



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 16-036

**AN ORDINANCE AMENDING SECTION 94.3.05: FIGURE 3.05 OF THE VILLAGE ZONING ORDINANCE ENTITLED *ALLOWABLE USES IN NON-RESIDENTIAL AND MIXED USE ZONING DISTRICTS*.**

WHEREAS, the Village of Weston is authorized to prepare, amend and adopt a zoning ordinance under Wis. Stat. §§ 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 Figure 3.05: *Allowable Uses in Non-Residential and Mixed Use Zoning Districts*; 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 August 8, 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: Figure 3.05 of the Village of Weston Zoning Ordinance entitled *Allowable Uses in Non-Residential and Mixed Use Zoning Districts* is hereby amended to provide as attached hereto as Exhibit A.

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 15<sup>th</sup> day of August, 2016.

WESTON VILLAGE BOARD

By: Barbara Ermeling  
Barbara Ermeling, its President

Attest:

Sherry Weinkauf  
Sherry Weinkauf, its Clerk

APPROVED: 8/15/16

PUBLISHED: 8/18/16

**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		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
<b>Residential Land Uses</b> (see Section 94.4.02 for descriptions and standards for each land use)								
(1)	Single-Family Detached Residence							
(2)	Two-Family Residence		C					
(3)	Multi-Family Residence (3-8 unit building)		C			C	C	C
(4)	Multi-Family Residence (9+ unit building)		C			C	C	C
(5)	Manufactured Home Community							
(6)	Mixed Use Dwelling Unit		P	P	C			
<b>Agricultural Land Uses</b> (see Section 94.4.03 for descriptions and standards for each land use)								
(1)	Agricultural Use							
(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		

P = Permitted Use		C = Conditional Use		T = Temporary Use		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
(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			
(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

P = Permitted Use		C = Conditional Use		T = Temporary Use		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
<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				CP	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
<b>Accessory and Miscellaneous Land Uses</b> (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
(2)	Detached Accessory Structure (For Residential Use)		P					
(3)	Family Day Care Home (4-8 children)		P	P				
(4)	Intermediate Day Care Home (9-15 children)							
(5)	Home Occupation		C					
(6)	Residential Business		C					

through

P = Permitted Use		C = Conditional Use		T = Temporary Use		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
(7)	In-Home Suite							
(8)	Accessory Dwelling Unit		C	C	C			
(9)	Animal Fancier		C	C				
(10)	Keeping of Farm Animals on Residential Lots							
(11)	Company Cafeteria	P	P	P	P	P	P	P
(12)	Company Provided On-site 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
(14)	Light Industrial Activities Incidental to Indoor Sales or Services				CP	C	C	
(15)	Outdoor Display Incidental to Indoor Sales or Services			P	P	C	C	
(16)	Outdoor Alcohol Area	C	C	C	C	C		
(17)	Small Exterior Communication Device	P	P	P	P	P	P	P
(18)	Large Exterior Communication Device	C	C	P	P	P	P	P
(19)	Geothermal Energy System (GES)	P	P	P	P	P	P	P
(20)	Small Wind Energy System	P	P	P	P	P	P	P
(21)	Small Solar Energy System	P	P	P	P	P	P	P
(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

P = Permitted Use		C = Conditional Use		T = Temporary Use		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
<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
(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
<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			

[Amended via Ord. 16-021, 4/20/2016; Ord. 16-025, 5/18/2016]

---

ZONING ORDINANCE FOR  
VILLAGE OF WESTON

ADOPTED: MARCH 18, 2015  
AMENDED: MAY 18, 2016

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

---

---

## Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted on August 15, 2016, the following Ordinances:

1. Ordinance No: 16-032 An Ordinance Creating Section 94.4.10(14) of the Zoning Ordinance Entitled Temporary Asphalt, Batch or Concrete, Stone Crushing and/or Processing Operations and adding the new temporary land use category within the Charts Displayed in Figures 3.04 and 3.05 of the Village Zoning Ordinance.
2. Ordinance No. 16-034 An Ordinance Amending Section 94.4.09(2) of the Zoning Ordinance Entitled Detached Accessory Structure (For Residential Use).
3. Ordinance No. 16-035 An Ordinance Amending Figure 5.01(1) of the Village Zoning Ordinance Entitled Rural, Open Space and Residential District Lot Dimension and Intensity Standards.
4. Ordinance No. 16-036 An Ordinance Amending Section 94.3.05: Figure 3.05 of the Village Zoning Ordinance Entitled Allowable Uses in Non-Residential and Mixed Use Zoning Districts.
5. Ordinance No. 16-037 An Ordinance Creating Section 94.16.18(5) of the Zoning Ordinance Entitled Parkland Fees.

The full text of Ordinances may be obtained at the office of the Village Clerk, 5500 Schofield Avenue, Weston, Wisconsin or through the Village's website at <http://www.westonwi.gov/499/Adopted-Ordinances>.

Dated this 18<sup>th</sup> day of August, 2016  
Sherry Weinkauff, Village Clerk

Published: 8/18/16

**Village of Weston, Wisconsin  
AGENDA ITEM COVERSHEET  
Requested for Official Consideration and Review**

---

REQUEST FROM: **JENNIFER HIGGINS; DIRECTOR OF PLANNING AND DEVELOPMENT  
JARED WEHNER; ASSISTANT PLANNER**

---

---

ITEM DESCRIPTION: **ORDINANCE NO. 16-036 AN ORDINANCE AMENDING SECTION 94.3.05:  
FIGURE 3.05 OF THE VILLAGE ZONING ORDINANCE ENTITLED  
ALLOWABLE USES IN NON-RESIDENTIAL AND MIXED USE ZONING  
DISTRICTS.**

---

---

DATE/MTG: **BOARD OF TRUSTEES; MONDAY, AUGUST 15, 2016**

---

---

POLICY QUESTION: Should the Board of Trustees approve the amendment to the zoning ordinance as proposed by the Plan Commission/ETZ Committee?

---

---

RECOMMENDATION TO: I make a motion to approve Ordinance No. 16-036.

---

---

LEGISLATIVE ACTION:

- |   |   |                                       |
|---|---|---------------------------------------|
| <input checked="" type="checkbox"/> Acknowledge/Approve | <input checked="" type="checkbox"/> Ordinance | <input type="checkbox"/> Proclamation |
| <input type="checkbox"/> Administrative Order           | <input type="checkbox"/> Policy               | <input type="checkbox"/> Reports      |
| <input type="checkbox"/> Expenditure                    | <input type="checkbox"/> Procedure            | <input type="checkbox"/> Resolution   |
- 

---

FISCAL IMPACT ANALYSIS:

- |  |     |
|--|-----|
| <input type="checkbox"/> Budget Line Item:     | N/A |
| <input type="checkbox"/> Budget Line Item:     | N/A |
| <input type="checkbox"/> Budgeted Expenditure: | N/A |
| <input type="checkbox"/> Budgeted Revenue:     | N/A |
- 

---

STATUTORY / RULEMAKING / POLICY REFERENCES:

- |   |            |
|---|------------|
| <input type="checkbox"/> WI Statute:                | _____      |
| <input type="checkbox"/> WI Administrative Code:    | _____      |
| <input type="checkbox"/> Case Law / Legal:          | _____      |
| <input checked="" type="checkbox"/> Municipal Code: | Chapter 94 |
| <input type="checkbox"/> Municipal Rules:           | _____      |
- 

---

PRIOR REVIEW: Plan Commission/ETZ Committee Review, July 11, 2016  
Public Hearing 8/8/16 PC/ETZ

---

---

BACKGROUND:

(1) Since the Village has adopted the current zoning code there has been many modifications to the policies within the document. Those modifications came from utilizing the code in everyday practice. The B-3 district was designed to be a transitional district between Commercial and Industrial uses. With that, the Weston Commercial Park (Mesker, E. Jelinek, Westfair, Prairie and Hilgemann) was zoned mostly B-3 since most of the properties were changing and being utilized that way. To accommodate more industrial uses, staff is proposing that "Indoor Storage or Wholesaling" and "Light Industrial Activities Incidental to Indoor Sales or Services" be added to the use chart in Section 94.3.05 as a permitted use-by-right. In doing this, it would shift the district more towards an Industrial Use district. With this shift, parts of the Schofield Avenue corridor would need to be rezoned to a B-2 – Highway Business district.

---

(2) Staff is proposing that the Schofield Avenue Corridor from Business Highway 51 to Von Kanel Street be changed to the B-2 Highway Business District because this area of the Village is commercially orientated and is identified on the Future Land Use Map as Future Commercial. The existing conditional uses within the area proposed to change would be unaffected until they either expire or the use stops for a 12-month period. By changing the zoning, it would limit any industrial uses within this part of the corridor.

(3) Staff is also proposing to change the State Highway 29 and County Highway J Interchange from the B-2 Highway zoning district to the B-3 General Business District to allow for a limited industrial use. Currently, most of this interchange is vacant. Although it would be preferred that the area be developed as commercial, indoor warehousing would also be an accepted use and a better alternative to vacant property.

Attachments – Ord. No. 16-036

**Village of Weston, Wisconsin  
AGENDA ITEM COVERSHEET  
Requested for Official Consideration and Review**

**REQUEST FROM: JARED WEHNER; ASSISTANT PLANNER  
JENNIFER HIGGINS; DIRECTOR OF PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ORDINANCE NO. 16-036 AN ORDINANCE AMENDING SECTION 94.3.05:  
FIGURE 3.05 OF THE VILLAGE ZONING ORDINANCE ENTITLED  
ALLOWABLE USES IN NON-RESIDENTIAL AND MIXED USE ZONING  
DISTRICTS.**

**DATE/MTG: PLAN COMMISSION/ETZ COMMITTEE; MONDAY, AUGUST 8, 2016**

**POLICY QUESTION: Should the Board of Trustees approve the amendment to the zoning ordinance as  
proposed by the Plan Commission/ETZ Committee?**

**RECOMMENDATION TO: I make a motion to endorse approval, and recommend to the Trustees.**

**LEGISLATIVE ACTION:**

- |   |                                    |                                       |
|---|------------------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> Acknowledge/Approve | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Proclamation |
| <input type="checkbox"/> Administrative Order           | <input type="checkbox"/> Policy    | <input type="checkbox"/> Reports      |
| <input type="checkbox"/> Expenditure                    | <input type="checkbox"/> Procedure | <input type="checkbox"/> Resolution   |

**FISCAL IMPACT ANALYSIS:**

- |  |     |
|--|-----|
| <input type="checkbox"/> Budget Line Item:     | N/A |
| <input type="checkbox"/> Budget Line Item:     | N/A |
| <input type="checkbox"/> Budgeted Expenditure: | N/A |
| <input type="checkbox"/> Budgeted Revenue:     | N/A |

**STATUTORY / RULEMAKING / POLICY REFERENCES:**

- |   |            |
|---|------------|
| <input type="checkbox"/> WI Statute:                | _____      |
| <input type="checkbox"/> WI Administrative Code:    | _____      |
| <input type="checkbox"/> Case Law / Legal:          | _____      |
| <input checked="" type="checkbox"/> Municipal Code: | Chapter 94 |
| <input type="checkbox"/> Municipal Rules:           | _____      |

**PRIOR REVIEW: Plan Commission/ETZ Committee Review, July 11, 2016**

**BACKGROUND:** (1) Since the Village has adopted the current zoning code there has been many modifications to the policies within the document. Those modifications came from utilizing the code in everyday practice. The B-3 district was designed to be a transitional district between Commercial and Industrial uses. With that, the Weston Commercial Park (Mesker, E. Jelinek, Westfair, Prairie and Hilgemann) was zoned mostly B-3 since most of the properties were changing and being utilized that way. To accommodate more industrial uses, staff is proposing that "Indoor Storage or Wholesaling" and "Light Industrial Activities Incidental to Indoor Sales or Services" be added to the use chart in Section 94.3.05 as a permitted use-by-right. In doing this, it would shift the district more towards an Industrial Use district. With this shift, parts of the Schofield Avenue corridor would need to be rezoned to a B-2 – Highway Business district.

(2) Staff is proposing that the Schofield Avenue Corridor from Business Highway 51 to Von Kanel Street be changed to the B-2 Highway Business District because this area of the Village is commercially orientated and is identified on the Future Land Use Map as Future Commercial. The existing conditional uses within the area proposed to change would be unaffected until they either expire or the use stops for a 12-month period. By changing the zoning, it would limit any industrial uses within this part of the corridor.

(3) Staff is also proposing to change the State Highway 29 and County Highway J Interchange from the B-2 Highway zoning district to the B-3 General Business District to allow for a limited industrial use. Currently, most of this interchange is vacant. Although it would be preferred that the area be developed as commercial, indoor warehousing would also be an accepted use and a better alternative to vacant property.

Attachments – Ord. No. 16-036