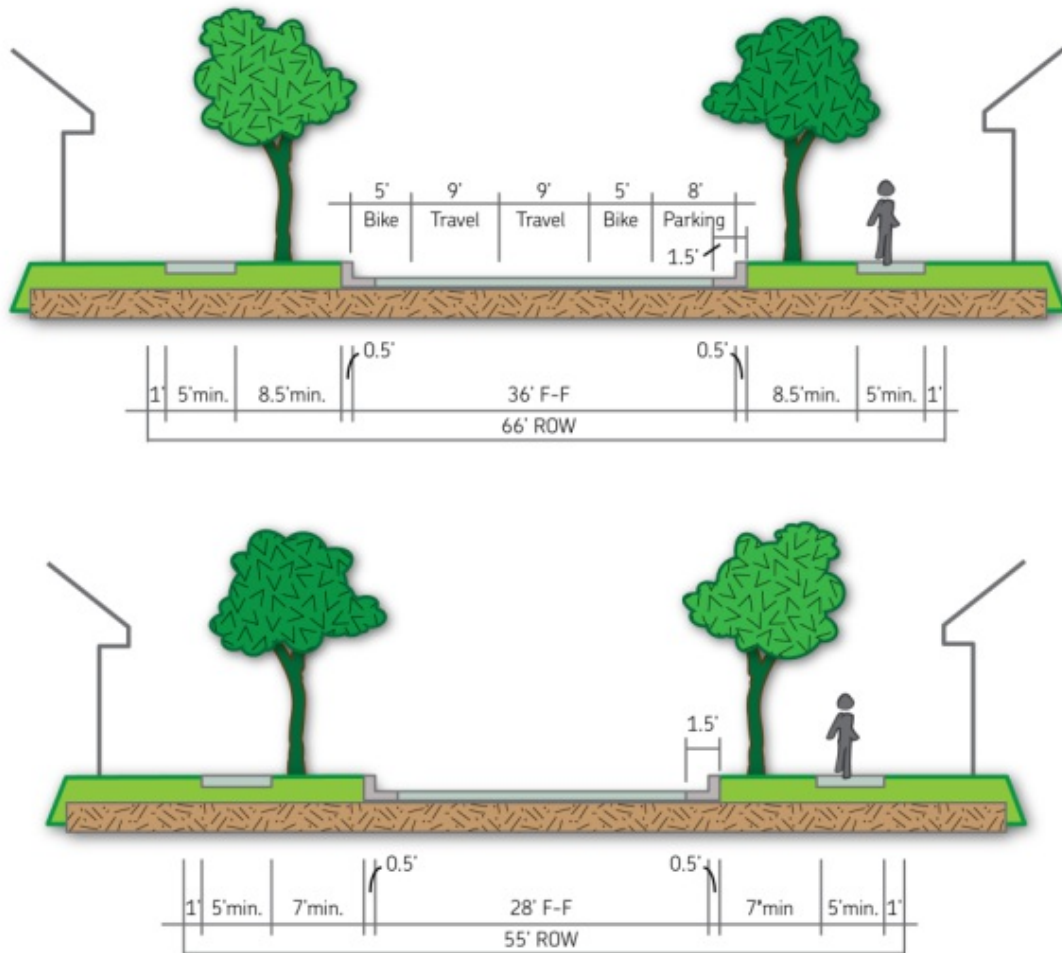


Figure 14.05(3): Schematic sketch of a recommended local street cross-section with two-sided parking.

Figure 14.05(4): Examples of ~~Required~~ Desired Parking Lot Placement and Landscaping



SECTION 24: AMENDMENT “Sec 94.14.06 Architectural Requirements.” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.14.06 Architectural Requirements.

In addition to meeting applicable requirements of Article 10, each principal building shall include a variety of architectural features and building materials ~~are encouraged~~ to give each building or group of buildings a distinct character, while maintaining a compatible design theme throughout the ~~N~~ district. More specific design requirements and guidelines are included in Figures 14.06(1) through (3), and as follows:

Figure 14.06(1): ~~N-District~~ Architectural Requirements, Single-Family Detached Residences

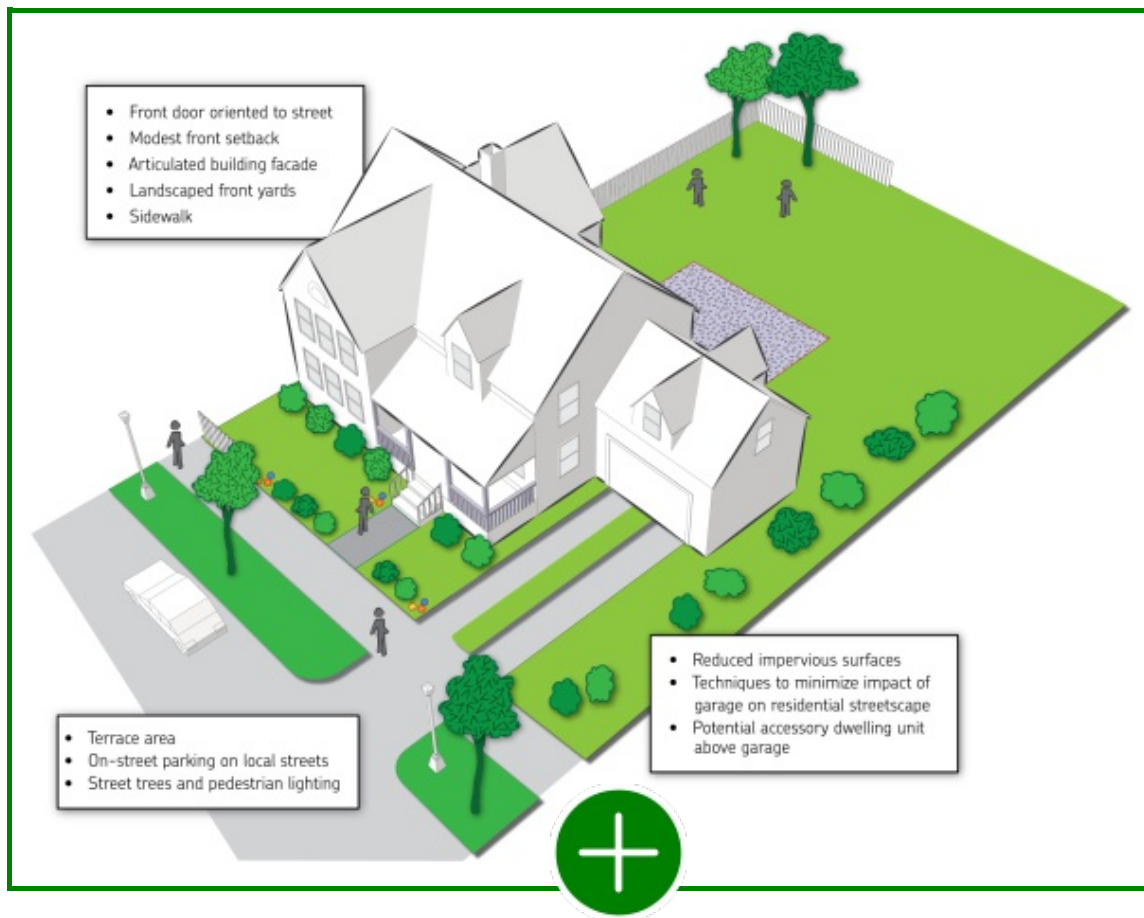


Figure 14.06(2): ~~N-District~~ Architectural Requirements, Multi-Family Residences

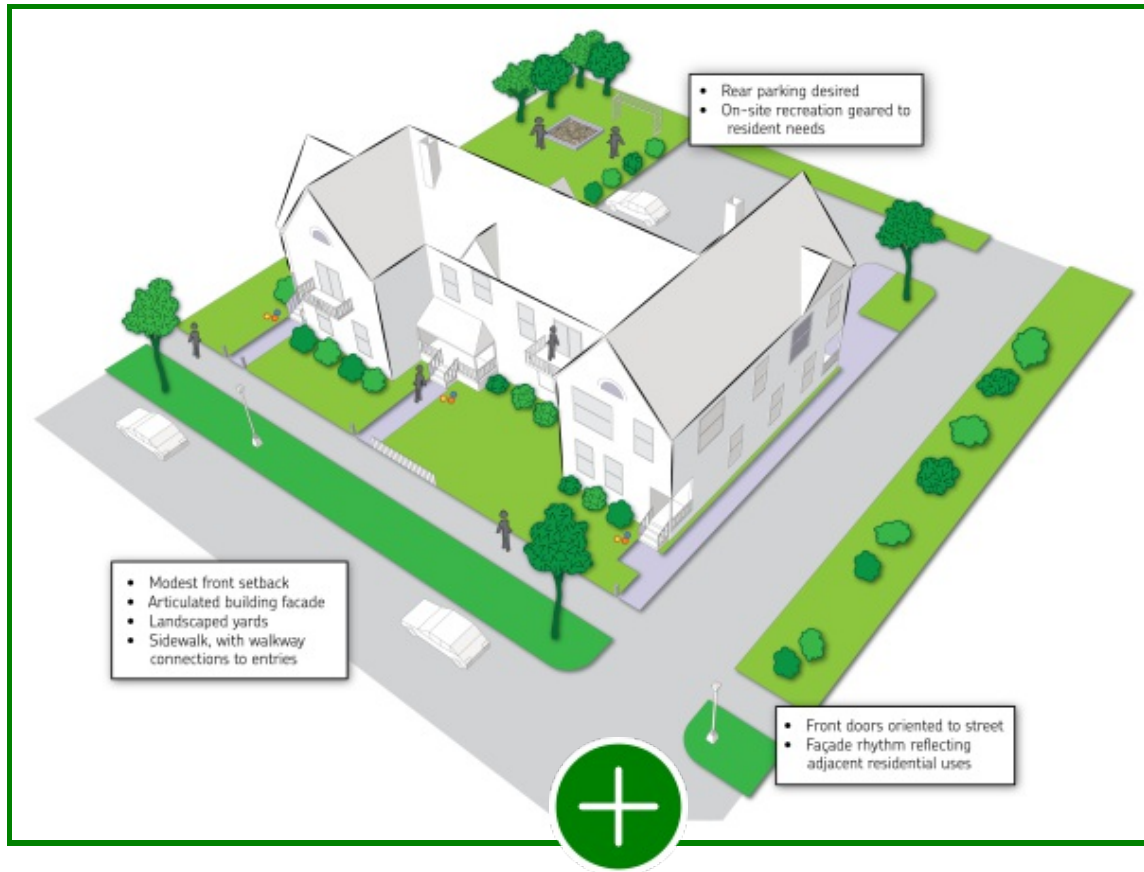
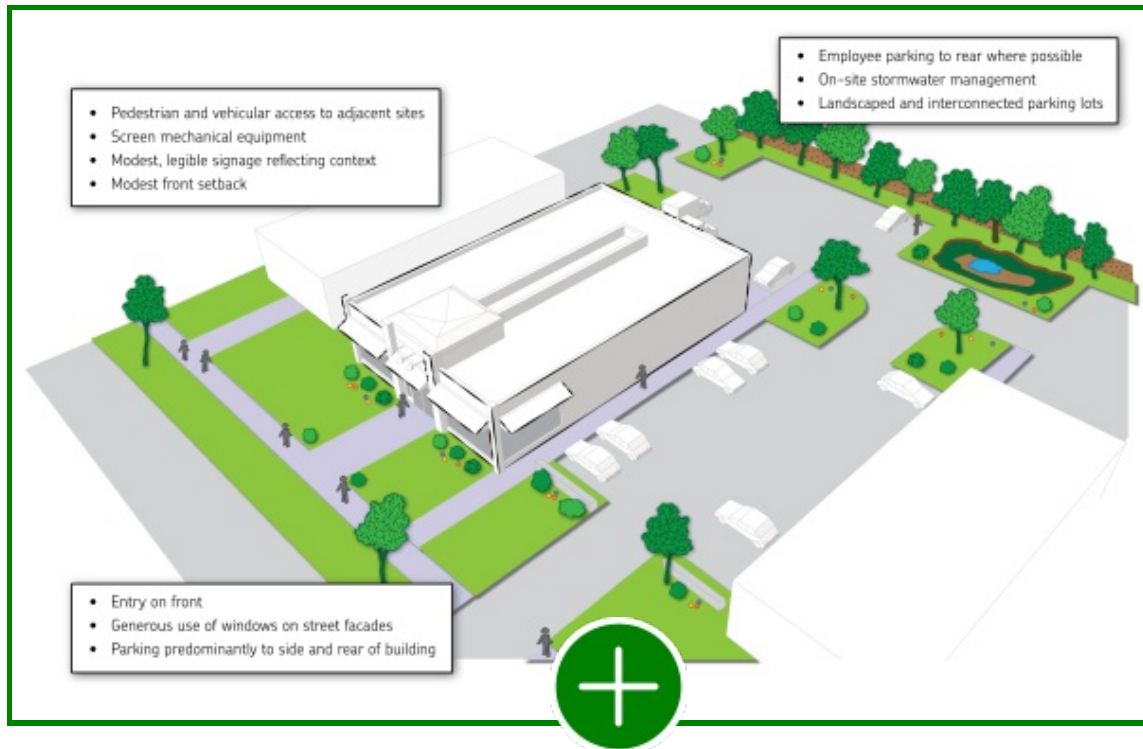


Figure 14.06(3): ~~N-District~~ Architectural Requirements, ~~Neighborhood~~ Business Uses and Mixed Use Buildings



1. **General Design.** New buildings shall be of consistently high and lasting quality throughout the project. The bulk and height of each building shall relate to and flow from surrounding buildings, and shall be in proper proportion to the size of the lot on which it is to be placed. Design monotony shall be avoided (see Figure 14.06(4) for examples).

Figure 14.06(4): Examples of Design Variation with Consistent Form



2. **Maximum Height.** New structures within ~~an N-district~~ shall be no more than five stories unless the Fire Department verifies the ability to adequately service a taller building and such alternative maximum building height is specified in the Specific Implementation Plan.
3. **Entries and Facades.** Similar architectural features, materials, and the articulation of a building façade shall be continued on all sides visible from a public street. Except as expressly permitted through Specific Implementation Plan approval:
 - a. The front façade of at least one principal building shall face onto the front of street side yard of a public street.
 - b. Porches, entry bays, covered walkways or stoops, hooded front doors, or other similar

architectural elements shall define the front entrances. Residential front porches shall be a minimum of six feet deep to enhance aesthetics and function.

- c. For nonresidential buildings, a minimum of 50 percent of the public street façade(s) on the ground floor shall be transparent, consisting of window or door openings, and entries shall face the public street.

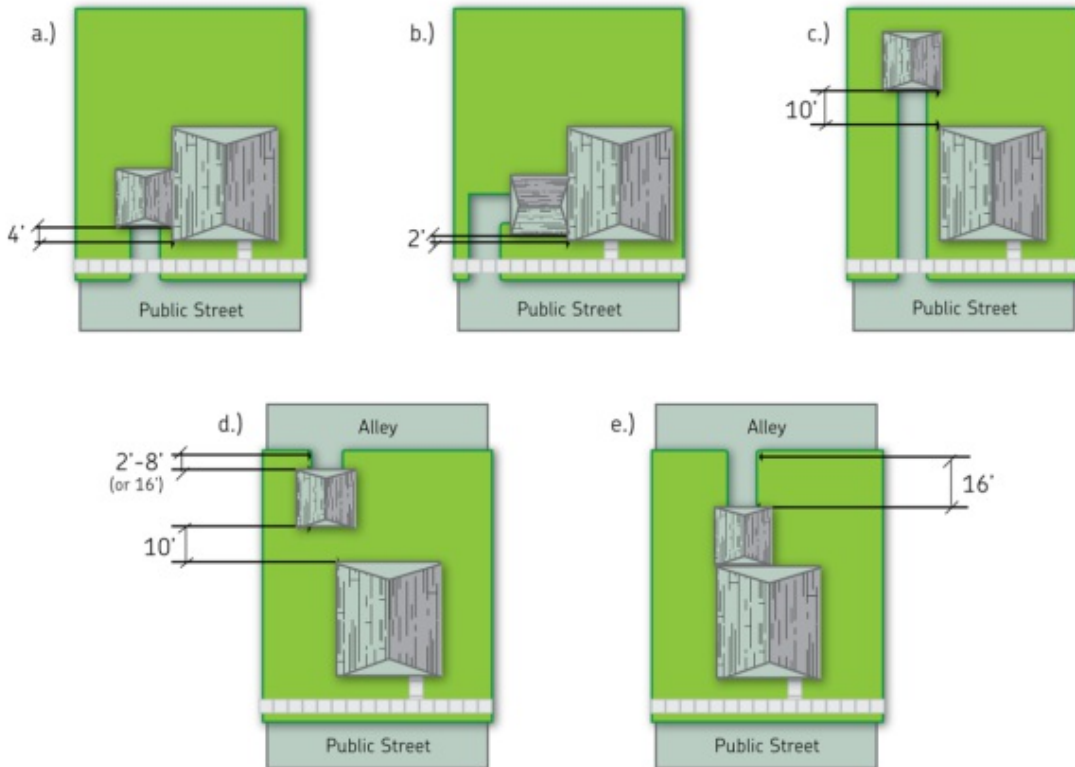
4. **Garages.** Garages and garage doors shall not be the principal visual element as viewed from the public street. Except as expressly permitted through Specific Implementation Plan approval:

- a. Garages accessed from the public street, where garage doors face a public street, shall occupy no more than 50 percent of the front façade of each principal residential building~~the house~~.
- b. Residential garages shall ~~be set back a minimum of 2 feet to the rear of the main front façade of the dwelling structure (not including porches or other projections) to ensure that the garage does not dominate the view from the street. Where the house does not include a front porch or similar projection from the main living area of the house, garages shall be set back a minimum of four feet to the rear of the main front façade. Garage setbacks along alleys shall either be between two and eight feet from the alley right-of-way to allow proper turning radii but no driveway parking, or at least 16 feet to allow driveway parking without encroaching into the alley. Garage placement alternatives and meet standards are~~ illustrated in Figure 14.06(5).

Figure 14.06(5): Alternative Garage Locations locations on an N a Residential Lot~~residential lot~~:

a) Attached garage is accessed from a street (street-loaded garage). 4' min setback required if no front porch or similar front yard building projection; 2' with front porch. b) Attached garage is accessed from a street (side-loaded garage). 2' min setback required. c) Detached garage, behind the house, is accessed from a street. 10' separation between house and garage. d) Detached garage is accessed from an alley. Either 2' to 8' setback from alley right-of-way, or 16' minimum setback from alley right-of-way. 10' separation between house and garage. e) Attached garage is accessed from an alley. 16' minimum setback from alley right-of-way to enable parking between garage and alley.

Note: These standards apply unless alternative standards are expressly permitted through Specific Implementation Plan approval.



SECTION 25: AMENDMENT “Sec 94.14.07 Additional N District Requirements” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.14.07 Additional ~~N-District~~ Requirements

1. **Street Trees.** Shall be required in accordance with Section 94.11.02(3)(a), except where alternate standards of comparably quality are included as part of an approved Specific Implementation Plan.
2. **Landscaping.** Shall be required in accordance with Article 11, except where alternate standards of comparable or greater quality are included as part of an approved Specific Implementation Plan.
3. **Natural Resource Protection.** Shall be required in accordance with all local, state, and federal laws. Additionally, natural resources shall be integrated into the development design as aesthetic and conservation landscape elements. The development shall identify and provide for the permanent preservation of ~~environmentally sensitive areas, including~~ wetlands, floodplains, slopes of 20 percent or greater, areas of rare or documented endangered plant or animal species, the majority of any naturally-occurring land areas mostly covered by a mature woodland

area, and historic and archaeological sites to the extent determined practical by the Village approval authority. Permanent preservation of these areas shall be achieved through the implementation of techniques such as conservation easements, restrictive covenants, deed restrictions, dedication to the public or an appropriate non-profit organization, and/or the establishment of buildable or “no build” areas on ~~a~~the subdivision plat or certified survey map.

4. **Stormwater Management.** Stormwater management and erosion control shall be accordance with the Village’s Municipal Code. Additionally, each PD and N district shall include stormwater management systems that focus on Best Management Practices (BMPs). BMPs may include overland water transfer, natural landscape planting and restoration to increase infiltration and reduce runoff, bio-infiltration systems, natural stormwater basin design, residential roof runoff directed to yard areas, and rain gardens, among other potential BMPs.
5. **Performance Standards and Signage.** Shall be in accordance with Articles 12 and 13 accordingly, except where alternate standards of ~~comparable~~comparably quality are included as part of an approved Specific Implementation Plan and no state or federal law is violated. Additionally, features such as lighting and signs may be required to adhere to a design theme throughout the ~~N~~ district, as specified in an approved Specific Implementation Plan.
6. **Land Division.** Shall comply with Chapter 74 of the Village’s Municipal Code, except as alternative requirements waivers ~~or exceptions~~and variations may apply to projects in the PD or N districts under that chapter~~be granted to respond to the particular design of the N project~~.
7. **Utility Service.** All development within each PD and N district that requires potable water and sanitary waste disposal shall be provided with municipal water and sanitary sewer service, respect.

SECTION 26: AMENDMENT “Sec 94.14.08 Procedural Requirements For The N Neighborhood District” of the Weston Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 94.14.08 Procedural Requirements For ~~The N Neighborhood District~~Special Districts

1. **Pre-application Conference.** Prior to the official submission of a petition for the approval of rezoning to a PD or~~an~~ N district, the owner or the owner’s agent shall meet with the Plan Commission to discuss the scope and proposed nature of the contemplated development (i.e., concept review).
2. **Petition for Rezoning Approval/General Development Plan.** Following the pre-application conference, the owner or the owner’s agent may file a petition with the Zoning Administrator for approval of a rezoning to the PD or N district. Such petition shall be accompanied by payment of the required fee per the Village fee Schedule. The procedure for rezoning to a PD or N district shall be as required for any other zoning district change as set forth under Section 94.16.03, except that, in addition thereto, an easily reproducible electronic copy of a General Development Plan (GDP), along with hard copies in a quantity and size determined by the Zoning Administrator, shall be

filed by the applicant along with the petition for rezoning, together including the following information except to any extent modified by the Zoning Administrator:

- a. A written report that provides general information about the site including a location map; the project vision, objectives, themes, and images; its economic feasibility and financing; target markets; and relationship of the project to surrounding land uses, the Comprehensive Plan, and other applicable Village plans. ~~A cover letter summarizing the request and the nature of the project in no more than two pages.~~
- b. A completed site assessment per Section 74.2.03. ~~Total area to be included in the N and a site inventory and analysis map with topography at two foot intervals to identify site assets, resources, and constraints, including but not limited to floodplains, wetlands, soils with limitations for building construction, utility easements, slopes greater than 12 percent, and existing mature trees and woodlands.~~
- c. Overall conceptual development plan for the entire site, drawn to scale, and showing proposed general areas to be retained in open space, recreation, and stormwater management; existing and proposed public streets and paths; different land use areas by proposed type and density; residential density; number and type of dwelling units; projected population; projected non-residential development intensity; projected employment; availability of or requirements for municipal services; and relationship of the proposed improvements to surrounding properties ~~and other similar data pertinent to a comprehensive evaluation of the proposed development.~~
- d. A general outline of the organizational structure of a property owners' or management association, which may be proposed to be established for the purpose of providing any necessary private services.
- e. ~~The expected date of commencement of physical development as set forth in the proposal and also an outline of any proposed development staging.~~
- f. ~~A location map and a legal description of the boundaries of the property proposed to be included in the N district.~~
- g. ~~A conceptual neighborhood development plan and/or preliminary plat, drawn to scale, that indicates existing and proposed public streets and paths; different land use areas by proposed type and density; and proposed recreational, open space, and generalized storm water management areas and facilities.~~
- h. ~~Adequate information to present the relationship of the proposed improvements to surrounding properties.~~
- i. A preliminary analysis and map showing the general locations of proposed public utility connections, and anticipated upgrades of public utilities to serve the project.
- j. A conceptual landscape plan showing general locations and types of proposed landscaping, including maintenance of existing vegetation where appropriate.
- k. A proposed schedule for the implementation of the project, including expected start and end dates and a conceptual phasing plan, if the applicant intends to phase construction of the project.
- l. Schematic architectural plans showing the character of the proposed buildings, along with a generalized program of proposed signage and lighting.
- m. A preliminary list of land uses that are proposed to be allowed within the PD

and N district as permitted-by-right, conditional, and/or temporary uses, which may include reference to use lists normally applicable to one or more standard of zoning districts.

~~n. A written report that provides general information about the site; the project vision, objectives, themes, and images; its economic feasibility and financing; target markets; and relationship of the project to surrounding land uses, the Comprehensive Plan, and other applicable Village plans.~~

3. **Plan Commission Recommendation.** In considering the petition and ~~GDP~~General Development Plan, the Plan Commission shall apply the criteria in Sections 94.14.09 and 94.16.03(7). Upon submission of a complete rezoning petition and the ~~GDP~~General Development Plan, the Plan Commission shall hold a public hearing on the application and the ~~GDP~~General Development Plan and thereafter recommend to the Village Board that the petition and plan be approved as submitted, approved with modifications and/or conditions, referred for further consideration, or denied approval.
4. **Village Board Action Authorization.** Upon receipt of the recommendation of the Plan Commission, the Village Board may take such action thereon as it deems reasonable and appropriate. If the petition and ~~GDP~~General Development Plan are approved, said ~~GDP~~plan shall establish the basic right for use of the lands in conformity with the plan as approved including any conditions of the GDP approval. Rezoning to the PD or N district and approval of such~~Such~~ development shall be conditioned upon approval of a Specific Implementation Plan and shall not make permissible any of the uses as proposed until the events listed in Section 94.19.10(4) occur~~a Specific Implementation Plan is submitted and approved for all or a portion of the General Development Plan.~~
5. **Recording.** The ~~GDP~~General Development Plan, if approved, shall be recorded with the Marathon County Register of Deed's office by the applicant ~~within 90 days~~ following such approval. The recorded version shall include any changes to reflect applicable conditions of GDP approval, as approved by the Zoning Administrator prior to recording, in the Marathon County Register of Deeds' office. Within 30 days of its recording, the applicant shall provide the Village with a digital PDF copy ~~three copies~~ of the recorded ~~GDP~~General Development Plan, a copy in an easily reproducible and editable format such as MS Word, and proof of ~~GDP~~its recording.
6. **Effect of GDP Approval and Recording.** Approval of the rezoning and GDP, and GDP recording, shall entitle the applicant to prepare the Specific Implementation Plan in accord with the approved and recorded version of the GDP and all conditions if its approval. Such GDP approval shall become null and void if the SIP has not been submitted within five years of the date of Village Board approval of the GDP. The rezoning to PUD shall take effect only once the events listed in Section 94.19.10(4) have occurred.

SECTION 27: AMENDMENT “Sec 94.14.09 Criteria For General Development Plan (GDP) Approval” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.14.09 Criteria For General Development Plan (GDP) Approval

Each ~~GDP~~General Development Plan application shall meet the following criteria to obtain approval:

1. **Consistent with Purpose of this Chapter and this Article.**
2. **Character and Integrity of Land Use.** The uses proposed and their intensity and arrangement on the site will be of a visual and operational character that meets the following criteria:
 - a. Is compatible to the physical nature of the site and surrounding land uses.
 - b. Would produce an attractive environment of sustained aesthetic and ecological desirability, economic stability, community sustainability, and practicality compatible with the Comprehensive Plan.
 - c. Would not adversely affect the anticipated provision of municipal services.
 - d. Would not create traffic or parking demand incompatible with facilities designed to serve it.
3. **Economic Feasibility and Impact.** The project will not adversely affect the economic prosperity of the Village or the values of surrounding properties.
4. **General Engineering Standards.** The proposed general plans for utilities, storm water management, and transportation systems follow required standards and are necessary to ensure the public safety and welfare as determined by the ~~Village Director~~of Public Works~~Engineer.~~
5. **Preservation and Maintenance of Open Space.** ~~With regards to permanent open space within the project adequate~~Adequate provisions are made for ~~its~~the permanent reservation or dedication to the public as follows:
 - a. For private reservation, the open area to be reserved shall be protected against building development minimally by ~~conveying to the Village as part of the conditions for General Development Plan approval an open space easement over such open areas;~~ restricting the area against any future building or use except as consistent with that of generally providing permanent landscaped open or recreational space ~~for the aesthetic and recreational satisfaction of the surrounding area.~~
 - b. The care and maintenance of any such open space reservations shall be ensured by establishment of appropriate management organization(s) for the project. The manner of ensuring maintenance and assessing such cost to individual properties shall be included in any development~~contractual~~ agreement with the Village and shall be included in the title to each property.
 - c. Ownership and tax liability of private open space reservations are established in a manner acceptable to the Village.
6. **Implementation Schedule.** A reasonable schedule has been established for the implementation of the development, including suitable provisions for assurance that each phase shall be brought to completion in a manner that would not result in an adverse effect upon the Village as a result of termination at that point.
7. **Considerations for Residential Components of an PD or N District.** The Village, in its review of the residential components of a ~~GDP~~General Development Plan, shall further consider whether:

- a. Such development will create an attractive residential environment of sustained desirability, including structures designed in relation and with respect to terrain; consideration of safe, convenient, and interconnected bicycle, pedestrian, and automobile flow; and ready access to recreation space.
 - b. The density and design within the development will be generally consistent with the recommendations of the Comprehensive Plan as applicable to the PD or N district area, except as explicitly enabled under this Chapter, and the community's capacity to provide needed municipal services and facilities.
 - c. Provision has been made for the installation of adequate public facilities, fire and police protection, and parking, and the continuing maintenance and operation of such facilities.
 - d. Such development will contribute to the goal of environmental sustainability and energy efficiency through the proper arrangement, density, orientation, and design for development; transportation access; natural area preservation and enhancement; and other features unique to the project.
8. **Considerations for Non-residential Components of an PD or N District.** The Village, in its review of the non-residential components of a GDP~~General Development Plan~~, shall further consider whether:
- a. The proposed development will be adequately served by parking, loading, and truck service facilities.
 - b. The proposed development will be adequately provided with and shall not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage, and maintenance of public areas.
 - c. The locations of entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets and the development will not create any adverse effect upon the general traffic pattern of the surrounding area.
 - d. The architectural design, landscaping, control of lighting, and general site development will result in an attractive area not adversely affecting the property values of the surrounding neighborhood.

SECTION 28: AMENDMENT “Sec 94.14.10 Specific Implementation Plan (SIP) Approval” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.14.10 Specific Implementation Plan (SIP) Approval

1. **Specific Implementation Plan Application.** After approval and recording of the ~~GDP General Development Plan and the zoning change to the N district~~, the applicant shall file with the Zoning Administrator one easily reproducible and editable copy of a Specific Implementation Plan (SIP), hard copies in a quantity and size determined by the Zoning Administrator, and the associated fee per the Village Fee Schedule. The SIP may be for all or part of the GDP. ~~Unless and until a Specific Implementation Plan has been approved by the Plan Commission and recorded, no building permit shall be~~

~~issued for any construction within the N-district. Further, construction shall be limited to only those parts of the N that have an approved SIP.~~ Each SIP application shall include the following information except to any extent modified by the Zoning Administrator:

- a. A written report describing the proposed SIP, including specific project themes and images (e.g., drawings, photos, simulations), a specific list of permitted-by-right, conditional, and temporary land uses (including reference to such lists in standard zoning districts as desired), specific densities and dimensional standards for residential and nonresidential all uses and structures, the specific land area and treatment of open space areas, and an evaluation of the proposed SIP in relationship to the previously approved GDP and conditions of its approval (including an explanation if the SIP does not include the full area of the approved GDP).
~~A cover letter summarizing the request and the nature of the project.~~
- b. A location map and a legal description of the boundaries of the subject property included in the proposed SIP area and the approved GDP area (if different).
- c. A precise description of the type, number, and size of dwelling units; a description of the type and amount of square feet devoted to non-residential uses; the estimated population and number of employees; and projected character and volume of truck and automobile traffic generated by the project site.
- d. Site summary data including gross site area, area and lineal feet of street rights-of-way, net area proposed for development and common open space uses, net subdivided area, total number of building sites, ~~and~~ average or typical lot and building site sizes; and total acres expected to be devoted to each projected land use.
- e. A detailed neighborhood development plan showing the precise mix and locations of projected land uses; densities of use areas and development sites; building setbacks and massing; streets, paths, sidewalks, main driveways, and parking areas; parks, squares, and other common open spaces; ~~evie buildings;~~ and street trees and other natural elements; ~~the street and block structure; and paths and other pedestrian ways.~~
- f. Intent to adhere to requirements in Sections 94.14.04 to 94.14.07 of this Article, and any proposed variations to such requirements where authorized under those sections.
- g. All proposed dimensional standards, paralleling the types of standards normally listed within standard zoning districts of the Village per Article 5.
- h. Whether and to what extent accessory buildings, fences, RV and firewood storage, and other ancillary features often allowed or anticipated in developments over time will be allowed within the SIP, with reference to applicable articles and sections of this Chapter and determined sufficient by the Zoning Administrator to enable effective zoning administration over the SIP area in perpetuity.
- ~~F~~
- i. For all sites within the SIP where final plan approval is being sought, except for single- and two-family dwellings, detailed site and building plan(s)

meeting the requirements of Section 94.16.09 ~~and signage plan meeting the requirements of Article 13.~~

- j. For single- and two-family dwellings, architectural design guidelines contained within a declaration of covenants, deed restrictions, or other similar document, in lieu of the Village reviewing a site and building plan for each individual dwelling.
- k. Detailed signage plan and lighting plan, each demonstrating a unified or compatible sign and lighting theme throughout the SIP area, and including permitted areas, heights, quantities and other features of permanent and temporary signs as are included within Article 13.
- ~~i. For single- and two-family dwellings, architectural design guidelines contained within a declaration of covenants, deed restrictions, or other similar document, in lieu of reviewing the plans for each individual dwelling.~~
- m. As may be applicable, a final plat or certified survey map of the area included within the SIP that shows, at a minimum, detailed lot layout and the intended use of each lot or parcel of land, public dedications, public and private streets, driveways, storm water management facilities, easements, and walkways meets associated requirements in Chapter 74, with any requested waivers or exceptions to Chapter 74 requirements indicated.
- ~~n. Detailed public street, sidewalk, and path design plans.~~
- ~~o. Existing and proposed topography on the site with contours at no greater than two-foot intervals.~~
- p. Detailed grading plan, storm water management plan, public utility plan, and erosion control plan, Engineering and stormwater management plans, meeting all State, County, and Village requirements, including those in and authorized under Section 94.16.09 and Chapter 74 and consistent with the Village's storm water management plan.
- q. If applicable, a demolition plan depicting any demolition to occur on the site and an environmental assessment or remediation plan.
~~If the site has any environmental contamination, a detailed plan of remediation.~~
- r. A development schedule indicating the following:
 - i. The approximate date when construction of the project is expected to begin;
 - ii. The ~~stages~~ phases in which the project will be built and the approximate date when construction of each phase ~~stage~~ is expected to begin;
 - iii. The anticipated pace of development and types and quantities of development in each phase ~~stage~~; and
 - iv. The approximate date when the development of each of the phases ~~stages~~ will be completed. _
 - v. A phasing plan map.
- s. Agreements, bylaws, provisions, or covenants that will govern the organizational structure, use, maintenance and continued protection of the PD or N district.
- ~~t. A written report describing the proposed SIP, including specific project themes and images (e.g., drawings, photos, simulations), a specific list of permitted-~~

~~by-right, conditional, and temporary land uses, specific densities and dimensional standards for residential and nonresidential uses, the specific treatment of open space areas, and an evaluation of the proposed SIP in relationship to the previously approved General Development Plan (including an explanation if the SIP does not include the full area of the approved GDP);~~

- u. Any other plans, documents, or schedules required by the Village.
2. **Plan Commission Review and Approval.** Upon submission of the ~~SIP~~Specific Implementation Plan(s), the Plan Commission shall review the same to determine if the ~~SIP~~plan(s) is in compliance with the approved GDP and conditions of its approval~~General Development Plan~~, applicable provisions of this Article, and any other provisions of this Chapter that are applicable to the proposed development. The Plan Commission shall thereafter act to approve the ~~Specific Implementation Plan(s)~~SIP as submitted, approve with modifications and/or conditions, or deny approval. The Village Board ~~may~~will still be required to approve any ~~final~~ plat associated with the ~~SIP(s)~~ per Chapter 74, even though SIP approval rests with the Commission.
3. **Recording.** If the ~~Specific Implementation Plan~~ SIP is so approved it shall be recorded at the Marathon County Register of Deeds office ~~within 30 days thereafter~~ by the developer. The recorded version shall include any changes to reflect applicable conditions of SIP approval, as approved by the Zoning Administrator prior to recording. Within 30 days of its recording, the applicant shall provide the Village with a digital PDF copy of the recorded SIP, plus a copy in an easily reproducible and editable format such as MS Word. Within 30 days of its recording, the applicant shall provide the Village with three copies of the recorded Specific Implementation Plan, along with proof of its recording.
4. **Effect of SIP Approval.** The Zoning Administrator shall cause the amendment of the Official Zoning Map to reflect the rezoning to PD or N and shall authorize construction in the SIP area only after the applicant has provided digital copies of the recorded SIP and any associated final plat or certified survey map. Upon the occurrence of these events, the SIP shall become part of this Chapter and shall be enforceable as part of this Chapter, as the SIP may from time to time be amended per Section 94.14.11. All requirements associated with overlay zoning districts in Articles 6 through 9 shall continue to apply with the SIP area. Where the SIP is silent to a particularly type of zoning requirement in this Chapter, the Zoning Administrator may utilize such requirement in this Chapter to the extent consistent with the SIP.
5. **Lapse of SIP Approval.** Final SIP approval shall terminate, and the SIP shall be deemed null and void for any undeveloped part of the SIP area in one or both of the following circumstances:
 - a. If an SIP is granted final approval and thereafter five years have lapsed without the applicant or owner applying for a building permit within the SIP area for an authorized use.
 - b. If the approved SIP includes a phased implementation program, and five years have lapsed between (i) the acceptance of public infrastructure or initial occupancy of a building in a phase preceding the final phase and (ii) commencement of construction of the next phase.

In the event the land affected by either such circumstance has been rezoned to the PD or N district per subsection (4), the Zoning Administrator shall initiate an application to rezone the undeveloped land in the area from the PD or N district back to the standard zoning district(s) over the land before PD or N was approved, or to the nearest comparable standard zoning district(s).

SECTION 29: **AMENDMENT** “Sec 94.14.11 Amendment Of General Development Plan Or Specific Implementation Plan” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.14.11 Amendment Of General Development Plan (GDP) Or Specific Implementation Plan (SIP)

Any subsequent change or modification of the approved GDP or SIP shall first be submitted to the Village for ~~approval~~consideration. If, in the opinion of the Zoning Administrator, such change or modification constitutes a substantial alteration of the original GDP and/or SIP, the procedures described in Sections 94.14.08 and/or 94.14.10, as appropriate, shall be followed before the modified ~~Plan(s)~~GDP and/or SIP may take effect. If the Zoning Administrator determines that such change or modification does not constitute a significant alteration, then he or she may approve or reject such change or modification and report such action to the Plan Commission. All such modified ~~Plan(s)~~GDPs and SIPs shall be re-recorded by the applicant within 30 days of approval, with re-recorded copies provided to the Village.

SECTION 30: **AMENDMENT** “Sec 94.16.16 Village Plan Commission And Extraterritorial Zoning Committee” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.16.16 Village Plan Commission And Extraterritorial Zoning Committee

1. **Village Plan Commission Duties.** The Village Plan Commission, together with its other duties under Wisconsin Statutes and Chapter 62 and other Chapters of the Weston Municipal Code, shall with reference to this Chapter, have the following duties and responsibilities within the Village limits:
 - a. Review and consider final site plan approval as provided in this Chapter, or consider appeals to Zoning Administrator action on a site plan, where provided under Section 94.16.09.
 - b. Conduct public hearings for applications to amend the provisions of this Chapter including the Official Zoning Map, for conditional use permits, and

- for General Development Plans associated with in an PD or N zoning district.
- c. Approve or deny conditional use permit applications.
- d. Review and make recommendations to the Village Board regarding approval of any General Development Plan for a PD or N district, and approve or deny Specific Implementation Plans associated with an PD or N district.
- e. Review and advise the Village Board on all applications for text amendments to the zoning regulations, and to all amendments to the Official Zoning Map.
- f. Assist the Zoning Administrator in the performance of his or her duties as specified in this Chapter.
- g. Review and advise on conceptual development plans for potential future applications under this Chapter.
- ~~h. Review and make recommendations to the Village Board on policies and amendments to the Village's building, health and safety codes.~~

2. **Extraterritorial Zoning Committee Duties.** Within the ETZ Area, the Extraterritorial Zoning Committee shall have the same duties under this Chapter as the Village Plan Commission has within the Village limits.

[Amended via Ord. 19-012, 8/21/2019]

SECTION 31: AMENDMENT “Sec 94.17.03 Abbreviations” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.17.03 Abbreviations

The following abbreviations in this Chapter are intended to have the following meanings:

Abbreviation	Meaning
2F	2F Two Family Residential (standard zoning district)
Ac	Acre
AH	AH Airport Height (overlay zoning district)
AR	AR Agricultural and Residential (standard zoning district)
B-1	B-1 Neighborhood Business (standard zoning district)
B-2	B-2 Highway Business (standard zoning district)
B-3	B-3 General Business (standard zoning district)
BP	BP Business Park (standard zoning district)
Db	Decibel
DNR	Wisconsin Department of Natural Resources (also “WisDNR”)
DOT	Wisconsin Department of Transportation (also “WisDOT”)
D	D Design (overlay zoning district)

Du	Dwelling unit (also “housing unit”)
FAA	Federal Aviation Administration
FAR	Floor Area Ratio
Ft	Foot
FP	FP Farmland Preservation (standard zoning district)
GFA	Gross Floor Area
GI	GI General Industrial (standard zoning district)
GSA	Gross Site Area
HUD	U.S. Department of Housing and Urban Development
INT	INT Institutional (standard zoning district)
ISR	Impervious Surface Ratio
LI	Limited Industrial (standard zoning district)
LSR	Landscape Surface Ratio
Max	Maximum
MF	MF Multiple Family Residential (standard zoning district)
MGD	Maximum Gross Density
MH	MH Manufactured Home (standard zoning district)
Min	Minimum
MLA	Maximum Lot Area
MSA	Minimum Site Area
N/A or NA	Not applicable
N	N Neighborhood (refers both to a special zoning district and each unique development within such a district)
PSC	State of Wisconsin Public Services Commission
<u>PD</u>	<u>PD Planned Development (refers both to a special zoning district and each unique development within such a district)</u>
RM	RM Rural Mix (standard zoning district)
RR-2	RR-2 Rural Residential (standard zoning district)
RR-5	RR-5 Rural Residential (standard zoning district)
SF or sq. ft.	Square Feet
SF-L	SF-L Single Family Residential – Large Lot (standard zoning district)
SF-S	SF-S Single Family Residential – Small Lot (standard zoning district)
UDC	Uniform Dwelling Code

WHP	WHP Wellhead Protection Area (overlay zoning district)
-	Or fewer (as in “8-“)
	Or more (as in “9 ”)

[Amended via Ord. 19-001; 1/23/2019]

SECTION 32: **AMENDMENT** “Sec 94.17.04 Definitions” of the Weston Municipal Code is hereby *amended* as follows:

A M E N D M E N T

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 structure that has no roof or walls and is considered part of a building or structure.

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: The entire building front including the parapet.

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. Also known as and including a hoop shed, hoop house, hoop barn, hoop shelter, canvas building, tarp shed, arch building, fabric tensioned structure, tent garage, or metal car port. Not permitted outside of agricultural zoning districts, except on a temporary basis for a maximum of five consecutive days within a 30-day period for a special event such as a sale or on the property. Does not include an “Air Dome,” which is separately defined and regulated under this Chapter.

Home occupation (land use): See Section 94.4.09.

Hotel: See “Commercial Indoor Lodging.”

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

Impervious surface: Areas designed and installed to prohibit infiltration of stormwater. Homes, buildings, and other structures, as well as hard surfaces as defined in this section are considered impervious. For the purposes of this Chapter, gravel areas and areas with landscaped pavers and pervious pavement that are intended for vehicular traffic shall also be considered impervious.

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

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

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

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

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

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

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

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

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

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

Institutional residential (land use): See Section 94.4.04.

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

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

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

Interpretations: See Section 94.16.12.

Joint Extraterritorial Committee: See Extraterritorial Zoning Committee.

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

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

Landscape points: See Section 94.8.02(4).

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

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

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

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

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

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

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

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

Light industrial (land use): See Section 94.4.08.

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

Lighting standards, exterior: See Section 94.12.11.

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

Loading standards: See Section 94.12.10.

Local collector street: See “Street, Collector.”

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

Local street: See “Street, Local.”

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

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

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

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

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

Lot interior: A lot other than a corner lot.

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

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

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

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

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

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

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

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

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

Manufactured home: A home built entirely in the factory under a federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect June 15, 1976. A manufactured home may be constructed of single or 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 an 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 transportable factory-built structure as defined in Wis. Stat. § 101.91(10), designed for long term occupancy by one family and built prior to June 15, 1976, the effective date of the Federal Manufactured Housing Construction and Safety Standards Act.

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 an 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 an 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 to eat and drink in the premises instead.

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

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

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

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

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

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

Shrub: A low lying deciduous or evergreen plant.

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

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

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

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

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

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

Site area: See Gross site area.

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

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

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

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

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

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

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

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

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

Start of construction: The date the building permit is issued, provided the actual start of activity was within 365 calendar days of the permit date. The actual start of activity means either the first placement of permanent construction of a structure on the site such as the pouring of a slab or footings, the installation of piles, or the construction of columns. Permanent construction does not include land preparation, such as clearing, grading, or filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations; nor does it include the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

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.”

[Amended via Ord. 15-006, 5/22/2015; Ord. 16-021, 4/20/2016; Ord. 16-044, 10/20/2016; Ord 17-019, 6/21/2017; Ord. 17-034, 11/24/2017; Ord. 18-012, 4/18/2018; Ord. 19-001; 1/23/2019]

SECTION 33: 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 34: EFFECTIVE DATE This Ordinance shall be in full force and effect from and after the required approval and publication according to law.

SECTION 35: The amendments effectuated by this Ordinance shall apply within the municipal limits of the Village and within its extraterritorial zoning jurisdiction in the Town of Weston.

SECTION 36: PUBLISHED DATE 05/19/21

PASSED AND ADOPTED BY THE VILLAGE OF WESTON BOARD OF TRUSTEES
MAY 17, 2021.

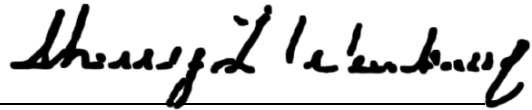
	AYE	NAY	ABSENT	ABSTAIN
Mark Maloney	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Barbara Ermeling	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Steve Meinel	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Lee Yeng Xiong	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Nathan Fiene	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Loren White	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Hooshang Zeyghami	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



Mark Maloney, Village President,
Village of Weston



Sherry Weinkauff, Village Clerk Village
of Weston

