



**VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN**

**ORDINANCE NO. 16-025**

**AN ORDINANCE AMENDING CHAPTER 94 ZONING, SECTION 94.3.04, FIGURE 3.04 ALLOWABLE USES IN RURAL, OPEN SPACE AND RESIDENTIAL ZONING DISTRICTS, SECTION 94.3.05, FIGURE 3.05 ALLOWABLE USES IN NON-RESIDENTIAL AND MIXED USE ZONING DISTRICTS AND SECTION 94.4.08(1) LIGHT INDUSTRIAL.**

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

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

WHEREAS, Village Staff has requested an amendment to the zoning ordinance in preparation of the update to the Village Tax Incremental Financing District Plan rewrite and to correct a deficiency staff has found with the treatment of the Community Living Arrangement Land Use Type within the INT Zoning District; and

WHEREAS, the Plan Commission has recommended enactment of the Zoning Ordinance amendments set forth below, for applicability within the Village limits; and

WHEREAS, the Joint Town and Village Extraterritorial Zoning Committee has recommended enactment of the Zoning Ordinance amendments set forth below, for applicability within the Extraterritorial Zoning limits of the Town of Weston; and

WHEREAS, the Joint Village and Town of Weston Extraterritorial Zoning Committee and Village Plan Commission have held a joint public hearing on this ordinance on May 9, 2016, in compliance with Wis. Stat. § 62.23, and following such hearing the Board considered public comments and the recommendation of the Village Plan Commission and Joint Village and Town of Weston Extraterritorial Zoning Committee; and

WHEREAS, the Village Board finds the proposed amendment is reasonable, consistent with the Village Comprehensive Plan, and in the public interest;

NOW, THEREFORE, the Village Board of Weston, Marathon County, Wisconsin, do ordain as follows:

**SECTION 1:** Section 94.3.04, Figure 3.04 of the Village of Weston Zoning Ordinance entitled *Allowable Uses in Rural, Open Space and Residential Zoning Districts* is hereby amended to provide as follows:









P = Permitted Use		C = Conditional Use		T = Temporary Use		Empty Cell = Prohibited Use		
Land Use Category (#) Land Use Type		Zoning District (see key at end of figure)						
		INT	B-1	B-2	B-3	BP	LI	GI
(2)	Agricultural-Related Use			C	P	C	P	P
(3)	Community Garden	P	P	P	P	C	C	C
(4)	On-site Agricultural Retail							
<b>Institutional and Recreational Land Uses</b> (see Section 94.4.04 for descriptions/standards for each use)								
(1)	Passive Outdoor Public Recreation	P	P	P	P	P	P	P
(2)	Active Outdoor Public Recreation	P	C	P	P	P	P	P
(3)	Indoor Institutional—General	P	P	P	P		C	C
(4)	Indoor Institutional—Intensive	P	C	C	P			
(5)	Outdoor Institutional	P	C	C	C	C	C	C
(6)	Public Service or Utility	P	P	P	P	P	P	P
(7)	Institutional Residential	P	C	C	C	C	C	C
(8)	Community Living Arrangement (1-8)		C					
(9)	Community Living Arrangement (9-15)	C	C	C		C		
(10)	Community Living Arrangement (16+)	P	C	C		C		
<b>Commercial Land Uses</b> (see Section 94.4.05 for descriptions and standards for each land use)								
(1)	Office	C	P	P	P	P	P	P
(2)	Personal or Professional Service		P	P	P	P	P	P
(3)	Artisan Studio		P	P	P	C	C	
(4)	Group Day Care Center	P	P	P	P	C	C	
(5)	Indoor Sales or Service		P	P	P	C	C	
(6)	Outdoor Display		C	C	P		C	C
(7)	Indoor Repair and Maintenance			P	P		P	P
(8)	Outdoor and Vehicle Repair and Maintenance			C	P		P	P
(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			
(12)	Commercial Animal Establishment				P			

P = Permitted Use		C = Conditional Use		T = Temporary Use		Empty Cell = Prohibited Use		
Land Use Category (#) Land Use Type		Zoning District (see key at end of figure)						
		INT	B-1	B-2	B-3	BP	LI	GI
(13)	Bed and Breakfast		C	C				
(14)	Boarding House			C				
(15)	Campground	C						
(16)	Commercial Indoor Lodging		C	P	P	P		
(17)	Tourist Rooming House		C					
(18)	Adult Entertainment or Adult-Oriented Establishment							C
(19)	Large Retail and Commercial Service Development			C	C			
(20)	Microbeverage Production Facility		C	P	P	C	P	P
<b>Storage or Disposal Land Uses</b> (see Section 94.4.06 for descriptions and standards for each land use)								
(1)	Indoor Storage or Wholesaling				C	C	P	P
(2)	Outdoor Storage or Wholesaling	C			C		C	P
(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
<b>Transportation Land Uses</b> (see Section 94.4.07 for descriptions and standards for each land use)								
(1)	Off-Site Parking	C	C	C	C	C	C	C
(2)	Airport or Heliport	C					C	C
(3)	Freight Terminal						C	P
(4)	Distribution Center						C	P
(5)	Livestock or Farm Commodity Trucking						C	P
<b>Industrial Land Uses</b> (see Section 94.4.08 for descriptions and standards for each land use)								
(1)	Light Industrial				C	C	P	P
(2)	Heavy Industrial						C	P
(3)	Communications Tower	C	C	C	P	C	P	P
(4)	Non-Metallic Mineral Extraction							C



P = Permitted Use		C = Conditional Use		T = Temporary Use		Empty Cell = Prohibited Use		
Land Use Category (#) Land Use Type		Zoning District (see key at end of figure)						
		INT	B-1	B-2	B-3	BP	LI	GI
(22)	Outdoor Solid Fuel Furnace				C		P	P
(23)	Private Lake (Pond)	P	P	P	P	P	P	P
(24)	Vehicle Course or Track	C	C	C	C			
(25)	Donation Drop-Off Box or Vending Machine	P	P	P	P	C	P	P
<b>Temporary Land Uses</b> (see Section 94.4.10 for descriptions and standards for each land use)								
(1)	Temporary Outdoor Sales	T	T	T	T	T	T	T
(2)	Garage, Yard, Estate, and In-Home Sales							
(3)	Outdoor Assembly or Special Event	T	T	T	T	T	T	T
(4)	Contractor's Project Office	T	T	T	T	T	T	T
(5)	Contractor's On-Site Equipment Storage Facility	T	T	T	T	T	T	T
(6)	Relocatable Building	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			
(9)	Temporary Portable Storage Container	T	T	T	T	T	T	T
(10)	Temporary Shelter	T	T	T	T	T	T	T
(11)	Temporary Agricultural Structure							
(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
<b>Key to Zoning Districts:</b>					B-3 = General Business			
INT = Institutional					BP = Business Park			
B-1 = Neighborhood Business					LI = Limited Industrial			
B-2 = Highway Business					GI = General Industrial			

Section 94.4.08(1) of the Village of Weston Zoning Ordinance entitled *Light Industrial* is hereby amended to provide as follows:

## **Section 94.4.08: Industrial Land Use Types**

### **(1) Light Industrial.**

Industrial facilities, manufacturing operations, and contractor shops at which all operations are conducted entirely within an enclosed building, with the exception of fully screened outdoor storage and loading operations. Light industrial facilities are those which are not associated with nuisances such as odor, noise, heat, vibration, and radiation detectable at the property line and which do not pose a significant safety hazard such as danger of explosion. A “Light Industrial” land use may conduct retail sales activity as an accessory use in accordance with the requirements of Section 94.4.09(13). Landscape contractors and indoor aquaculture uses, which include the farming of aquatic organisms (plants and animals) under controlled conditions that are located entirely within an enclosed building and utilize recirculating (closed) system technology (including aquaponics), are considered “Light Industrial” uses. Primary food processing activities involving the processing of cabbage, fish and fish products, and meat products shall be considered and regulated as “Heavy Industrial” land uses. Breweries, distilleries, wineries, and coffee roasters that exceed one or more limitations of the “Microbeverage Production Facility” land use are considered “Light Industrial” uses. Crematoriums shall be considered “Heavy Industrial” uses, except where accessory to a funeral home and where serving only customers of the funeral home.

#### **Performance Standards:**

1. All activities shall be conducted entirely within the confines of a building, except for parking, circulation, loading and unloading, and fully screened outdoor storage.
2. 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 all adjacent properties and rights-of-way, up to the maximum fence heights allowed under Section 94.12.03.
3. No loading, unloading, or storage shall be permitted in the minimum required front yard.
4. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
5. The use shall comply with all of the performance standards in Article 12.
6. For indoor aquaculture uses, the following additional performance standards shall apply:
  - a. Indoor aquaculture operations shall be connected to the municipal water and sanitary sewer system and all wastewater shall be discharged to the municipal sanitary sewer system.
  - b. Applicants wishing to establish indoor aquaculture operations shall prepare and submit a report outlining the estimated average daily water usage and quantity of wastewater discharge.
  - c. On-site processing of seafood is permitted, provided the activity is conducted entirely within an enclosed building and no odors are detectable from the property line.
  - d. The on-site retail sale of seafood or vegetables shall be considered an “Indoor Sales Incidental to Storage or Light Industrial Land Use” subject to the provisions of Section 94.4.09(13).
  - e. On-site composting shall be permitted, provided compost areas are fully screened on all four sides and comply with all county, state, and federal rules, regulations, and permitting requirements.

7. New development within the AR Zoning District shall be served by public sanitary sewer and water services.

7.8. Minimum Required Off-Street Parking: One space per each employee on the largest work shift.

SECTION 2: The amendment effectuated by this Ordinance shall apply within the municipal limits of the Village and within its extraterritorial zoning jurisdiction in the Town of Weston.

SECTION 3: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 16<sup>th</sup> of May, 2016

WESTON VILLAGE BOARD

By: \_\_\_\_\_

Barbara Ermeling, its President

Attest:

\_\_\_\_\_  
Sherry Weinkauf, its Clerk

APPROVED: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_