



Village of Weston, Wisconsin

**Meeting of the ZONING STEERING COMMITTEE, AN
AD HOC COMMITTEE OF THE PLAN COMMISSION/
JOINT TOWN & VILLAGE OF WESTON
EXTRATERRITORIAL ZONING COMMITTEE**

**During the 22nd legislative session of the elected Board
of Trustees (2018 – 2019)**

**Monday, October 29, 2018 @
1:00 P.M.**

**Packet Prepared By:
Jennifer Higgins, Director of Planning and Development**



**Village of Weston, Wisconsin
ATTENTION – NOTICE OF PUBLIC MEETING**

- Meeting:** ZONING STEERING COMMITTEE MEETING, AN AD HOC COMMITTEE OF THE PLAN COMMISSION/JOINT TOWN & VILLAGE OF WESTON EXTRATERRITORIAL ZONING COMMITTEE
- Members:** Loren White, Dennis Lawrence, Mark Hull, Fred Schuster, Joe Jordan, Brian Bushnell, Kevin Cline, Matt Yde, Jennifer Higgins, Mark Roffers
- Date/Time:** Monday, October 29, 2018, @ 1:00 P.M.
- Location:** Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476
- Agenda:** The agenda packet will be sent out 3 days prior to the meeting.
- Attendance:** Zoning Steering Committee Members, and Department Directors, please indicate if you will, or will not, be attending so we may determine in advance if there will be a quorum.
- Questions:** Jennifer Higgins Valerie Parker
jhiggins@westonwi.gov vparker@westonwi.gov
(715) 359-6114 (715) 359-6114

PLEASE NOTE THE FOLLOWING INFORMATION:

This notice was posted at the Municipal Center, and on the Village's website at www.westonwi.gov, and was e-mailed to local media outlets (Print, TV, and Radio) on 10/23/2018. Any posted agenda is subject to change up until 24 hours prior to the date and time of the meeting.

A quorum of members from other Village governmental bodies (boards, commissions, and committees) may attend the above-noticed meeting to gather information. Should a quorum of other government bodies be present, this would constitute a meeting pursuant to State ex rel. Badke v. Greendale Village Bd., 173 Wis.2d 553, 494 N.W.2d 408 (1993). Wisconsin State Statutes require all agendas for Committee, Commission, or Board meetings be posted in final form, 24 hours prior to the meeting.

Any person who has a qualifying disability, as defined by the Americans with Disabilities Act, requiring that meeting or material to be in an accessible location or format, must contact the Weston Municipal Center, at 715-359-6114, by 12 noon, the Friday prior to the meeting, so any necessary arrangements can be made to accommodate each request.



VILLAGE OF WESTON, WISCONSIN
OFFICIAL MEETING AGENDA OF THE ZONING STEERING COMMITTEE
AN AD HOC COMMITTEE OF THE PLAN COMMISSION & JOINT TOWN & VILLAGE OF
WESTON EXTRATERRITORIAL ZONING COMMITTEE

Meeting of the: Zoning Steering Committee
Date/Time: Monday, October 29, 2018 at 1:00 p.m.
Location: Village of Weston, 5500 Schofield Avenue – Board Room
Members: Loren White, Dennis Lawrence, Mark Hull, Fred Schuster, Joe Jordan,
Brian Bushnell, Kevin Cline, Matt Yde, Jennifer Higgins, Mark Roffers.

A quorum of members from other Village governmental bodies (boards, commissions, and committees) may/might attend the above-noticed meeting to gather information. Should a quorum of other government bodies be present, this would constitute a meeting pursuant to State ex rel. Badke v. Greendale Village Bd., 173 Wis.2d 553,494 N.W.2d 408 (1993). No official actions other than those of the Plan Commission and Joint Village & Town Extraterritorial Zoning Committee shall take place. Wisconsin State Statutes require all agendas for Committee, Commission, or Board meetings be posted in final form, 24 hours prior to the meeting. Any posted agenda is subject to change up until 24 hours prior to the date and time of the meeting.

AGENDA ITEMS

1. Meeting called to order by Plan Commissioner White.
2. Public Comments.
3. [Approval of Minutes from April 17, 2018 Meeting.](#)
4. [Discussion of proposed changes to Chapter 94 Zoning.](#)
5. Committee recommendation to Plan Commission on proposed changes to Chapter 94 Zoning.
6. Additional remarks from public.
7. Remarks from members.
8. Adjournment.



VILLAGE OF WESTON, WISCONSIN
OFFICIAL MEETING AGENDA OF THE ZONING STEERING COMMITTEE
AN AD HOC COMMITTEE OF THE PLAN COMMISSION & JOINT TOWN & VILLAGE OF
WESTON EXTRATERRITORIAL ZONING COMMITTEE

Meeting of the: Zoning Steering Committee
Date/Time: Tuesday, April 17, 2018 at 3:00 p.m.
Location: Village of Weston, 5500 Schofield Avenue – Board Room
Members: Loren White, Dennis Lawrence, Mark Hull, Fred Schuster, Joe Jordan,
 Brian Bushnell, Kevin Cline, Matt Yde, Jennifer Higgins, Mark Roffers.

AGENDA ITEMS

1. Meeting called to order by Plan Commission Chairman White.

Member	Present
White	Y
Lawrence	Y
Hull	Y
Schuster	Y
Jordan	Y
Bushnell	Y
Cline	Y
Yde	N
Higgins	Y
Roffers	Y

2. Public Comments.
Comments: None

3. [Approval of Minutes from March 20, 2018 Meeting.](#)

Motion by Schuster, second by Hull: to approve the regular Minutes of March 20, 2018.

Voting:
 Yes: 9 No: -- Abstain: -- Non-Vote: 1 Result: PASS

Member	Voting
White	Y
Lawrence	Y
Hull	Y
Schuster	Y
Jordan	Y
Bushnell	Y
Cline	Y
Yde	--
Higgins	Y
Roffers	Y

Question: Mark Hull wanted it to be noted in the minutes to show how many CUP's were issued by the Village since the new code took into effect and wanted that reference included in the meeting minutes.

4. [Review of Sec. 94.3.04 Figure 3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts](#)

Roffers stated that there were only a few items that should either be struck from the code or changed from a CUP to a permitted use and vice versa. No items stand out as needing to be removed from the code. Jordan agreed since there were so few CUP's applied for and did not seem to be a burden on staff. Hull agreed that there are not as many uses that need to change. Hull stated that some of the uses that only have 1 or 2 performance standards that are conditional uses should be reviewed and need more standards. Hull asked if the uses that have more onerous requirements should be reviewed and handled the way they currently are and does that still meet the requirements of the new state statute?

White brought up the idea that there should be a specific use for AirBNB; however, Roffers stated that that use already fits within the Tourist Rooming House. Roffers stated that it should not be superficially included in the code, as these companies come and go, making the reference invalid. Higgins stated that there are already some in Weston that we do not know about (their locations). Higgins stated that this use came from Dan Higginbotham, who had requested that this use be included within the new zoning code (2015), so staff was aware that this use was on an upward trend. Higgins also stated this land use can only occur within the AR and RR zoning districts. Higgins said the decision to make a recommendation should come from this committee.

YDE Arrived at 3:07

Yde stated that the State Statute says that municipalities cannot limit the use of a homeowner from renting out their home for more than a 7-day period. Roffers interjected that municipalities can limit rentals that occur on less than a 7-day period. Roffers stated that the code needs to be updated to reflect State Statute. Wehner stated by having this be a conditional use the neighbors are at least notified. Hull referenced a study and ordinance that occurred in Lake Tahoe and pointed out that creating a large number and extreme standards created a vigilante group that enforces those standards. Said vigilantes created a problem for the municipality and police department. The fine in that municipality goes to both the renter and the owner, and in most circumstances the fines to the home owner are paid by the renter as well. The over regulation of the use has created a chaotic environment. Schuster asked if we are creating language and standards for a land use that isn't a problem yet. Higgins replied that no new language had been discussed and this item was only before the committee because there was a request to add the use to the SF zoning districts. The original zoning committee did not want to deal with this use within the SF districts. Roffers stated that if someone wanted to rent out their home

for 8 days, then under the new State Statute, there is nothing that the Village can do about this use; however, if the owner wants to rent their home out for less than 7 days, then it is still a regulatable land use. Cline asked what would have if the owner charged the occupant for 7 days, but they only used it for 2? Hull stated that this use is really market driven and cannot be predicted.

Motion by Roffers, second by Jordan: recommend the village not open up the SF districts to allow Tourist Rooming House but to amend that the description and performance standards be consistent with the State Statutes.

Voting:
 Yes: 10 No: -- Abstain: -- Non-Vote: 0 Result: PASS

Member	Voting
White	Y
Lawrence	Y
Hull	Y
Schuster	Y
Jordan	Y
Bushnell	Y
Cline	Y
Yde	Y
Higgins	Y
Roffers	Y

White had a question about unlisted land uses, landscaping and sign issues. Higgins replied that the use charts should be discussed first. Roffers asked Staff is there were any uses in the open space, rural and residential land use chart that were causing any issues. Higgins replied that at this time there are not, as staff addresses those issues when they arise. Wehner questioned the Community Living Arrangements (9 to 15 residents) in the residential areas and whether that should be allowed within the 2F zoning district. Roffers stated it is a statutory issue. Wehner questioned as to if it was just the 1 through 8 that the Village could not regulate. Roffers could not verify without looking up the state statute.

White asked if group daycare centers were also regulated by the state and exempt from local control. Roffers thought there were some restrictions for the smaller facilities, but there are not the same restrictions as far as what zoning districts they are required to be in. White questioned as to why it was permitted within the MF zoning district and Roffers stated that maybe there should be a performance standard which does not allow this use within an apartment building. Wehner stated that there are single family homes within the MF zoning district. Roffers states that the way the zoning code is written some of the zoning districts that don't exactly have uses that are central to their core purpose. The code is performance and impact based. The question that the code raises is "is that use compatible with the surrounding uses?" This also occurs within the B-1 district. Schuster questioned whether it was allowed to run a daycare center out of a rental property.

5. [Review of Sec. 94.3.05 Figure 3.05: Allowable Uses in Non-Residential and Mixed-Use Zoning Districts.](#)

White questioned as to why the Solid Waste Disposal, Composing and Recycling Facility is allowed by a conditional use in the INT district. Higgins responded that it is due to the Village's yard waste recycling yard on Ryan Street.

Roffers questioned if multi-family was utilized within the LI and GI zoning districts. Wehner and White had also questioned that as well.

Motion by Roffers, second by Jordan: recommend removal of Multi-family residences as a conditional use from the LI and GI zoning districts.

Voting:
Yes: 10 No: -- Abstain: -- Non-Vote: 0 Result: PASS

Member	Voting
White	Y
Lawrence	Y
Hull	Y
Schuster	Y
Jordan	Y
Bushnell	Y
Cline	Y
Yde	Y
Higgins	Y
Roffers	Y

Wehner had question the allowance of a two-family residence within the B-1 zoning district. Roffers responded that there may be a situation with row-housing that would create a duplex in that situation.

Wehner had also questions the use of Outdoor Display in the B-1 zoning district.

White questioned Boarding House being in a B-1 and not in a MF. Higgins asked if the committee wanted to consider this use within the AR district. Roffers asked if it should be added as a conditional use to the AR but was just unsure if expanding the use of a boarding house is the answer. Wehner commented that there could be a performance standard (or a set of standards) when this use is within the AR zoning district. Roffers would rather make uses more flexible than making a whole new entire use. Jordan made the point that if they are migrant workers that they should be close to where they are working because they may not be able to drive.

Motion by Lawrence, second by Jordan: recommend that Boarding House be added to the AR zoning district.

On the question, motion by Roffers, second by Schuster: amend the motion to include that Staff develops appropriate standards for its fit within the AR zoning district, seconded by Schuster.

Voting:
Yes: 9 No: 1 Abstain: -- Non-Vote: 0 Result: PASS

Member	Voting
White	Y
Lawrence	Y
Hull	N
Schuster	Y
Jordan	Y
Bushnell	Y
Cline	Y
Yde	Y
Higgins	Y
Roffers	Y

On the amended motion.

Voting:
Yes: 9 No: 1 Abstain: -- Non-Vote: 0 Result: PASS

Member	Voting
White	Y
Lawrence	Y
Hull	N
Schuster	Y
Jordan	Y
Bushnell	Y
Cline	Y
Yde	Y
Higgins	Y
Roffers	Y

Hull stated that this issue came up in the Town before. Everyone was in favor of the concept when it was incidental to an agricultural use when it was all owned by the same owner. He is concerned farms in the Town of Wausau (or other neighboring towns) would take advantage of the relative ease of the processes for a condition use. Roffers asked if it would satisfy the Town if there was a standard that would address that? Staff took note.

**6. [Discussion of Land Use Description Standards recommended for review:](#)
[a. Sec. 94.4.02 \(4\) Multi-Family Residence \(9+ unit building\)](#)**

Wehner raised the question of having 2 separate uses for 3 to 8 units and 9 plus, but not having any differentiating performance standards in Article 4. Wehner suggested that there are performance standards created for the increased density. Wehner stated that his opinion is that the larger complexes should have outdoor amenities, such as a fire pit, playground, pavilion to create more of a neighborhood feel Staff will look at some examples to bring back to the committee. Yde stated that it should not be the Village's job to tell a developer what amenities they are to have on site. If they want to be a successful development, they would have those amenities. All the

Village should care about is that they are safe, look good from the outside and contribute to higher property values. Roffers responded that he agreed with Yde's last point but disagrees with the rest of his statement. If those amenities provided you are contributing to the long-term impact of the value of the project. Higgins stated that Swiderski's has some of the amenities. Roffers stated that the lack those onsite amenities and building quality and poor maintenance resulted in communities reacting negatively to these proposals. Roffers stated we need to make it politically acceptable for these project developments. Higgins brought up the concern that it is the number of buildings and not the number of units. Wehner suggested that there be a density threshold be created (which sets low density multi-family and a high density multi-family, which would help determine those performance standards). Higgins brought up that there will be a proposal for a large multi-family development within the Camp Phillips Centre, which would be multi-story that we currently do not have here. Roffers suggests that staff gather a few ideas and standards to bring back to the committee, in particular for larger scale projects. Roffers, White and Bushnell discusses having underground parking as a performance standard for high intensity multi-family. Yde interjected and questioned whether a developer was seated on the committee and not having that input. Yde also goes on to state that the committee should not be setting standards for the community without having yet heard from the developers and their reactions, as the committee does not have a developer as a member.

Higgins stated that the three of us (Higgins, Roffers and Wehner) will have to go back and bring back standards for the committee to go off of instead of open discussion. Higgins hope was that this process was going to be less staff driven.

White referenced the East Gate Apartment Development as an example of how the code's standards created a higher end proposal (Clerk's note: that was initially rejected by the developer because of the added cost but is now in the process of resubmitting the same project because the project was recalculated and will cashflow to the developer's standards). Higgins stated that there is a demand, specifically from the hospital, to have higher-end multi-family. White stated that the Board of Trustees does not want any more multi-family, specifically marginal multi-family. Higgins stated that there is also a demand for condominiums and goes on to state that the Board and the Plan Commission needs to be more open to the various options of multi-family development instead of being stuck on the stigma of multi-family being lower-end housing.

White went on to say that this community wanted to be all single-family, but in this day and age that is no longer sustainable. Schuster also added that it wasn't just that, but that is was there was already enough marginal multi-family development that already existed. Higgins interjected that it really comes down to enforcement and the amount of staff and time that really needs to be devoted to those issues that currently isn't.

Mark Roffers left the meeting at 4:37.

Yde expressed concern that the committee is getting off track. Hull replied that the committee is on track, but that the multi-family issue is a contentious one, which is time intensive. White replied that the legal council is here to ensure what the committee recommends is still within the legal framework of the law and enforceable.

Motion by Schuster, second by Hull: adjourn the meeting and move the remaining items on the agenda to the next meeting.

Voting:
 Yes: 9 No: -- Abstain: -- Non-Vote: 1 Result: PASS

Member	Voting
White	Y
Lawrence	Y
Hull	N
Schuster	Y
Jordan	Y
Bushnell	Y
Cline	Y
Yde	Y
Higgins	Y
Roffers	--

- b. [Sec. 94.4.05 \(17\) Tourist Rooming House](#)
Discussion: See discussion above in item 4.
- c. [Sec. 94.3.06 \(3\) Personal Storage Facility](#)
Discussion: **NEXT AGENDA**
- d. [Sec. 94.3.06 \(5\) Solid Waste Disposal, Composting, and/or Recycling Facility](#)
Discussion: **NEXT AGENDA**
- e. [Sec. 94.4.08 \(4\) Non-Metallic Mineral Extraction](#)
Discussion: **NEXT AGENDA**
- f. [Sec. 94.4.09 \(4\) Intermediate Day Care Home \(9-15 children\)](#)
Discussion: **NEXT AGENDA**

FUTURE ITEMS

- 7. Topics for future meetings
 - a. [2017 Wisconsin Act 243 - Developers Bill](#)
- 8. Additional remarks from public.
Remarks: None
- 9. Remarks from members.
Remarks: None

10. Adjournment at 4:45 PM.

To: Zoning Steering Committee Members

From: Jennifer Higgins, Director of Planning & Development/Zoning Administrator

Date: October 23, 2018

Re: Proposed Changes to Chapter 94 Zoning

Based on other commitments over a busy summer, it has been some time since this committee has met. At the end of its April meeting, the Committee agreed that staff ought to prepare some draft amendments to the village's zoning ordinance to reflect and advance its discussions. Our hope is that at the October 29th meeting, the Committee may be in a position to recommend a set of amendments to the Plan Commission, and that a formal review process including a public hearing can begin.

We've assembled a collection of the proposed amendments to the zoning ordinance, included in the Committee's packet. We've only included those pages and sections of the ordinance where changes are proposed, except where necessary to provide context. Proposed language additions are marked by underlined text. Proposed deletions are ~~crossed-out~~. Normal text indicates existing ordinance language that would remain. The exception is Figure 4.02(2), which would be entirely new.

The following is a summary of the primary proposed zoning ordinance amendments in the attached collection of ordinance pages.

Adjust Allowable Land Uses (Figures 3.04, 3.05): Multi-family residences of all sizes would become permitted-by-right uses in the MF Multiple Family Residential zoning district, but subject to additional performance standards via the new Figure 4.02(2). Two types of uses—outdoor storage and outdoor alcohol service—would switch from conditional to permitted uses when at least 300 feet from residential zoning districts (see also pages 4-7 and 4-16/17).

Adjust Performance Standards for Certain Uses (Article 4): Performance standards for new multi-family residences would be consolidated and expanded within the new Figure 4.02(2). The standards would increase with an increasing number of housing units in the proposed project. The standards in Figure 4.02(2) relate to building and site design, parking, management and security, and on-site recreational amenities. They are based on what higher-quality multiple family projects for all ages and incomes throughout Wisconsin are providing. The proposed changes on pages 4-14/15 and 10-3 are related.

The description and standards for the "Boarding House" land use would change, hopefully in a manner that successfully addresses Committee discussion of such potential uses in rural areas (AR).

"Tourist Rooming House" standards would change to reflect changes in State law, notably by removing any regulation when rental periods are more than seven days.

As a broad reminder, one key objective of the proposed amendments is to make sure the village has good standards for common or potentially impactful conditional uses, because rejection of conditional use permit applications is now harder under state law changes. In response:

- Performance standards for the popular "personal storage facility" (mini-warehouse) standards would be increased, enhancing design standards a bit, limiting outdoor and hazardous materials



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storage, addressing security, and restricting unwanted uses like business operations out of storage units and habitation.

- “Solid Waste Disposal, Composting, and/or Recycling Facility” standards would be enhanced based on Committee discussion. They more closely reflect standards for “Non-Metallic Mineral Extraction”, for which performance standard changes are also proposed.
- Standards for in-house day care facilities are also proposed to be enhanced. Where the number of kids reaches nine, standards would be greatest and reflect those of other home occupations already in the ordinance.

Adjust Certain Building, Site, and Landscape Design Standards (Articles 10-12): These changes are mainly in response to a May 2018 audit of the village’s land development review services, and include:

- Relaxing current requirement that all industrial buildings be designed by an architect.
- Relaxing building material standards for interior Business Park parcels and clarifying building material standards overall.
- Clarifying permitted exemptions or reductions in required landscaping associated with building and parking lot additions.
- Allowing trash and recyclable dumpsters to not have to be screened by an opaque fence or wall in certain cases where ordinance intent and public interest would not be compromised.
- Eliminating current requirement for a permit when simply resurfacing or restriping an existing parking lot, with no parking lot expansion.
- Eliminating curbing requirements associated with moderate parking lot additions, where the original parking lot does not have curbing.
- Clarifying that additional landscaping is not required for resurfacing or restriping of parking lots or where a pre-2015 gravel parking lot is converted to pavement, with no expansion.

Makes Other Amendments Required by State Law Changes (Articles 15-16): These include:

- Relaxing rules related to nonconforming lots.
- Establishing a higher threshold for Village Board approval of rezonings that amount to a “down zoning” of land (2/3 vote of all Board members required), and unifying existing supermajority voting requirements already in the ordinance with that 2/3 standard.
- Adjustments to standards and procedures for consideration of applications for conditional use permits and variances. This was the focus of Wisconsin Act 67. We will be happy to walk through all of these changes at the meeting as required.

We will be happy to answer questions on these proposed changes, as well as the other minor proposed changes to the zoning ordinance that are included in the attached packet.



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ZONING ORDINANCE FOR THE VILLAGE OF WESTON

ADOPTED: March 18, 2015

AMENDED: April 18, 2018

[PROPOSED AMENDMENTS FOR ZONING STEERING COMMITTEE REVIEW
OCTOBER 2018](#)

Article 3: LAND USES ALLOWED IN ZONING DISTRICTS

Section 94.3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts

Section 94.3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts

Section 94.3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts

Figure 3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts

P = Permitted Use		C = Conditional Use				T = Temporary Use				
P/C = Use allowance varies-see Sec. 94.4.0#			Empty Cell = Prohibited Use							
Land Use Category (#) Land Use Type		Zoning District (see key at end of figure)								
		FP	AR	RR-2; RR-5	PR	SF-L	SF-S	2F	MF	MH
Residential Land Uses (see Section 94.4.02 for descriptions and standards for each land use)										
(1)	Single-Family Detached Residence	C	P	P		P	P	P	P	P
(2)	Two-Family Residence							P	P	
(3)	Multi-Family Residence (3-8 units building)							C	P	
(3)	Multi-Family Residence (9- 32+ units building)								CP	
(3)	Multi-Family Residence (33+ units)								<u>P</u>	
(3) (4)	Manufactured Home Community									P
(4) (5)	Mixed Use Dwelling Unit								C	
Agricultural Land Uses (see Section 94.4.03 for descriptions and standards for each land use)										
(1)	Agricultural Use	P	P	P/C	C					
(2)	Agricultural-Related Use	P	C	C						
(3)	Community Garden	P	P	P	P	P	P	P	P	P
(4)	On-site Agricultural Retail	P	P	C						
Institutional and Recreational Land Uses (see Section 94.4.04 for descriptions/standards for each use)										
(1)	Passive Outdoor Public Recreation	C	P	P	P	P	P	P	P	P
(2)	Active Outdoor Public Recreation	C	C	C	P	C	C	C	C	C
(3)	Indoor Institutional—General		C	C	P	C	C	C	P	
(4)	Indoor Institutional—Intensive				C				C	
(5)	Outdoor Institutional	C	C	C	C	C	C	C	C	
(6)	Public Service or Utility	C	P	P	P	P	P	P	P	P
(7)	Institutional Residential					C	C	C	C	
(8)	Community Living Arrangement (1-8 residents)		P	P		P	P	P	P	
(9)	Community Living Arrangement (9-15 residents)		C	C		C	C	P	P	
(10)	Community Living Arrangement (16+ residents)							C	P	
Commercial Land Uses (see Section 94.4.05 for descriptions and standards for each land use)										
(1)	Office									

Section 94.3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts

through Section 94.3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts

P = Permitted Use		C = Conditional Use				T = Temporary Use				
P/C = Use allowance varies-see Sec. 94.4.-0#		Empty Cell = Prohibited Use								
Land Use Category		Zoning District (see key at end of figure)								
(#)	Land Use Type	FP	AR	RR-2; RR-5	PR	SF-L	SF-S	2F	MF	MH
(2)	Personal or Professional Service								C	
(3)	Artisan Studio								C	
(4)	Group Day Care Center					C	C	C	C	
(5)	Indoor Sales or Service									
(6)	Outdoor Display									
(7)	Indoor Repair and Maintenance									
(8)	Outdoor and Vehicle Repair and Maintenance									
(9)	Drive-In or Drive-Through Sales or Service									
(10)	Indoor Commercial Entertainment									
(11)	Outdoor Commercial Entertainment		C							
(12)	Commercial Animal Establishment	C	C	C						
(13)	Bed and Breakfast	C	C	C		C	C	C	PC	
(14)	Boarding House		C						C	
(15)	Campground		C		P					
(16)	Commercial Indoor Lodging									
(17)	Tourist Rooming House		C	C				C	C	
(18)	Adult Entertainment or Adult-Oriented Establishment									
(19)	Large Retail and Commercial Service Development									
(20)	Micro-beverage Production Facility									
Storage or Disposal Land Uses (see Section 94.4.06 for descriptions and standards for each land use)										
(1)	Indoor Storage or Wholesaling									
(2)	Outdoor Storage or Wholesaling									
(3)	Personal Storage Facility								C	C
(4)	Junkyard or Salvage Yard		C							
(5)	Solid Waste Disposal, Composting, and/or Recycling Facility		C							
(6)	Auction Yard									
Transportation Land Uses (see Section 94.4.07 for descriptions and standards for each land use)										
(1)	Off-Site Parking				C				C	C

Section 94.3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts

Section 94.3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts

P = Permitted Use		C = Conditional Use				T = Temporary Use				
P/C = Use allowance varies-see Sec. 94.4.-0#		Empty Cell = Prohibited Use								
Land Use Category		Zoning District (see key at end of figure)								
(#)	Land Use Type	FP	AR	RR-2; RR-5	PR	SF-L	SF-S	2F	MF	MH
(2)	Airport or Heliport		C							
(3)	Freight Terminal and Mass Transportation Depot									
(4)	Distribution Center									
(5)	Livestock or Farm Commodity Trucking	C	C							
Industrial Land Uses (see Section 94.4.08 for descriptions and standards for each land use)										
(1)	Light Industrial		C							
(2)	Heavy Industrial									
(3)	Communications Tower	C	P	C	C	C	C	C	C	C
(4)	Non-Metallic Mineral Extraction	C	C							
Accessory and Miscellaneous Land Uses (see Section 94.4.09 for descriptions/standards for each use)										
(1)	Detached Accessory Structure (For Non-Residential Use)	P	P	P	P	P	P	P	P	
(2)	Detached Accessory Structure (For Residential Use)	P	P	P		P	P	P	P	P
(3)	Family Day Care Home (4-8 children)	P	P	P		P	P	P	P	P
(4)	Intermediate Day Care Home (9-15 children)	C	C	C		C	C	C	C	C
(5)	Home Occupation	P	P	P		P	P	P	C	C
(6)	Residential Business	C	C	C		C	C	C		
(7)	In-Home Suite		P	P		C	C	P	P	
(8)	Accessory Dwelling Unit		C	C		C	C	C	C	
(9)	Animal Fancier	P	P	P		C	C			
(10)	Keeping of Farm Animals on Residential Lots and School Sites	P	P	P						
(11)	Company Cafeteria									
(12)	Company Provided On-Site Amenities Company Provided On-site Recreation or Child Care									
(13)	Indoor Sales Incidental to Storage or Light Industrial Land Use		C							
(14)	Light Industrial Activities Incidental to Indoor Sales or Services									
(15)	Outdoor Display Incidental to Indoor Sales or Service									
(16)	Outdoor Alcohol Area		P/C							

Section 94.3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts

through Section 94.3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts

P = Permitted Use		C = Conditional Use				T = Temporary Use				
P/C = Use allowance varies-see Sec. 94.4.-0#			Empty Cell = Prohibited Use							
Land Use Category		Zoning District (see key at end of figure)								
(#)	Land Use Type	FP	AR	RR-2; RR-5	PR	SF-L	SF-S	2F	MF	MH
(17)	Small Exterior Communication Device	P	P	P	P	P	P	P	P	P
(18)	Large Exterior Communication Device	C	C	C	C	C	C	C	C	C
(19)	Geothermal Energy System (GES)	P	P	P	P	P	P	P	P	P
(20)	Small Wind Energy System	P	P	P	P	P	P	P	P	P
(21)	Small Solar Energy System	P	P	P	P	P	P	P	P	P
(22)	Outdoor Solid Fuel Furnace	P	P	C						
(23)	Private Lake (Pond)	P	P	P	C	C	C	C	C	C
(24)	Vehicle Course or Track	P	P	C	C					
(25)	Donation Drop-Off Box or Vending Machine				P				C	C
Temporary Land Uses (see Section 94.4.10 for descriptions and standards for each land use)										
(1)	Temporary Outdoor Sales				T					
(2)	Garage, Yard, Estate, and In-Home Sales	T	T	T		T	T	T	T	T
(3)	Outdoor Assembly or Special Event	T	T	T	T	T	T	T	T	T
(4)	Contractor's Project Office	T	T	T	T	T	T	T	T	T
(5)	Contractor's On-Site Equipment Storage Facility	T	T	T	T	T	T	T	T	T
(6)	Relocatable Building	T	T	T	T	T	T	T	T	T
(7)	On-Site Real Estate Sales Office		T	T	T	T	T	T	T	T
(8)	Seasonal Outdoor Sales of Farm Products	T	T		T					
(9)	Temporary Portable Storage Container	T	T	T	T	T	T	T	T	T
(10)	Temporary Shelter	T	T	T	T	T	T	T	T	T
(11)	Temporary Agricultural Structure	T	T							
(12)	Temporary Unscreened Storage									
(13)	Temporary Sales by Mobile Food Vendors				T					
(14)	Temporary Asphalt, Batch or Concrete, Stone Crushing and/or Processing Operations	T/C	T/C	T/C	T/C	T/C	T/C	T/C	T/C	T/C

Section 94.3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts

through Section 94.3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts

P = Permitted Use		C = Conditional Use				T = Temporary Use				
P/C = Use allowance varies-see Sec. 94.4.0#		Empty Cell = Prohibited Use								
Land Use Category		Zoning District (see key at end of figure)								
(#)	Land Use Type	FP	AR	RR-2; RR-5	PR	SF-L	SF-S	2F	MF	MH
Key to Zoning Districts: FP = Farmland Preservation AR = Agriculture and Residential RR-2 = Rural Residential (2-acre minimum) RR-5 = Rural Residential (5-acre minimum) PR = Parks and Recreation SF-L = Single Family Residential-Large Lot SF-S = Single Family Residential-Small Lot 2F = Two Family Residential MF = Multiple Family Residential MH = Manufactured Home										

[Amended via Ord. 16-021, 4/20/2016; Ord. 16-025, 5/18/2016; Ord. 16-032, 8/18/2016; Ord. 16-044, 10/20/2016; Ord. 17-014, 7/26/2017; Ord. 17-034, 11/24/2017]

Section 94.3.05: Allowable Uses in Non-Residential and
Mixed Use Zoning Districts

Section 94.3.05: Allowable Uses in Non-Residential and
Mixed Use Zoning Districts

Section 94.3.05: Allowable Uses in Non-Residential and Mixed Use Zoning Districts

Figure 3.05: Allowable Uses in Non-Residential and Mixed Use Zoning Districts

P = Permitted Use		C = Conditional Use				T = Temporary Use			
P/C = Use allowance varies-see Sec. 94.4.0#		Empty Cell = Prohibited Use							
Land Use Category		Zoning District (see key at end of figure)							
(#)	Land Use Type	INT	B-1	B-2	B-3	BP	LI	GI	RM
Residential Land Uses (see Section 94.4.02 for descriptions and standards for each land use)									
(1)	Single-Family Detached Residence								P
(2)	Two-Family Residence		C						
(3)	Multi-Family Residence (3-8 unit building)		C			C	€	€	
(4)	Multi-Family Residence (9+ unit building)		€			€	€	€	
(5) (4)	Manufactured Home Community								
(6) (5)	Mixed Use Dwelling Unit		P	P	C				
Agricultural Land Uses (see Section 94.4.03 for descriptions and standards for each land use)									
(1)	Agricultural Use								P/C
(2)	Agricultural-Related Use			C	P	C	P	P	P/C
(3)	Community Garden	P	P	P	P	C	C	C	P
(4)	On-site Agricultural Retail								P
Institutional and Recreational Land Uses (see Section 94.4.04 for descriptions/standards for each use)									
(1)	Passive Outdoor Public Recreation	P	P	P	P	P	P	P	P
(2)	Active Outdoor Public Recreation	P	C	P	P	P	P	P	P
(3)	Indoor Institutional—General	P	P	P	P		C	C	C
(4)	Indoor Institutional—Intensive	P	C	C	P				
(5)	Outdoor Institutional	P	C	C	C	C	C	C	C
(6)	Public Service or Utility	P	P	P	P	P	P	P	P
(7)	Institutional Residential	P	C	C	C	C	C	C	
(8)	Community Living Arrangement (1-8)		C						P
(9)	Community Living Arrangement (9-15)	C	C	C		C			C

Section 94.3.05: Allowable Uses in Non-Residential and
Mixed Use Zoning Districts

Section 94.3.05: Allowable Uses in Non-Residential and
Mixed Use Zoning Districts

P = Permitted Use		C = Conditional Use				T = Temporary Use			
P/C = Use allowance varies-see Sec. 94.4.0#		Empty Cell = Prohibited Use							
Land Use Category		Zoning District (see key at end of figure)							
(#)	Land Use Type	INT	B-1	B-2	B-3	BP	LI	GI	RM
(10)	Community Living Arrangement (16+)	P	C	C		C			
Commercial Land Uses (see Section 94.4.05 for descriptions and standards for each land use)									
(1)	Office	C	P	P	P	P	P	P	C
(2)	Personal or Professional Service		P	P	P	P	P	P	
(3)	Artisan Studio		P	P	P	C	C		C
(4)	Group Day Care Center	P	P	P	P	C	C		C
(5)	Indoor Sales or Service		P	P	P	C	C		
(6)	Outdoor Display		C	P	P		C	C	
(7)	Indoor Repair and Maintenance			P	P		P	P	C
(8)	Outdoor and Vehicle Repair and Maintenance			C	P		P	P	C
(9)	Drive-In or Drive-Through Sales or Service		C	P	P	C	C	C	
(10)	Indoor Commercial Entertainment		C	P	P	P	C	C	
(11)	Outdoor Commercial Entertainment		C	C	C				C
(12)	Commercial Animal Establishment		C	P	P		C		C
(13)	Bed and Breakfast		C	C					C
(14)	Boarding House			C					C
(15)	Campground	C							C
(16)	Commercial Indoor Lodging		C	P	P	P			
(17)	Tourist Rooming House		C						C
(18)	Adult Entertainment or Adult-Oriented Establishment							C	
(19)	Large Retail and Commercial Service Development			C	C				
(20)	Micro-beverage Production Facility		C	P	P	C	P	P	C

Section 94.3.05: Allowable Uses in Non-Residential and
Mixed Use Zoning Districts

Section 94.3.05: Allowable Uses in Non-Residential and
Mixed Use Zoning Districts

P = Permitted Use		C = Conditional Use				T = Temporary Use			
P/C = Use allowance varies-see Sec. 94.4.0#		Empty Cell = Prohibited Use							
Land Use Category		Zoning District (see key at end of figure)							
(#)	Land Use Type	INT	B-1	B-2	B-3	BP	LI	GI	RM
Storage or Disposal Land Uses (see Section 94.4.06 for descriptions and standards for each land use)									
(1)	Indoor Storage or Wholesaling				P	C	P	P	C
(2)	Outdoor Storage or Wholesaling	C			C		P/C	P	C
(3)	Personal Storage Facility				C		C	C	
(4)	Junkyard or Salvage Yard							C	
(5)	Solid Waste Disposal, Composting, and/or Recycling Facility	C					C	C	
(6)	Auction Yard				C		C	C	C
Transportation Land Uses (see Section 94.4.07 for descriptions and standards for each land use)									
(1)	Off-Site Parking	C	C	C	C	C	C	C	C
(2)	Airport or Heliport	C					C	C	C
(3)	Freight Terminal and Mass Transportation Depot						C	P	
(4)	Distribution Center						P/C	P	
(5)	Livestock or Farm Commodity Trucking						C	P	C
Industrial Land Uses (see Section 94.4.08 for descriptions and standards for each land use)									
(1)	Light Industrial				C	C	P	P	C
(2)	Heavy Industrial						C	P	
(3)	Communications Tower	C	C	C	P	C	P	P	P
(4)	Non-Metallic Mineral Extraction							C	C
Accessory and Miscellaneous Land Uses (see Section 94.4.09 for descriptions/standards for each use)									
(1)	Detached Accessory Structure (For Non-Residential Use)	P	P	P	P	P	P	P	P
(2)	Detached Accessory Structure (For Residential Use)		P						P
(3)	Family Day Care Home (4-8 children)		P	P					P
(4)	Intermediate Day Care Home (9-15 children)								C

Section 94.3.05: Allowable Uses in Non-Residential and
Mixed Use Zoning Districts

through

Section 94.3.05: Allowable Uses in Non-Residential and
Mixed Use Zoning Districts

P = Permitted Use		C = Conditional Use				T = Temporary Use			
<u>P/C = Use allowance varies-see Sec. 94.4.0#</u>		<u>Empty Cell = Prohibited Use</u>							
Land Use Category		Zoning District (see key at end of figure)							
(#)	Land Use Type	INT	B-1	B-2	B-3	BP	LI	GI	RM
(5)	Home Occupation		C						P
(6)	Residential Business		C						C
(7)	In-Home Suite								P
(8)	Accessory Dwelling Unit		C	C	C				C
(9)	Animal Fancier		C	C					P
(10)	Keeping of Farm Animals on Residential Lots and School Sites	C							P
(11)	Company Cafeteria	P	P	P	P	P	P	P	
(12)	Company Provided On-site Amenities Recreation or Child Care	P	P	P	P	P	P	P	
(13)	Indoor Sales Incidental to Storage or Light Industrial Land Use				P	P	P	P	C
(14)	Light Industrial Activities Incidental to Indoor Sales or Services				P	C	C		
(15)	Outdoor Display Incidental to Indoor Sales or Services			P	P	C	C		
(16)	Outdoor Alcohol Area	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>			<u>P/C</u>
(17)	Small Exterior Communication Device	P	P	P	P	P	P	P	P
(18)	Large Exterior Communication Device	C	C	P	P	P	P	P	C
(19)	Geothermal Energy System (GES)	P	P	P	P	P	P	P	P
(20)	Small Wind Energy System	P	P	P	P	P	P	P	P
(21)	Small Solar Energy System	P	P	P	P	P	P	P	P
(22)	Outdoor Solid Fuel Furnace				C		P	P	P
(23)	Private Lake (Pond)	P	P	P	P	P	P	P	P
(24)	Vehicle Course or Track	C	C	C	C				P
(25)	Donation Drop-Off Box or Vending Machine	P	P	P	P	C	P	P	

Section 94.3.05: Allowable Uses in Non-Residential and
Mixed Use Zoning Districts

Section 94.3.05: Allowable Uses in Non-Residential and
Mixed Use Zoning Districts

P = Permitted Use		C = Conditional Use				T = Temporary Use			
P/C = Use allowance varies-see Sec. 94.4.0#		Empty Cell = Prohibited Use							
Land Use Category		Zoning District (see key at end of figure)							
(#)	Land Use Type	INT	B-1	B-2	B-3	BP	LI	GI	RM
Temporary Land Uses (see Section 94.4.10 for descriptions and standards for each land use)									
(1)	Temporary Outdoor Sales	T	T	T	T	T	T	T	T
(2)	Garage, Yard, Estate, and In-Home Sales								T
(3)	Outdoor Assembly or Special Event	T	T	T	T	T	T	T	T
(4)	Contractor's Project Office	T	T	T	T	T	T	T	T
(5)	Contractor's On-Site Equipment Storage Facility	T	T	T	T	T	T	T	T
(6)	Relocatable Building	T	T	T	T	T	T	T	T
(7)	On-Site Real Estate Sales Office		T	T	T	T	T	T	
(8)	Seasonal Outdoor Sales of Farm Products	T		T	T				T
(9)	Temporary Portable Storage Container	T	T	T	T	T	T	T	T
(10)	Temporary Shelter	T	T	T	T	T	T	T	T
(11)	Temporary Agricultural Structure								T
(12)	Temporary Unscreened Outdoor Storage Accessory to Industrial Use				T		T	T	
(13)	Temporary Sales by Mobile Food Vendors	T	T	T	T	T	T	T	T
(14)	Temporary Asphalt, Batch or Concrete, Stone Crushing and/or Processing Operations	T/C	T/C	T/C	T/C	T/C	T/C	T/C	T/C
Key to Zoning Districts:					B-3 = General Business				
INT = Institutional					BP = Business Park				
B-1 = Neighborhood Business					LI = Limited Industrial				
B-2 = Highway Business					GI = General Industrial				
					RM = Rural Mix				

Article 4: LAND USE DESCRIPTIONS AND STANDARDS

Section 94.4.02: Residential Land Use Types

(3) Multi-Family Residence.

A single structure with three or more individual attached dwelling units, including “rental apartments,” condominium buildings with 3+ units each, townhouses, and row houses. Each dwelling unit may take access from a shared entrance or hallway or from a private, individual exterior doorway. “Institutional Residential Uses,” as defined in this Chapter, are regulated separately.

General Performance Standards: The performance standards in Figure 4.02(2) apply to each new development containing a Multi-family Residence established after January 1, 2019 and to any approved expansion or conversion to such a development after such date to the extent determined practical by the site plan approval authority. The site plan approval application shall, in addition to providing all materials required under Section 94.16.09(4), shall be accompanied by all materials necessary to assure compliance with the performance standards.

- ~~1. Shall meet the design standards for multi family residences established in Section 94.10.03.~~
- ~~2. The minimum gross floor area of each dwelling unit shall be 500 square feet per unit for studio and one bedroom dwelling units and 700 square feet per unit for two or more bedroom units; exclusive of attached garages, carports, and open decks/porches.~~
- ~~3. For Multi-Family Residences proposed to be built as or converted to zero-lot line structures, the applicable standards under the “Two Family Residences” section apply.~~
- ~~4. Within the 2F zoning district, each Multi-Family Residence must be of a townhouse or row house design, meaning that each unit must have a private, individual exterior access; share at least one common wall with an adjacent dwelling unit; and may not be stacked on top of or share interior space with any other unit.~~
- ~~5. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided and continuously maintained along all property borders abutting single family residentially zoned property.~~
- ~~6. No building containing or serving a Multi-Family Residence shall provide shared laundry service.~~
- ~~7. No carport may be attached to a Multi-Family Residence after July 26, 2017.~~
- ~~8. Minimum Required Off-Street Parking: one space per efficiency or one bedroom dwelling unit; two spaces per two bedroom dwelling unit; and one space for each additional bedroom above two bedrooms, plus visitor parking at a rate of one space for every four dwelling units. At least one of the required parking spaces per dwelling unit shall be enclosed in a garage or under the building. Any detached garage shall require Plan Commission approval and meet the requirements of Section 94.4.09(2). All motor vehicles shall be parked on a hard surface, or on a graveled surface if such surface was permitted before January 1, 2014 and completed within one year of issuance.~~

Figure 4.02(2): Performance Standards for Multi-Family Residences and Associated Developments

R = Required	Blank Cell = Allowed	NA = Not Allowed		
		Number of Dwelling Units in Development (regardless of number of units per building or number of buildings in development)		
		3-8 units	9-32 units	31+ units
Performance Standard (to right, R = Required)				
1. Dwellings meet design standards for Multi-Family Residences in Section 94.10.03.		R	R	R
2. Detached Accessory Structures meet standards in Section 94.4.09(2).		R	R	R
3. Public sewer and water service.		R	R	R
4. Zero-lot line structures meet applicable standards in Section 94.4.02(2).		R	R	R
5. Minimum of 1 unit for every 33 units designed for handicapped accessibility.				R
6. Minimum of 500 square feet of Gross Floor Area per efficiency and 1-bedroom unit and 700 square feet per 2+ bedroom unit, not including garages or open decks, porches, patios, etc.		R	R	R
7. Within the 2F zoning district, each Multi-Family Residence of within a townhouse or row house building has an attached garage. (Townhouse/row house defined in Section 94.17.04.)		R	R	R
8. Off-street motor vehicle parking: <ul style="list-style-type: none"> • Minimum 1 parking space per efficiency/1-bedroom unit; 1 parking space per bedroom for each 2+ bedroom unit, and one visitor parking space for every 4 units. • On a hard surface as defined in Section 94.17.04. • No attached carport. • Minimum of 1 enclosed (e.g., underbuilding, garage) parking space per dwelling unit. 		R	R	R
9. Designated off-street bicycle parking space in bike rack or similar, near building entrance.			R	R
10. Serviced by manager with an office or residence <30 miles away.		R	R	R
11. Manager or maintenance person residing on-site.				R
12. Bufferyard per Section 94.11.02(3)(d) along all property lines abutting single family residentially zoned property.		R	R	R
13. Storage and removal of waste and recyclable materials per Sections 66.112, 66.114, 66.115, and 94.12.06(2) as applicable.		R	R	R

R = Required	Blank Cell = Allowed	NA = Not Allowed		
Performance Standard (to right, R = Required)		Number of Dwelling Units in Development (regardless of number of units per building or number of buildings in development)		
		3-8 units	9-32 units	31+ units
14.	All building entrances secured, either by key or keyless entry provided to residents.	R	R	R
15.	Security cameras in parking lots (including underbuilding) and at common entryways.		R	R
16.	Secured indoor storage areas to at least 50% of dwelling units.		R	R
17.	Clothes washing machines and dryers in at least 50% of dwelling units.		R	R
18.	Heating and air conditioning within all units and indoor common areas, except for enclosed parking areas, allowing for occupant control and not allowing window units.	R	R	R
19.	Soundproofing in all shared walls and floors between separate units to reduce sound transmission between units, with a minimum standard Sound Transmission Class (STC) meeting the requirements of Section 1207 of the International Building Code.		R	R
20.	Dedicated, on-site location for centralized mail delivery (e.g., cluster mailbox), coordinating type and location with Village and U.S. Postal Service.		R	R
21.	Deliberately designed and improved recreational facility for use of tenants and their guests only, such as a community room, exercise room, clubhouse, pool, playground, play courts, gazebo, fire pit, with the selected facility geared to the expected demographics and interests of tenants.			R
22.	Usable outdoor open space in the quantity provided in Figure 4.02(3). Usable outdoor open space is outdoor area available, designed, and sufficiently square or round for the intended recreational activities and located outside of the floodplain, wetlands, surface waters, stormwater basins and conveyance routes, slopes of 12% or greater, and other areas with severe limitations for recreational use in the determination of the site plan approval authority.	R	R	R

Figure 4.02(3): Usable Outdoor Open Space Worksheet for Developments Containing Multi-Family Dwellings

	A Directions	B # dwelling units		C Sq. ft./unit		D Total sq. ft.	
1	Calculate usable outdoor open space required		x	300 required	=		
2	Calculate outdoor private open space provided for individual dwelling units, such as patios, porches, balcony, and decks, counting only those areas of 48 sq. ft. or greater not including steps		x		=		
3	Subtract Column D of Line 2 from Line 1	Remaining usable outdoor open space required					
4	Calculate square footage of deliberately designed and improved outdoor common facilities for tenants and their guests, such as pool; playground, play courts, gazebo, fire pit; common garden with water, shed, fencing, and equipment.	Amenity (list and describe)		Sq. ft.			
5	Add square footages from Line 5, Column C	Total outdoor amenity square footage provided					
6	Multiply Line 5, Column C by 2	Total outdoor amenity square footage counting towards requirement		x 2	=		
7	Subtract Line 6 from Line 4, Column D	Remaining usable outdoor open space required for development				=	

(5) **Mixed Use Dwelling Unit.**

A Mixed-Use Dwelling Unit is a residential dwelling unit located within the same building as another land use type, generally above the ground floor of a building used for an office, business, or institutional land use.

Performance Standards:

- Such uses shall, to the extent determined practical by the Village approval authority, meet the ~~design-performance~~ standards for “Multi-Family Residences” established in ~~Section 94.10.03~~ Figure 4.02(2).
- Minimum Required Parking: Per Figure 4.02(2). Each non-residential use in the same building as a Mixed Use Dwelling Unit shall meet associated parking requirements in Section 94.4.05. 1 space per efficiency or one-bedroom dwelling unit; 2 spaces per two-bedroom dwelling unit; and 2.5 spaces per three or more bedroom dwelling unit. Minimum parking standards may be reduced if residential uses are institutional in nature. All motor vehicles shall be parked on a hard surface, or on a graveled surface if such surface was permitted before January 1, 2014 and completed within one year of issuance.

Section 94.4.05: Commercial Land Use Types

(14) **Boarding House.**

Includes any residential use renting rooms or providing rooms as part of an employment package on a farm, where each room does ~~that do~~ not contain a private bathroom facility ~~ies~~, and where meals are generally furnished. Also commonly referred to as a “rooming house.” ~~Does not include with the exception of an approved-any~~ “Bed and Breakfast” establishment, which is separately classified and regulated.

Performance Standards:

- Uses that meet the definition of a Bboarding House above, and the performance standards below, shall only be allowed where listed in Figures 3.04 and 3.05.
- A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
- Each boarding house may have no more than eight boarders and bedrooms for boarders.
- The Boarding House must meet all design standards applicable to multi-family residences in Section 94.10.03.
- ~~4.5. Except within the AR district, T~~he operator of the boarding house must live within the same building as the boarders.
- If within the AR district, all Boarding House residents must be workers on the farm where the Boarding House is located. Wis. Stat. §103.92, regarding migrant labor camps, may also apply.
- ~~5.7.~~ Minimum Required Off-Street Parking: one space per room for rent, plus one space per each employee on the largest work shift.

(17) **Tourist Rooming House.**

A permanent, ~~detached single-family structure dwelling unit~~ where sleeping accommodations are offered for pay to tourists or transients for periods of time of ~~730~~ days or ~~less~~ fewer. Commercial lodgings consisting of structures with ~~more than one dwelling unit or~~ rentable rooms or suites shall instead be regulated as a “Commercial Indoor Lodging” use (or if a room in a residence operated by

the primary resident, a “Bed and Breakfast”). Also, does not include any “Boarding House,” which is described and regulated separately. Any restaurants, arcades, fitness centers, and other on-site facilities available to non-lodgers are-is not considered an accessory uses and therefore requires review as a separate principal land use.

Performance Standards:

- ~~1.~~—The use must meet all performance standards associated with the type of dwelling in which it is located. a “Single Family Detached Residence.”
- ~~2.1.~~ Occupancy shall be limited to two persons per bedroom, plus an additional two persons. At no time may the number of guests exceed eight regardless of the number of bedrooms in the unit. Two exits are required for each bedroom.
- ~~3.2.~~ The appearance of use of the Tourist Rooming House shall not be altered in a manner that would cause the premises to differ from ~~its residential character~~ a typical dwelling unit either by the use of colors, materials, construction, lighting, signs, or noise exceeding Section 94.12.13.
- ~~4.3.~~ No recreational vehicle may be used for living or sleeping purposes as part of a Tourist Rooming House.
- ~~5.~~ The availability of the Tourist Rooming House to the public shall not be advertised on site.
- ~~6.4.~~ The use must be licensed by the State of Wisconsin.
- ~~7.5.~~ Required Off-Street Parking: A minimum/maximum of one space per bedroom.

Section 94.4.06: Storage or Disposal Land Use Types

(2) Outdoor Storage or Wholesaling.

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

Performance Standards:

1. Within the LI Light Industrial zoning district, outdoor storage yards be located or expanded within 300 feet of residentially zoned property shall first require a conditional use permit, and all other outdoor storage yards in the LI district shall be a permitted use. In either case, all of the following standards shall be met.
- ~~1.2.~~ All outdoor storage areas shall be located no closer to a residentially zoned property than the required minimum setback for buildings on the subject property.
- ~~2.3.~~ A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
- ~~3.4.~~ All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls or fencing shall be designed to completely screen all stored materials from view from non-industrially zoned areas and public rights-of-way, up to the maximum fence heights allowed under Section 94.9.03.
- ~~4.5.~~ The storage of items shall not be permitted in the minimum required front yard.
- ~~5.6.~~ Minimum Required Off-Street Parking: one space for every 10,000 square feet of Gross Storage Area, plus one space per each employee on the largest work shift.

(3) Personal Storage Facility.

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

Performance Standards:

1. In addition to the building design standards in Section 94.10.03, buildings and facility shall be designed to minimize adverse visual impacts on nearby developments. The color, exterior materials, and orientation of proposed buildings and other structures shall complement surrounding development and be consistent with any building design standards within the Comprehensive Plan.
2. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property and public rights-of-way.
3. The Plan Commission or Extraterritorial Zoning Committee may restrict or limit unit doors facing a public street right-of-way or property not in an industrial zoning district, or may otherwise require that any such doors be screened from view with berms, landscaping, and/or opaque fencing.
4. Facility shall be limited to indoor storage of household items and similar durable goods. No live animals, perishable items, odor producing materials (see Section 94.12.15), flammable or explosive materials (see Section 94.12.17), toxic or noxious materials (see Section 94.12.18), or hazardous materials (see Section 94.12.20) shall be stored on site.
5. No storage unit may have any other function aside from storage, including but not limited to any retail, wholesale, workshop, hobby shop, manufacturing, residential, lodging, or service use.
6. No outdoor storage of materials shall be permitted on site, with the exception of an outdoor trash or recycling receptacle, if proposed and approved as part of the site plan and screened in accordance with Section 94.12.06.
7. To prevent unauthorized access, each storage unit shall be outfitted with quality commercial locks and the Plan Commission or Extraterritorial Zoning Committee may require gated access to the facility and/or security fencing.
8. The Plan Commission or Extraterritorial Zoning Committee may require that the project be equipped with a digital security camera(s) that records site activity, with footage made available to the Everest Metro Police Department upon suspicion of criminal activity.
9. All storage units shall gain access from the interior of the building or site, as opposed to direct access from units to public streets.
- ~~4.10.~~ The Plan Commission or Extraterritorial Zoning Committee may deny or limit a conditional use permit, where required, if it determines that the location, size, quantity, job or tax base creation, or other applicable characteristics of the proposed facility are incompatible with the economic development goals and objectives of the Village, including those within the Comprehensive Plan and any approved tax incremental district project plan.
- ~~2.11.~~ Minimum Required Off-Street Parking: one space for each employee on the largest work shift.

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

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

Performance Standards:

1. In addition to the information normally required for conditional use permit applications, the application shall include the following information:
 - a. A written description of the proposed operation, including the types and quantities of the materials that would be kept, stored, or processed; the proposed date to begin operations; existing natural features on and adjacent to the site; where materials would be hauled from and to and over what roads; types, quantities, and frequency of use of equipment to move, process, and haul materials within and to and from the site; whether, which, and how frequently ~~crushing, screening, washing, refueling, fuel storage, asphalt batching, or concrete mixing~~ sorting, burning, processing, and other activities would be performed on site; description and elevations of all temporary and permanent structures; proposed hours and days of operation; any special measures that will be used for spill prevention and control, dust control, and environmental protection; methods to keep all public roads free of all mud, debris, and dust; assurances that the site will be developed and operated in accordance with all approved plans and all village, county, state, and federal regulations; and a listing of all applicable regulations, licenses, and permits required.
 - b. A site or operations plan map, drawn to scale by a qualified professional, and including site boundaries; existing contour lines; existing roads, driveways, entrances, and utilities; existing natural features including lakes, streams, floodplains, wetlands, and shoreland areas; all dwellings and private and municipal wells within 1,000 feet; location of the proposed staging areas, fueling, fuel storage, and material and equipment storage areas; proposed location and surfacing of roads, driveways, and site access points; proposed phasing plan, if any; proposed and fencing of property and gating of access points; proposed locations of stockpiles; proposed location and types of bufferyards, screening berms, and landscaping; and proposed temporary and permanent structures, including scales and offices.
 - c. An erosion control plan, drawn to scale by a professional engineer, meeting all applicable Village, state, and county requirements.
 - d. A reclamation plan clearly depicting proposed stages of restoration, proposed contours following restoration, and proposed land use.
2. ~~The use shall comply with all county, State and Federal regulations at all times.~~ The applicant shall obtain all required Federal, State, County permits and licenses, as well as any other Village permits and/or licenses, necessary to operate the Non-Metallic Mineral Extraction operation. The applicant shall maintain requirements set forth by these permits and licenses, and abide any standards set therein, as well as any other ordinances and statutes applicable to the operation. The applicant shall provide copies of all required permits and licenses, and inspections and reports thereunder, to the Village Zoning Administrator immediately upon applicant receipt or in another timeframe specified by the conditional use permit.
- ~~2.3.~~ All buildings, structures, storage, and activity areas shall be located a minimum of 50 feet from all lot lines.
- ~~3.4.~~ A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders.
- ~~4.5.~~ Operations shall not involve the on-site holding, storage, processing or disposal of hazardous materials, food scraps, or other vermin-attracting materials.

- ~~5-6.~~ Outdoor material stockpiles shall be limited to no more than 30 feet in height, except as may be specifically prescribed by the Plan Commission or Extraterritorial Zoning Committee by conditional use permit.
- ~~6-7.~~ All performance standards in Article 12 shall be met.
- ~~7-8.~~ The use shall be established and maintained so as to not create a fire hazard as determined by the Fire Inspector.
- ~~8-9.~~ Trucking activity shall be limited to a maximum number of trips per day as ~~agreed upon~~ indicated in the Plan Commission/Extraterritorial Zoning Committee -approved ~~written~~ operational plan ~~submitted by the applicant. In cases of exceptional circumstances, a~~ written request to exceed the maximum number of trips for a specific limited period of time not to exceed 30 days may be approved in advance by the Zoning Administrator, where he or she determines that exceptional circumstances are present. Exceptions exceeding 30 days must first be approved by the Plan Commission or Extraterritorial Zoning Committee.
- ~~10.~~ To prevent tracking of mud onto public roads, access driveways for all new and expanded uses shall be hard surfaced within one 100 feet of public roads, unless the adjacent road is not hard surfaced.
- ~~11.~~ All public roads to all such uses shall be kept free of all mud, debris, and dust by sweeping or other means.
- ~~9-12.~~ Access to the site shall only be through points designated as entrances on the site or operations plan. Such access points shall be secured when the site is not in operation.
- ~~13.~~ The conditional use permit may include limits on the amount of time the use shall remain in operation and/or hours and days of operation.
- ~~10.~~ ~~Hours or days of operation may be limited by the Village.~~
- ~~14.~~ The conditional use permit may include provisions for the upgrade, repair, and maintenance of public roads serving the use, which shall depend on the intensity of the operation and the existing condition and capacity of such roads. A bond or other performance guarantee for such work may be required as part of the conditional use permit provided that a clear relationship is established between the operation and the need for road upgrades, repair, and maintenance.
- ~~15.~~ If any public road is damaged or destroyed as a result of any such use, the owner shall restore or pay for the restoration of the same to an acceptable condition and value. The owner shall have the right to show and bear the burden of proof in showing that the indicated damage was not the result of its operation.
- ~~11-16.~~ Approval shall be subject to amendment or revocation if non-compliance with approved plans, this subsection, or approval conditions is identified.
- ~~17.~~ Approval shall be subject to periodic review of the operation to ensure compliance with the conditional use permit, and to specific including but not limited to approved limitations over the portion of the lot or parcel where extraction activities may occur.
- ~~18.~~ Any conditional use permit issued for such use shall not be transferable to a new owner of the property, except via a new or amended conditional use permit. In other words, the conditional use permit shall not run with the land.
- ~~12-~~
- ~~13-19.~~ Minimum Required Off-Street Parking: one space for each employee on the largest work shift, plus parking spaces for expected patrons of the facility as indicated in the approved conditional use permit.

Section 94.4.08: Industrial Land Use Types

(4) Non-Metallic Mineral Extraction.

Any land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities. Wisconsin Statutes may limit Village regulation of non-metallic mineral extraction operations associated with projects completed by the Wisconsin Department of Transportation.

Performance Standards:

1. In addition to the information normally required for conditional use permit applications, each application for approval of a new or expanded Non-Metallic Mineral Extraction Operation shall include the following information:
 - d. A reclamation plan prepared in accordance with the Wisconsin Administrative Code and the Marathon County non-metallic mining reclamation ordinance, and clearly depicting proposed stages of restoration, proposed contours following restoration, depth of topsoil and vegetative cover, and proposed land use.
2. Each Non-Metallic Mineral Extraction Operation, regardless of when established, shall have on file with the Zoning Administrator current operational, erosion control, and reclamation plans covering the subject matter in subsection 1. above, ~~in no case later than 180 days from March 18, 2015.~~ Operations established before March 18, 2015 shall operate and restore the site in compliance with previously approved plans and conditions; with the provisions of this chapter; and to assure public safety, minimization of nuisances, and proper restoration of the site, provided that such requirements shall not be economically and technically unreasonable with respect to existing conditions.
- ~~2.3.~~ The applicant shall obtain all required Federal, State, County permits and licenses, as well as any other Village permits and/or licenses, necessary to operate the Non-Metallic Mineral Extraction operation. The applicant shall maintain requirements set forth by these permits and licenses, and abide any standards set therein, as well as any other ordinances and statutes applicable to the operation. The applicant shall provide copies of all required permits and licenses, and inspections and reports thereunder, to the Village Zoning Administrator immediately upon applicant receipt or in another timeframe specified by the conditional use permit.
- ~~3.4.~~ For new and expanded operations, a bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
- ~~4.5.~~ The conditional use permit may include limits on the amount of time the non-metallic mineral extraction use shall remain in operation and/or hours and days of operation.
- ~~5.6.~~ The conditional use permit may include restrictions and/or hours for blasting, drilling, screening, asphalt batching, washing, and other processing.
- ~~6.7.~~ All mineral extraction activities and washing, crushing and similar processing shall be at least 200 feet from any right-of-way or property line. All ancillary operations, such as offices, parking areas, and stockpiles, shall be at least 100 feet from any right-of-way or property line. This provision shall apply to all Non-Metallic Mineral Extraction operations, including pre-existing ones, except to the extent that buildings, structures, and surface activity areas were closer than specified as of March 18, 2015.
- ~~7.8.~~ To prevent tracking of mud onto public roads, access driveways for all new and expanded Non-Metallic Mineral Extraction ~~O~~ operations shall be hard surfaced within one 100 feet of public roads, unless the adjacent road is not hard surfaced.

- ~~8.9.~~ All public roads to all Non-Metallic Mineral Extraction operations, including operations established prior to March 18, 2015, shall be kept free of all mud, debris, and dust by sweeping or other means.
- ~~9.10.~~ Access to all Non-Metallic Mineral Extraction sites shall only be through points designated as entrances on the site or operations plan map or as otherwise legally established. The operator shall secure such access points when the site is not in operation.
- ~~40.11.~~ For all Non-Metallic Mineral Extraction operations, the site and driveway shall be sprayed to control dust, except when the temperature is below freezing. Spraying may also be required in and around the excavation pit to further reduce dust. All operations and sites, regardless of when established, shall also meet the air pollution standards in Section 94.12.14.
- ~~44.12.~~ The conditional use permit may include provisions for the upgrade, repair, and maintenance of public roads serving the use, which shall depend on the intensity of the operation and the existing condition and capacity of such roads. A bond or other performance guarantee for such work may be required as part of the conditional use permit provided that a clear relationship is established between the operation and the need for road upgrades, repair, and maintenance.
- ~~42.13.~~ If any public road is damaged or destroyed as a result of any Non-Metallic Mineral Extraction operation, including operations established prior to March 18, 2015, the owner shall restore or pay for the restoration of the same to an acceptable condition and value. The owner shall have the right to show and bear the burden of proof in showing that the indicated damage was not the result of its operation.
- ~~43.14.~~ On-site bulk fuel storage areas and areas for fueling of equipment shall be located in accordance with the Wisconsin Administrative Code and State Statutes. A conditional use permit granted for a new or expanded operation may also require that such areas, facilities, and equipment be located above the water table to minimize the potential for groundwater contamination.
- ~~44.15.~~ If blasting, drilling, or other processing is requested and approved as part of the conditional use permit, additional standards or conditions may be applied to the conditional use permit with relation to frequency, dust, noise and vibration levels, notice to neighbors, pre-inspection of neighboring basements and wells, and claims procedures in accordance with the Wisconsin Administrative Code.
16. All approved blasting shall be conducted in accordance with the provisions of Wis. Admin. Code Chapter SPS 307. The owner shall notify the Village Zoning Administrator, and any others as specified by law or under the conditional use permit, of blasting days and times at least three (3) days in advance of such blasting. The owner may be required to verify, such as through hiring a professional engineering firm, that vibrations and other impacts associated with actual blasting activities are within the limits prescribed by Wis. Admin. Code and the conditional use permit.
- ~~45.17.~~ For all Non-Metallic Mineral Extraction operations, including operations established prior to March 18, 2015, noise levels shall be kept at or below allowable limits under Section 94.12.13. The owner may be required to verify, through use of appropriate equipment and an analysis technique approved by the Zoning Administrator, that such limits are met. If the Zoning Administrator determines that noise requirements under Section 94.12.13 are not met, he or she may enforce such requirements per Section 94.16.19 and/or refer the matter to the Plan Commission or Extraterritorial Zoning Committee. The Commission or Committee may require additional conditions or mechanisms to control noise in a manner that meets ordinance requirements, or may enact proceedings under subsection 20 below.
- ~~46.18.~~ For Non-Metallic Mineral Extraction operations established or expanded after March 18, 2015, the area of extraction shall be completely enclosed by a security fence meeting applicable requirements of Section 94.12.03, or maintained at a slope not to exceed 3:1.

19. The owner of each Non-Metallic Mineral Extraction operation, regardless of when established, shall maintain insurance against liability for personal injury, death, or property damage caused by the maintenance and/or operation of the Non-Metallic Mineral Extraction operation and accessory structures. Such insurance policy shall have with a single combined limit of not less than \$1,000,000.00 per occurrence and contain a provision that it may not be canceled or materially modified without the approval of the Village. The owner shall provide the Zoning Administrator with a certificate of such insurance before issuance of a building permit, upon each policy renewal thereafter, and otherwise upon written request.
20. Upon written inquiry from the Village, each Non-Metallic Mineral Extraction ~~Operation~~operation, regardless of when established, shall have the burden of presenting credible evidence establishing the continued compliance with applicable provisions of this subsection (4), and approved plans and conditions placed upon the conditional use permit or any other prior or subsequent Village approval. Failure to establish compliance with applicable provision, the approved plans, and all conditions placed upon the conditional use permit or other Village approval shall be grounds for revocation of the permit. If the Village determines that it is necessary to consult with a third party to ascertain compliance, all costs and expenses associated with such consultation shall be borne by the owner of the Non-Metallic Mineral Extraction ~~Operation~~operation. Failure to pay such costs and expenses or provide information requested by the Village shall be grounds for revocation of the conditional use permit or other Village approval, and/or enforcement under the provisions of this chapter.
- ~~17.~~21. Any conditional use permit issued for a Non-Metallic Mineral Extraction operation shall not be transferable to a new owner of the property, except via a new or amended conditional use permit. In other words, the conditional use permit shall not run with the land.
- 18.22. Within the FP district, such use shall also be subject to the following additional limitations:
- a. The operation complies with subch. I of Wis. Stat. § 295 and rules promulgated under that subchapter, with applicable provisions of the local ordinance under §§ 295.13 or 295.14, and with any applicable requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining sites.
 - b. The operation and its location in the FP district are consistent with the purposes of that district.
 - c. The operation and its location in the FP district are reasonable and appropriate, considering alternative locations outside the FP district, or are specifically approved under state or federal law.
 - d. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
 - e. The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- 19.23. Minimum Required Off-Street Parking: one space per each employee on the largest work shift.

Section 94.4.09: Accessory & Miscellaneous Land Use Types

(2) Detached Accessory Structure (for Residential Use).

An accessory structure serving a residential principal land use and building (e.g., a house or apartment building), but not attached to the principal building. Includes detached residential garages and carports (where permitted) designed primarily to shelter parked passenger vehicles, utility sheds as defined in Section 94.17.04, private recreation structures such as gazebos, and detached elevated decks or walkways associated with residential uses. All structures that are utilized for Agricultural Land Use Types (as listed in Section 94.4.03), that exceed 2,000 square feet in floor area, are within a rural and open space or RM zoning district, or are on parcels over 10 acres in area shall instead be regulated as a principal structure, and not as a “Detached Accessory Structure.”

Performance Standards:

1. In all residential, RR-2 and non-residential and mixed-use zoning districts, and for all Multi-family Residences regardless of district, no portion of a Detached Accessory Structure (for Residential Use) shall occupy any land between the principal building on a residential lot and a street right-of-way, except where approved by the Plan Commission as part of an approved site plan.
2. See Figures 5.01(1) and 5.01(2) for other setback, floor area, building height, and coverage standards associated with Detached Accessory Structures in residential zoning districts. Maximum floor area and total building coverage shall not exceed the maximums set forth in Figure 5.01(1), except as allowed by a conditional use permit, subject to the procedures in Section 94.16.06 and all of the following standards for the Detached Accessory Structure ~~are met:~~
 - a. Not taller or have more floors above ground level than the principal building.
 - b. Has a similar roof slope and overhang width as the principal building. If the principal building has multiple roof slopes and/or overhang widths, the roof slopes and widths of the accessory structure shall reflect those principal building roof characteristics that are most visible from the public street.
 - c. Shingles or other roof surface shall be of a similar material and color as the roof surface of the principal building.
 - d. Siding shall be of a similar material and color as the siding on the principal building, except that where the siding on the principal building is stone or brick, another compatible material may be selected.
 - e. May not be located further toward the front lot line than the principal building.
 - f. Shall meet all setback requirements normally applicable to principal buildings per Figure 5.01(2).
3. ~~Detached garages serving For Multi-Family Residences, one or more detached garage may be allowed by a conditional use permit, subject to the procedures in Section 94.16.06 and all of the following standards for the Detached Accessory Structure are met:~~
4. ~~No detached garage shall be located between any residential building and the public street right-of-way.~~
5. ~~Each detached garage shall be screened from such rights-of-way via decorative fences, walls, buildings, landscaping, or some combination.~~

shall be accompanied by A bufferyard meeting the requirements of Section 94.11.02(3)(d) ~~shall be provided between the garage and (i) the public right-of-way and (b) a property line abutting along all property borders abutting~~ any residentially zoned property, ~~between any detached garage and the property line.~~

- ~~a. The development shall include other amenities to compensate for the visual impact and loss of green space associated with the detached garage(s), such as a playground, clubhouse, or other recreational amenity geared to the needs of the expected residents and stormwater management and infiltration approaches exceeding normal requirements.~~

[Amended via Ord. 16-034, 8/18/2016; Ord. 16-046, 12/21/2016; Ord. 17-015, 6/21/2017; Ord 17-026 8/23/2017; Ord. 17-036, 11/24/2017]

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

~~An~~ Occupied residences in which a qualified person(s) provides child care for four to eight children. The care of ~~less-fewer~~ than four children is not subject to the regulations of this Chapter. ~~See also Wis. Stat. § 66.1017(1)(a).~~ These shall not be considered “Home Occupations” or “Residential Businesses” for purposes of this Chapter.

Performance Standards:

- ~~1. Facility must be licensed by the State and follow rules and procedures in Wis. Stats. § 48.65 and 66.1017(1)(a) and DCF 202, Wis. Admin. Code, including but not limited to physical plant, equipment, and open space requirements.~~
- ~~2. Each Intermediate Day Care Home must be conducted by one or more members of the immediate family residing on the premises, with no outside employees conducting care on site.~~
- ~~3. The use must meet all performance standards associated with the type of dwelling in which it is located.~~
- ~~4. There shall be no exterior alterations to the dwelling that change the character thereof as a dwelling.~~

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

~~An~~ Occupied residences in which a qualified person(s) provides child care for 9 to 15 children. ~~Facility must be licensed by the State and follow rules and procedures set in~~ ~~See also Wis. Stat. § 48.65.~~ These shall not be considered “Home Occupations” or “Residential Businesses” for purposes of this Chapter.

Performance Standards:

- ~~1. Facility must be licensed by the State and follow rules and procedures in Wis. Stat. § 48.65 and DCF 202 and 251, Wis. Admin. Code, as applicable, including but not limited to physical plant, equipment, and open space requirements.~~
- ~~2. Each Intermediate Day Care Home must be conducted by one or more members of the immediate family residing on the premises.~~
- ~~3. Subject to Plan Commission or Extraterritorial Zoning Committee approval, an Intermediate Day Care Home may employ up to one employee living off-site.~~
- ~~4. The Plan Commission or Extraterritorial Zoning Committee may impose additional limitations on the percentage of the property and/or buildings that may be devoted to the use.~~
- ~~5. The use must meet all performance standards associated with the type of dwelling in which it is located.~~
- ~~6. There shall be no exterior alterations to the dwelling that change the character thereof as a dwelling, except that signage shall be as permitted for Intermediate Day Care Homes in Article 13.~~
- ~~7. Each Intermediate Day Care Home shall provide for drop-off and pick-up of children in a manner that the Plan Commission or Extraterritorial Zoning Committee determines is safe and not impactful to traffic movement and the character of the neighborhood.~~

8. No dwelling unit in a Two-family Residence or Multi-family Residence, and no mobile or manufactured home, may serve as an Intermediate Day Care Home.
9. No Intermediate Day Care Home shall endanger the public health and safety or interfere with the enjoyment of other parcels in the neighborhood.
10. No residence may serve as both an Intermediate Day Care Home and a Home Occupation or Residential Business.
11. Each conditional use permit for an Intermediate Day Care Home shall run with the applicant and not with the land.

(5) **Home Occupation.**

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

Performance Standards:

8. The use shall not involve the use of commercial vehicles for more than the occasional delivery of materials to or from the premises.
- ~~8.9. No occupied residence may serve as both a Home Occupation and an Intermediate Day Care Home.~~
- ~~9.10. No Home Occupation, combined with the principal residential use of the property, shall generate more than 15 vehicle trips per day.~~

(6) **Residential Business.**

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

Performance Standards:

9. Signage shall be as permitted for Residential Businesses in Article 13.
- ~~9.10. No occupied residence may serve as both a Residential Business and an Intermediate Day Care Home.~~
- ~~10.11. Each conditional use permit for a Residential Business shall run with the applicant and not with the land.~~

(12) **Company Provided On-Site ~~Amenities Recreation or Child Care.~~**

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

(16) **Outdoor Alcohol Area.**

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

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

1. [In the zoning districts where they are allowed, Outdoor Alcohol Areas that are proposed to be within 300 feet of residentially zoned property shall first require a conditional use permit, and all other Outdoor Alcohol Areas shall be a permitted use. In either case, all of the following standards shall be met.](#)
- ~~4.2.~~ Non-temporary Outdoor Alcohol Areas shall be set back a minimum of 100 feet from any residential use in any zoning district and provide a bufferyard meeting the requirements of Section 94.11.02(3)(d) along all property borders abutting residentially zoned property.
- ~~2.3.~~ The maximum allowable area for an Outdoor Alcohol Area shall not exceed 50 percent of the indoor gross floor area where accessory to a principal “Indoor Commercial Entertainment” use.
- ~~3.4.~~ The exterior may be required to be enclosed with a fence or wall as limited by State Statute. Emergency exits shall be provided in accordance with applicable Fire and Building Codes.
- ~~4.5.~~ Except as a temporary use or in conjunction with a recreational use, an Outdoor Alcohol Area must be located on an impervious surface or hard all-weather decking material. No parking lot or driveway shall be used for any Outdoor Alcohol Area established or expanded after February 23, 2018, unless the pavement is professionally replaced or overlaid with a raised non-asphaltic material to establish the Outdoor Alcohol Area as a protected and deliberately designed space for persons outside of vehicles.
- ~~5.6.~~ Except where otherwise specified by the conditional use permit, Outdoor Alcohol Areas shall not open earlier than 7 a.m. or remain open later than 11 p.m. on any day.
- ~~6.7.~~ Except where otherwise limited by conditional use permit, Outdoor Alcohol Areas may play amplified music, whether live or recorded and may have speakers, microphones, televisions, or other audio or video devices provided all noise standards established in Section 94.12.13 are met.
- ~~7.8.~~ Outdoor Alcohol Areas shall at all times comply with all applicable regulations concerning accessibility and nondiscrimination in the providing of service.
- ~~8.9.~~ ~~Conditional use permit~~ All applications [for conditional use permit or site plan approval for an Outdoor Alcohol Area](#) shall include operational details and site plan details addressing each of the requirements above in addition to the requirements for site plan review in Section 94.16.09. Any application for this use directly abutting a public right-of-way, parking lot, or driveway shall include details regarding the specific location of street, parking lot, or driveway improvements, and how the activity will be kept off of the street, parking lot, or driveway.
- ~~9.10.~~ Each Outdoor Alcohol Area shall meet all state and local permit and license requirements before commencing operations and at all times during operation, including but not limited to a local liquor license and a Wisconsin Department of Health and Family Services to operate said establishment pursuant to Wis. Stat. Chapter 254.
- ~~10.11.~~ Minimum Parking Off-Street Requirements: one space for every three persons at the maximum capacity of the Outdoor Alcohol Area. No conversion of space formally utilized for parking spaces to the Outdoor Alcohol Area shall reduce the number of parking spaces serving all uses on the premises below, or further below, the minimums under this chapter.

Article 5: DENSITY, INTENSITY AND BULK REGULATIONS

through

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	400 40	N/A	N/A	N/A
AR Agriculture and Residential	20 acres(f)(g)	300(f)	400 40	N/A	1,600 ^(h)	N/A
RR-2 Rural Residential 2 Acres	2.0 acres	150	80 40	20%	1,600	N/A
RR-5 Rural Residential 5 Acres	5.0 acres	200	80 40	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)	3,000 sf/dwelling unit	100 (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 feet in width.
 (c) Single-Family Detached Residences within the 2F district shall comply with the SF-S district requirements.
 (d) Single-Family Detached 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.
 (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]

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

Zoning District	Minimum Lot Area	Minimum Lot Width (ft)	Minimum Public Street Lot Frontage (ft)	Minimum Landscape Surface Ratio (LSR)	Max Floor Area Ratio (FAR) ^(a)
INT Institutional	20,000 sf	80	40	20%	0.5
B-1 Neighborhood Business	20,000 sf	80	40	20%	0.5
B-2 Highway Business	30,000 sf	80	40	20%	1.0
B-3 General Business	30,000 sf	80	40	20%	0.5
BP Business Park	40,000 sf	100	50	20%	1.5
LI Light Industrial	30,000 sf	80	40	15%	0.5
GI General Industrial	40,000 sf	100	50	10%	1.0
RM Rural Mix	20 acres (b)	300	100 40	N/A	0.1

(a) Does not include structured parking or underground parking.
 (b) Parcel size in the RM 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.
 [Amended via Ord. 16-046, 12/21/2016; Ord 17-026, 8/23/2017]

Article 7: FLOODPLAIN OVERLAY ZONING DISTRICTS

Section 94.7.05: General Provisions

(3) *Official maps and revisions.* The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the zoning administrator, Village of Weston. If more than one map or revision is referenced, the most restrictive information shall apply.

(a) *Official Maps.* Based on the FIS:

1. [Flood Insurance Rate Map \(FIRM\), panel numbers 55073C0412F, 55073C0416F, 55073C0417F, 55073C0418F, 55073C0419F, 55073C0438F, 55073C0652F, 55073C0660F, 55073C0700F of 1000, community panel number 550323, dated July 22, 2010; and panel numbers 55073C0411G and 55073C0413G of 1000, community panel number 550323, dated September 28, 2018; with corresponding profiles that are based on the Flood Insurance Study FIS dated September 28, 2018, Volume number 55073CV000B.](#)
- ~~1. Flood Insurance Rate Map (FIRM), panel numbers 55073C0411F, 55073C0412F, 55073C0413F, 55073C0416F, 55073C0417F, 55073C0418F, 55073C0419F, 55073C0438F, 55073C0652F, 55073C0660F, 55073C0700F of 1000, community panel number 550323, dated July 22, 2010; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated July 22, 2010; Volume number 55073CV000A~~
2. Approved by: The DNR and FEMA

Section 94.7.10: Nonconforming uses

(1) *General.*

(a) *Applicability.* If these standards conform with Wis. Stat. § ~~62.23(7)(h)~~[87.30](#), ~~for cities and villages~~[NR 116.15, Wis. Adm. Code and 44 CR 59-72](#), they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this article or any amendment thereto.

(3) *Floodfringe district.*

(a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the ~~municipality, and~~[municipality and](#) meets the requirements of Section 94.7.08(3), except where Section 94.7.10(3)(b). is applicable.

Section 94.7.11: Administration

3. *Hydraulic and Hydrologic studies to analyze development.* All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

a. Zone A floodplains

ii. *Hydraulic modeling.* The regional flood elevation shall be based on the standards in Wis. Admin. Code NR § 116.07(4), *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

3. Minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.

8. Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as ~~high-water~~ high-water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall provide for any parameters outside standard accepted engineering practices.
 - iii. *Mapping.* A work map of the reach studied shall be provided, showing all ~~cross section~~ cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
 - b. Zone AE Floodplains
 - ii. *Hydraulic Model.* The regional flood elevation shall be based on the standards in Wis. Admin. Code HR §116.07(4), *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:
 2. *Corrected Effective Model.* The Corrected Effective Model shall not include any man-made physical changes since the effective model ~~date, but~~ date but shall import the model into the most current version of HEC-RAS for department review.
 - iii. *Mapping.* Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:
 4. If an annotated FIRM and/or FBFM and digital mapping (GIS or CADD) are ~~used~~ used, then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plan Coordinate System in accordance with FEMA mapping specifications.
- (4) *To review appeals of permit denials.*
- (a) The Plan Commission (Section 94.7.11(2)) or ZBA shall review all data related to the appeal. This may include:
 4. Other data submitted with the ~~application, or~~ application or submitted to the ZBA with the appeal.

Section 94.7.14: Definitions

Unless specifically defined, words and phrases in this article shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary. The definitions below are limited to this article.

- (16) "DECK" – An unenclosed exterior structure that has no roof or ~~sides, but~~ sides but has a permeable floor which allows the infiltration of precipitation.
- (23) "FLOOD" or "FLOODING" – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
 - (d) The sudden increase caused by an unusually ~~high-water~~ high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- (55) "MODEL, EXISTING (PRE-PROJECT)" – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any ~~man-made~~ man-made modifications that have occurred within the floodplain since the date of the effective model, but prior to the construction of the project for

which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

Article 10: BUILDING AND SITE DESIGN STANDARDS

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Section 94.10.03: Design Standards for Multi-Family and Non-Residential Buildings

- (3) **When Licensed Architect Required.** All proposed new construction and ~~building~~ additions to multi-family residential and non-residential buildings shall require building elevations stamped by an architect licensed in the State of Wisconsin, except for buildings devoted to a storage or disposal land use listed in Section 94.4.06, a transportation land use in Section 94.4.07, an industrial land use in Section 94.4.08, or as ~~unless~~ otherwise approved by the Plan Commission or Extraterritorial Zoning Committee. ~~All such elevations shall demonstrate compliance with Section 94 by showing the calculated percentages of all proposed exterior materials.~~
- (7) **Approved Materials.** Material selection shall relate to the prevailing material already used on recently constructed buildings in the area, or to a different character if identified in the Village's Comprehensive Plan, the examples in Figures 10.03(3) and (4), or unique requirements associated with any D Design overlay district applicable to the site. In addition:
- (a) All new construction shall have a façade that consists of 60 percent of brick, native stone, tinted and/or textured concrete masonry units, glass, copper panels, stainless steel, brushed nickel, stained natural woods (as provided in subsection (c)) or other comparable material as approved by the site plan approval authority, except as provided below:
2. On all new industrial construction, 60 percent of all non-expansion facades abutting a public right-of-way and the extension of 20 feet or 10 percent of the length of the side, whichever is greater, on either side shall meet the requirements of subsection (a). ~~The remaining sides shall be matching masonry brick, stone or concrete panel for the first 4 feet from the finished floor elevation where abutting an all-weather surface and/or not screened by landscaping.~~
 3. On all new industrial construction, the site plan approval authority may reduce the requirement in subsection (a) to 40 percent so long as the property is not ~~(i) abutting Schofield Avenue, Camp Phillips Road, Weston Avenue, Ross Avenue and/or State Highway 29 or (ii) within the Weston Business and Technology Park or any additions thereto.~~
- (b) Vinyl, Dryvit, Exterior Insulation Finishing Systems (EIFS), plaster products, and metal panels shall not be counted towards the 60 percent requirement in subsection (a), except for (i) architecturally finished and decorative versions of such materials if approved by the site plan approval authority and (ii) metal panels without exposed fasteners that are copper, brushed nickel, stainless steel, or other comparable material approved by the site approval authority.
- (e) Multifamily dwellings are required to have architectural and trim details such as frieze board, vertical corner trim, drip caps, gable vents, shingles and shakes.
- ~~(e)~~(f) Commercial buildings are required to be designed to provide human scale, interest, and variety, which shall be accomplished by incorporating at least two of the following techniques:
1. Variation in building form, such as recessed or projecting bays, shifts in massing or distinct roof shapes.
 2. Emphasis on building entries through projecting or recessing forms (e.g., cover entries or columns), details or material differences.
 3. Variation in materials, material modules, express joints and details, surface relief, and/or texture to break up building forms and walls.
- ~~(f)~~(g) Where concrete block or masonry is used on industrial buildings, such material shall be painted with no less than two coats of paint, stain, or shall be a decorative pattern or treatment as approved by the site plan approval authority.
- (8) **Materials—Use of Metal and Other Non-Decorative Materials.** No exposed façade shall be faced with a material that presents an unfinished appearance to the public and surrounding properties. The

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following exterior construction materials shall not be exposed along front or street side yard facing building facades: non-decorative concrete block, cinder block, or concrete foundation walls (except for the first two feet above grade), non-decorative plywood, chipboard, T1-11, asphaltic siding, vinyl siding less than 0.044 inches of thickness, any [material using non-concealed fastener systems, metal sheets not designed for commercial exterior walls, paneling, and](#) ~~material using exposed fastener systems, metal sheets, panels or~~ other similarly inferior materials as determined by the site plan approval authority. No façade of any principal building intended for a residential, institutional, or commercial use as listed in Figure 3.04 shall be sided with metal sheets or panels. Any accessory non-residential building sided with metal sheets or panels shall be fully screened from the public rights-of-way. Pole buildings shall be prohibited in any residential, commercial, and industrial zoning district.

- (14) **Building Orientation.** All buildings shall be sited to present their most desirable façade(s) to adjacent public rights-of-way. Garages and loading docks shall be designed as integral elements to the building and site, and shall not be the dominant visual element from public rights-of-way unless pre-existing site or building conditions would not allow this. [For multi-family residential buildings, achieving this standard may require techniques such as rear- or side-loaded garages, or front-loaded garages that are fully or partially recessed into the main body of the building.](#) All new loading docks shall be screened from public view to the extent practical. No truck canopies with visible wall hangers are permitted.

Article 11: LANDSCAPING AND PRESERVATION STANDARDS

Section 94.11.02: Landscaping Requirements

- (1) **Applicability.** ~~Except as exempted elsewhere in this Chapter, A~~any use for which site plan approval is required under Section 94.3.03(10) shall provide landscaping in accordance with the requirements of this Section, including expansion, renovation, and redevelopment of existing buildings and sites. Where the predecessor zoning ordinance, or a Village zoning decision under that ordinance, required landscaping which ~~have~~has not been satisfactorily installed or maintained, the property owner shall be required to install or restore such landscaping. Where the appropriate site plan approval authority under Section 94.16.09 determines that full compliance with the requirements of this Section is impractical, the approval authority may require compliance to the extent it determines practical. Such a determination of “impracticality” may be based on one or more of the following conditions:
 - (e) Where a proposed ~~addition~~expansion, plus any other expansions in the previous five years, -does not exceed 50% ~~or of the original~~-building or hard surfaced area before such expansion(s) -size. ~~In such cases, the quantitative landscaping standards shall be met in proportion to the size of the addition as compared to the original building or hard surfaced area.~~
- (2) **Required Landscape Plan and Preparer Qualifications.** All proposed landscape plantings to be located on the subject property shall be depicted on a landscape plan as to their location, type, and size at time of planting and maturity. All landscape plans required under this Article shall be prepared in accordance with landscaping best practices and by a licensed landscape architect, certified landscape designer, or another professional or individual skilled in landscape design ~~as determined by the Zoning Administrator.~~ The Zoning Administrator shall have the right to reject any landscape plan that does not follow best practices and/or is not prepared by a person with such credentials or skills.

Article 12: GENERAL PERFORMANCE STANDARDS

Section 94.12.06: Exterior Storage Standards

(2) Exterior Storage Standards for Multi-Family Dwellings and Non-Residential Facilities and Properties.

- (b) ~~The site plan approval authority, or Zoning Administrator in the case where the project does not require site plan approval under this chapter, may waive or modify one or more requirements in subsection (a). Such waiver or modification may be provided only if the authority or Administrator determines that the intent of the ordinance requirement(s) will be met in another way and that the reduction will not harm~~ is not contrary to the public interest, the purpose of this chapter, and the purpose of the associated zoning district. ~~The owner or designated agent may apply for a special exception from the Zoning Administrator regarding the minimum size, location, shape, and style of enclosure specified in subsection (a). The Zoning Administrator may grant a special exception if the applicant clearly shows that the ordinance requirement creates an unnecessary hardship and granting the special exception will not harm the public interest or undermine the purpose of this Chapter.~~ The owner or designated agent may apply for a special exception from the Zoning Administrator regarding the minimum size, location, shape, and style of enclosure specified in subsection (a). The Zoning Administrator may grant a special exception if the applicant clearly shows that the ordinance requirement creates an unnecessary hardship and granting the special exception will not harm the public interest or undermine the purpose of this Chapter.

Section 94.12.09: Off-Street Parking and Traffic Circulation Standards

- (2) **Depiction on Required Site Plan; Parking Lot Permit.** Any and all proposed parking and traffic circulation areas shall be depicted as to their location and configuration on the site plan, if a site plan is required under Section 94.3.03(10). For any construction, expansion, ~~or reconstruction, resurfacing, reconfiguration, or restriping~~ of a parking lot with six or more parking spaces, where a site plan is not required under Section 94.3.03(10), a parking lot permit shall instead be required. Such permit shall be issued by the Zoning Administrator, following submittal of a completed application form, all required material under such form, payment of the associated fee per the Village's fee schedule, and the Zoning Administrator's determination of compliance with applicable requirements of this Chapter.

(6) Off-Street Parking and Traffic Circulation Design Standards.

- (c) **Curbing.** For developments that require site plan approval under this Chapter, construction of concrete curb and gutter shall be required around all parking lots, driveways, other vehicular access areas, and landscaped islands and peninsulas within such areas. The site plan approval authority may modify this standard in one or more of the following circumstances:

1. Within industrial zoning districts, where the public street providing access to the site does not have curb and gutter or where the parking lot, driveway, other vehicular access area, and landscaped islands and peninsulas will not be visible or accessible to the public.

~~4.2. For reconstruction or resurfacing of existing parking lots, or expansion of existing parking lots where the size of the expansion plus any other expansions in the previous five years does not exceed 50% of the parking lot area before such expansion(s).~~

- (i) **Landscaping Standards.** Parking lot landscaping shall comply with the hard and gravel surface area landscaping requirements in Section 94.11.02(3)(b), ~~as may be modified under Section 94.11.02(1)(e). For any area expansion to a hard surfaced or formerly gravel parking lot, landscaping shall comply with the hard and gravel surface area landscaping requirements in Section 94.11.02(3)(b) to the extent the Zoning Administrator determines practical.~~ ~~Provided that the project does not involve an area expansion, S~~ such landscaping requirements shall not apply to the reconstruction; ~~resurfacing; reconfiguration; or~~ restriping; ~~or conversion from a gravel, crushed stone, grass, or similar surface to a hard surface as defined in Section 94.17.04 of a parking lot, driveway, or vehicle circulation area legally constructed before March 18, 2015, provided that the project does not involve an area expansion or conversion from a gravel, crushed stone, grass, or similar surface to a hard surface as defined in Section 94.17.04. For any such expansion or conversion, parking lot landscaping shall~~

~~comply with the hard and gravel surface area landscaping requirements in Section 94.11.02(3)(b) to the extent the Zoning Administrator determines practical.~~

Article 13: SIGNS

Section 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:

- (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.

Article 15: NONCONFORMING LOTS, USES, STRUCTURES AND SITES

Section 94.15.02: Nonconforming and Substandard Lots

- (1) No lot shall be created which does not meet the lot dimensional requirements of the associated zoning district.
- (2) Legal nonconforming or substandard lots, as defined in Article 17, may be utilized as a building site for a permitted use (but not for a conditional use) in the associated zoning district, if all of the following apply:
 - (a) Such lot has never been developed with one or more of its structures placed partly on an adjacent lot or parcel.
 - (a)(b) Such lot is developed to comply with this Chapter and other applicable chapters of the Weston Municipal Code.
- (3) Conforming structures existing at the time of the adoption or amendment of this Chapter may be continued, although the lot does not conform to the newly adopted or amended requirements of this Chapter, as long as all uses on the lands containing the structure are legal conforming uses.
- (4) Each aforementioned structure may be extended, enlarged, substituted, moved, remodeled, modified, added to, or rebuilt as long as any such change conforms to the established building setback lines along streets and the yard, height, and floor area ratio provisions of this Chapter.

~~**New Lots Meet New Lot Standards.** After March 18, 2015, no lot shall be created that does not meet the lot width, lot area, or lot frontage requirements of each zoning district, per Article 5.~~

- ~~**(1) Development of Nonconforming Lots—Residential, RR, and AR Zoning Districts.** Within such zoning districts as mapped on March 18, 2015, a lot of record lawfully created but not meeting one or more of the minimum lot width, lot area, or lot frontage requirements for the zoning district may not be utilized for a new permitted by right use in that district, except where such use does not include or require the erection of any building. Such lots shall become buildable only in one of the following circumstances:~~
 - ~~(a) The lot is combined with all or part of an adjoining lot(s) to meet all the minimum width, area, and frontage requirements for the zoning district,~~
 - ~~(b) The lot is rezoned to another zoning district in which all width, area, and frontage requirements are met,~~
 - ~~(c) The owner of the lot obtains a variance from the Board of Appeals meeting the requirements and subject to the limitations of Section 94.16.11.~~
 - ~~(d) The lot is nonconforming only due to not meeting the associated “Minimum Public Street Frontage” in Figure 5.01(1), provided that minimum street frontage is no less than 33 feet.~~
 - ~~**(e) Development of Nonconforming Lots—All Other Zoning Districts.** Within all other zoning districts as mapped on March 18, 2015, a lot of record lawfully created and not designated as an unbuildable outlot, but that does not meet one or more the minimum lot dimensional requirements for the zoning district, may be utilized for a new permitted by right use in that district, provided the measurements of such lot area, dimensions, and setbacks are equal to or greater than 67 percent of the minimum requirements of the district. Said lot shall not be more intensively developed unless combined with one or more abutting lots (or portions thereof) so as to create a lot that meets the requirements of this Chapter.~~

Article 16: PROCEDURES AND ADMINISTRATION

Section 94.16.03: Amendments to the Official Zoning Map (Rezoning)

(8) Village Board Action.

(b) The Village Board may approve an amendment by a simple majority of a voting quorum, except that a two-thirds or greater vote of the full Village Board is required in one or more of the following circumstances if:

1. ~~if~~ The Board action is opposed to or alters a recommendation of the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area), ~~and/or an official~~
2. A valid protest ~~petition~~ against the requested amendment to the Official Zoning Map meeting the ~~requirements of Wis. Stat. § 62.23(7)(d)2m~~ ~~a definition in Section 94.17.04~~ is filed, ~~then approval of the amendment to the Official Zoning Map shall require an affirmative vote from three-fourths or greater of the full Village Board~~ ~~and/or~~
- 4.3. The amendment relates to down zoning as defined in Wis. Stat. § 66.10015(1)(as), unless the down zoning is requested or agreed to by all persons who own the land(s) affected by the proposed down zoning.

[Amended via Ord. 16-007, 4/20/2016]

Section 94.16.06: Conditional Use Permits

(1) Purpose and Applicability. The development and execution of this Chapter is based upon the division of the Village and its ETZ Area into zoning districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use at a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to their location, development, and operation. Such uses are classified as conditional uses and require a conditional use permit except as specified under subsection (13).

(1)(2) Initiation of Conditional Use Permit. Any person, firm, corporation, or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest that may become a freehold interest or an exclusive possessory interest, and that is specifically enforceable on the land for which a conditional use is sought, may file an application to use such land for one or more of the conditional uses in the zoning district in which such land is located.

(2)(3) Application for Conditional Use Permit. No application for a conditional use permit shall be placed on any agenda as an item to be acted upon unless the Zoning Administrator has certified acceptance of a complete application. Prior to publication of the required Notice of Public Hearing, the applicant shall provide the Zoning Administrator with the complete application certified by the Zoning Administrator, including an easily reproducible electronic copy plus hard copies in a quantity directed by the Zoning Administrator. Said complete application shall be comprised of all of the following:

- (b) A ~~scale~~ map of the subject property showing all lands for which the conditional use permit is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds. ~~Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map and all its parts and attachments shall be submitted in a form that is clearly reproducible with a photocopier, and shall be at a scale that is not less than one inch equals 800 feet.~~ All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.

~~(c)~~ A map, such as the Future Land Use Map from the Comprehensive Plan, of the generalized location of the subject property in relation to the Village as a whole.

~~(d)~~(c) A written description of the proposed conditional use describing the type, duration, and density of activities, buildings, and structures proposed for the subject property and their general locations, plus such additional information as may be required for the particular land use under Article 4.

~~(e)~~(d) A site plan of the subject property, with any alterations as may be proposed to accommodate the conditional use. Said site plan shall conform to any applicable requirements of Section 94.16.09, and any additional requirements as may be specified for the particular land use under Article 4. If the conditional use will make use of existing site improvements only, a site plan need only be of sufficient detail to confirm the portion of the site used by the conditional use.

~~(f)~~(e) Written justification for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the approval criteria set forth in this Section and all applicable requirements of this Chapter.

~~(g)~~(f) Any other plans and information deemed necessary by the Zoning Administrator or the Plan Commission (or Extraterritorial Zoning Committee if in the ETZ Area) to ensure that the requirements~~intent~~ of this Chapter are or will be~~s~~ fulfilled.

~~(h)~~(g) Any required fee per the fee schedule approved by the Village Board.

~~(3)~~(4) **Zoning Administrator Review and Recommendation.**

(b) Once the Zoning Administrator determines that the application is complete, the Zoning Administrator or designee shall authorize the public hearing and prepare a written evaluation of the application based on the criteria for evaluating conditional use permits in subsection ~~(8)~~ below. The Zoning Administrator shall forward a copy of the evaluation to the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area).

~~(4)~~(5) **Public Hearing.** The Village Clerk shall schedule a public hearing before the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area) to be held within 45 days after acceptance of a complete application as determined by the Zoning Administrator. Notice of the time, place, and purpose of such hearing shall be given by publication as a Class 2 Notice in conformance with the requirements of Wis. Stats. § 62.23(7)(d) and (de). The Village Clerk shall also send said notice to the applicant, owners of record of all lands within 300 feet of the boundaries of the subject property, and the clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter at least ten days prior to the date of such public hearing. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this Section.

~~(5)~~(6) **Review and Action by the Plan Commission or Extraterritorial Zoning Committee.** Within 60 days after the public hearing, or an extension of said period requested in writing or electronic format by the applicant and granted by the Commission or Committee, the Plan Commission or Extraterritorial Zoning Committee shall take final action on the conditional use permit request. Prior to acting on a conditional use permit application, the Plan Commission or the Extraterritorial Zoning Committee may request further information and/or additional reports from the Zoning Administrator, the applicant, outside experts and/or any other source. The Commission or Committee may approve the conditional use as originally proposed, may approve the proposed conditional use with conditions or modifications, or may deny approval of the proposed conditional use and include reasons for denial. Any action to approve or amend the proposed conditional use permit requires a majority vote of Commission or

Committee members in attendance. Nothing in this Chapter requires ~~T~~own ~~p~~lan ~~c~~ommission or ~~T~~own ~~b~~oard action on proposed conditional use permits in the ETZ Area.

~~(6)~~(7) **Appeal to the Village Board.** An appeal of a decision under subsection ~~(6)~~(5) may be taken to the Village Board by any person, firm or corporation; any officer, department, board, commission or agency of the Village or, in the case of lands within the ETZ Area, the town in which the affected land is located, who is aggrieved by the decision. Such appeal shall be made in writing to the Zoning Administrator within ten days after the date of the Commission's or Committee's decision. In the case of an appeal:

- (a) The Zoning Administrator and Building Inspector shall issue no permits to enable commencement or continuation of building and other activities authorized by the conditional use permit; and shall issue a "stop work" order for any such activities already commenced.
- (b) The Zoning Administrator shall immediately notify the applicant and property owner of the appeal in writing; and shall schedule the appeal for Village Board consideration.
- (c) The Village Board shall, by resolution, make a final decision to grant, with or without conditions, or to deny each application for a conditional use permit after receiving and reviewing the Commission's or Committee's findings and making its own findings as to whether or not the proposed use will satisfy the ~~criteria~~standards for approval set forth in section ~~(7)~~(8), and shall have all of the powers of the Commission under this Section. The Village Board's determination shall be final and subject to appeal to the circuit court under any procedure authorized by statute.

~~(8)~~ **Review Criteria for Conditional Use Permit.** ~~Each requested conditional use permit shall meet the following criteria (achieve "yes" answers) to be approved:~~

- ~~(a)~~ If the applicant meets, or agrees to meet, all of the applicable requirements specified in this Chapter and conditions imposed by the Plan Commission or the Extraterritorial Zoning Committee, the Commission or Committee shall under Wis. Stats. § 62.23(7)(de)2.a. grant the conditional use permit. The Village may require written agreement from the applicant in a form prescribed by the Village Attorney.
- ~~(b)~~ Any decision to grant or deny the conditional use permit must be supported by substantial evidence, as that term is defined in Wis. Stats. § 62.23(7)(de)1.b. Any condition or modification must be related to the purpose of this Chapter, reasonable, measurable to the extent practicable, and based on substantial evidence.
- ~~(a)~~(c) To the extent consistent with Subsections (a) and (b), no conditional use permit shall be granted unless the Plan Commission or the Extraterritorial Zoning Committee finds that the use authorized thereby meets the following criteria:

1. ~~Is-†~~The proposed conditional use is consistent in harmony with the Comprehensive Plan, this Chapter, and ~~all~~any other plans, programs, ~~and~~or ordinances adopted by the Village.‡
2. ~~Does-†~~The proposed conditional use, in its proposed location and as depicted on the required site plan, will not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or ~~all~~any other plans, programs, ~~map, or~~and ordinances adopted by the Village.‡
3. ~~Does-†~~The proposed conditional use will maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.‡

4. ~~Is it~~The proposed conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property.²
5. ~~Do~~The potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.²

~~(7)~~(9) **Issuance, Notice, and Recording of Conditional Use Permit or Denial.** Within 30 days following the granting of a conditional use permit, the Zoning Administrator shall issue to the applicant a written the approved conditional use permit. Said permit shall enumerate the details of the conditional use permit, including an identifiable description of what land the use and subject property (s) and/or development was approved and any specific conditions or requirements of approval. The Zoning Administrator shall record the conditional use permit against the property, assigning all costs thereof to the applicant, and shall make record of the conditional use permit on the Official Zoning Map. In the case of a denial of a conditional use permit, the Zoning Administrator shall provide written notification to the applicant that the conditional use permit was denied, including the reasons for denial.

~~(8)~~(10) **Effect of Denial.** No conditional use permit application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors relative to the review criteria in subsection (8) that are found valid by the Zoning Administrator.

~~(11)~~Termination Penalties, Revocation, or Modification of an Approved Conditional Use Permit.

- (a) Any violation of an approved conditional use permit shall be subject to penalties under Section 94.16.19.
- (b) A conditional use permit shall be automatically revoked if:
 1. The conditional use authorized thereunder is not established within two years following its granting.
 2. Once established, the conditional use has been discontinued for a period exceeding one year.
- (c) A conditional use permit may be revoked or modified by the Plan Commission or the Extraterritorial Zoning Committee, following the procedures in this Section for original granting of a conditional use permit, where the Commission or Committee determines that the operation, modification, alteration, or expansion of the use is not in compliance with the terms of this Chapter or the approved conditional use permit, including any associated plan or approval condition.

~~Once a conditional use permit is granted, no erosion control permit, site plan approval, certificate of occupancy, zoning permit, or building permit shall be issued for any development that does not comply with all requirements of the conditional use permit and this Chapter. Any conditional use found not to be in compliance with the terms of this Chapter or the approved conditional use permit shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties. A conditional use permit may be revoked for such a violation by the Plan Commission, following the procedures outlined for original granting of a conditional use permit.~~

~~(9)~~Time Limits on the Development of Conditional Use. The start of construction of any and all conditional uses shall be initiated within 365 days of approval of the associated conditional use permit and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use permit. For the purposes of this Section, "operational" shall be defined as occupancy of the conditional use. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the

~~Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area) and shall be based upon a showing of acceptable justification.~~

~~(10) **Discontinuing an Approved Conditional Use.** Any and all conditional uses that have been discontinued for a period exceeding 365 days shall have their conditional use permit automatically invalidated. The burden of proof shall be on the property owner to conclusively demonstrate that the conditional use was operational during this period.~~

~~(14)(12) **Duration and Transfer** **Change of Ownership.** The Commission or Committee may approve a Conditional Use Permit with a limitation on the Permit's duration, transfer, or both if such limitation(s) relate to the purpose of this Chapter and the conditional use permit review criteria in subsection (8). Unless the Commission or Committee approved a conditional use permit with a transfer limitation, or Article 4 prescribes a transfer limitation for the particular conditional use, aAll requirements of the approved conditional use permit shall be continued regardless of ownership or operation of the subject property or use and shall run with the land, except as otherwise limited by this Chapter or by a specific condition attached to the conditional use permit. Modification, alteration, or expansion of any conditional use in violation of the approved conditional use permit, without approval by the Plan Commission (or Extraterritorial Zoning Committee), shall be considered a violation of this Chapter and shall be grounds for revocation of said conditional use permit.~~

~~(12)(13) **Uses Now Regulated as Conditional Uses That Were Legal Land Uses (Permitted-by-Right or as Conditional Uses) Prior to the Effective Date of This Chapter.** A use now-regulated as a conditional use under Figures 3.04 and 3.05 or elsewhere this Chapter that was a legal land use--either permitted-by-right or as a conditional use--prior to March 18, 2015 shall be considered as-a legal, conforming land use so long as any previously approved conditions of use and site plan are followed. Any substantial expansion or modification of such use or any previously approved condition of such use, in the determination of the Zoning Administrator, shall require application and Village consideration of a new-conditional use permit under this Section.~~

[Amended via Ord. 16-008, 4/20/2016]

Section 94.16.09: Site Plan Procedures

(4) **Application Contents.** The applicant shall provide the Zoning Administrator with the complete application certified by the Zoning Administrator, including an easily reproducible electronic copy plus hard copies in a quantity directed by the Zoning Administrator. Except as otherwise allowed below or with the express approval of the Zoning Administrator, the application shall include the following information within the site plan or in supporting documentation to be considered complete:

(u) A detailed landscaping plan for the subject property at the same scale as the main plan showing the location, type, and size of all proposed landscaping. All landscape plans shall be subject to the requirements of Article 11, including but not limited to professional quality and preparer qualifications under Section 94.11.02(2), prepared by a licensed landscape architect, certified landscape designer, or another professional or individual skilled in landscape design as determined by the Zoning Administrator.

(v) Elevation drawings, drawn to a recognized architectural scale, of proposed buildings or proposed remodeling of existing buildings to include exterior or roof mechanical equipment and lighting, and showing finished exterior treatment, with adequate labels provided to clearly depict exterior materials, texture, color, and overall appearance. Drawings shall also include or be accompanied by calculations of each exterior facade building material by type, square footage, and percentage of total facade area.

(aa) All other materials required to assure compliance with the performance standards associated with the particular land use, as indicated in Article 4.

~~(aa)~~(bb) Any required fee per the fee schedule approved by the Village Board.

Section 94.16.11: Variance Procedures

- (4) **Application Requirements.** The applicant shall provide the Zoning Administrator with the complete application certified as complete by the Zoning Administrator under subsection 5(a), including an easily reproducible electronic copy plus hard copies in a quantity directed by the Zoning Administrator. Said complete application shall be comprised of all of the following:
- (b) A scale map of the subject property showing all lands for which the variance is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds. ~~Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map and all its parts and attachments shall be submitted in a form that is clearly reproducible with a photocopier, and shall be at a scale that is not less than one inch equals 800 feet.~~ All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
 - ~~(e) A map, such as the Future Land Use Map from the Comprehensive Plan, of the generalized location of the subject property in relation to the Village as a whole.~~
 - ~~(d)~~(c) A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property.
 - ~~(e)~~(d) A site plan of the subject property, including existing conditions and proposed changes. Said site plan shall conform to those requirements of Section 94.16.09 to the extent deemed necessary by the Zoning Administrator
 - ~~(f)~~(e) Written justification for the requested variance consisting of the reasons why the applicant believes the proposed variance is appropriate, particularly as evidenced by compliance with the criteria set out in subsection (7) below.
 - ~~(g)~~(f) Any fee as may be required under the fee schedule approved by the Village Board.
- (7) **Criteria for Grant of a Variance.** The Zoning Board of Appeals shall determine that all of the following criteria have been met before granting a variance:
- (a) That the variance will not be contrary to the public interest, safety, welfare, and justice.
 - ~~(a)~~(b) That compliance with the strict letter of the zoning ordinance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. It is not sufficient that a variance applicant show that the zoning regulation(s) prevents or burdens his or her planned activity. Such applicant must show by competent evidence that the regulation unreasonably prevents or unnecessarily burdens the proposed activity.
 - (c) That compliance with the strict letter of the zoning ordinance would create unnecessary hardship due to a unique property condition, meaning a special physical feature or limitation of the property that is not generally shared ~~by nearby on most other land or properties~~ within the same zoning district. subject to the following limitations:-
 1. If a variance applicant fails to prove the existence of a unique property condition and a connection between the condition and the hardship, even if the hardship is great, a variance may not be granted.
 2. Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance.

3. Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships.

4. The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)

~~(b)~~(d) That the requested variance will not be contrary to the ~~public interest,~~ the intent and purpose of this ~~Chapter, or~~ Chapter and the Village's Comprehensive Plan.

~~(c)~~(e) That the requested variance is for a provision of this Chapter authorized for potential variances under Section 94.16.11(2), and in no case shall allow a land use that is not listed as a permitted, conditionally permitted, or temporary land use in the associated zoning district.

(f) That the granting of the proposed variance shall not impose a substantial detriment to adjacent properties. The applicant shall clearly indicate how the proposed variance will have no substantial detriment on adjacent properties.

~~(d)~~(g) That the proposed variance would make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property. Violations by, or variances granted to, other properties shall not justify a variance.

- (10) **Limited Effect of a Variance.** Where the Zoning Board of Appeals has granted a variance, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use other than that which it has as a result of the variance. Granting of a variance shall be considered unique to the variance granted, and shall not be construed as precedent for any other proposed variance. A variance granted under this Chapter shall run with the land, meaning it shall be in effect regardless of ownership or operation of the building or premises, except as otherwise limited by this Chapter or by a specific condition attached to the variance.

Section 94.16.17: Zoning Board of Appeals

- (5) **Jurisdiction and Authority.** The Zoning Board of Appeals shall have the jurisdiction and authority as specified in Wis. Stats. § 62.23(7)(e) and shall have the following powers:

(a) Hear and decide ~~appeals~~ applications in such specific cases where it is alleged there is error in any interpretation pertaining to the order, requirement, decision, or determination made by the Zoning Administrator or other administrative officer under this Chapter.

(b) Hear and grant requests for variances to this Chapter under Section 94.16.11.

In exercising the above mentioned powers, the Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.

Article 17: DEFINITIONS

Section 94.17.03: Abbreviations

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

Abbreviation	Meaning
RM	RM Rural Mix (standard zoning district)

Section 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.

Company provided on-site ~~recreation or child care~~ amenities (land use): See Section 94.4.09.

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.

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.” A lot of record that lawfully existed prior to this Chapter that would not conform to the applicable regulations if the lot were to be created under the current provisions of this Chapter. See Section 94.15.02.

Townhouse ~~(land use):~~ 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.” 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. ~~The circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of the Chapter.~~