

VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 16-046

AN ORDINANCE INCORPORATING A “RURAL MIX” ZONING DISTRICT INTO THE VILLAGE ZONING ORDINANCE (CHAPTER 94)

WHEREAS, on March 18, 2015, the Village Board adopted an updated zoning ordinance (Chapter 94) which, among other provisions, consolidated rural zoning districts; and

WHEREAS, such consolidation resulted in some larger properties in the Village’s zoning jurisdiction designated within a zoning district that did not reflect the range of their current and owner-desired mix of residential, agricultural, and rural business uses; 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 Village and Town of Weston Extraterritorial Zoning (ETZ) Committee and Village Plan Commission have held a joint public hearing on this ordinance, on November 14, 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 the Joint Village and Town of Weston ETZ Committee; and

WHEREAS, the Joint Town and Village Extraterritorial Zoning Committee has elected not to recommend enactment of the Zoning Ordinance amendments set forth below, so that they will not apply within the Extraterritorial Zoning limits of the Town of Weston; and

WHEREAS, the Village Board finds that amendments to Chapter 94 to incorporate the RM Rural Mix zoning district and map it over such properties are consistent with the Village of Weston Comprehensive Plan and in the best interest of the Village.

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

SECTION 1: Section 94.2.02(3)(h) of the Weston Municipal Code [Listing and Purposes of Standard Zoning Districts; Non-Residential and Mixed Use Districts] is hereby created to read as follows:

- (h) *RM Rural Mix.* The RM district is intended to allow for a range of low density residential, general agricultural and forestry, and related on-site processing, storage, and rural business uses that are appropriate for certain larger rural parcels. The RM district is generally shown over areas planned for residential and/or agricultural uses in the Comprehensive Plan. The RM zoning district is available for mapping within the Village limits only; it may not be mapped within the extraterritorial zoning jurisdiction because the associated Extraterritorial Zoning Committee has not recommended its use there. (Predecessor districts: AG, RR-10)

SECTION 2: Figure 3.04 within Section 94.3.04 of the Weston Municipal Code is hereby amended to add “(14) Boarding House” as a conditional use (“C”) in the AR zoning district.

SECTION 3: Figure 3.05 within Section 94.3.05 of the Weston Municipal Code is hereby amended to read as follows:

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	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	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				
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

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	RM
(9)	Community Living Arrangement (9-15)	C	C	C		C			C
(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	C	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				P				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				

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	RM
(20)	Microbeverage Production Facility		C	P	P	C	P	P	C
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		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						C	P	
(4)	Distribution Center						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

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	RM
(4)	Intermediate Day Care Home (9-15 children)								C
(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								P
(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	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	C	C	C	C	C			C
(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

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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
(25)	Donation Drop-Off Box or Vending Machine	P	P	P	P	C	P	P	
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				

SECTION 4: Sections 94.4.03(1) and (2) of the Weston Municipal Code are hereby amended to read as follows:

(1) Agricultural Use.

Any of the following activities conducted for the purpose of producing an income, livelihood, or for purposes related to any type of hobby farm: crop or forage production; keeping farm animals; beekeeping; nursery, sod, or Christmas tree production; maple syrup production; floriculture; aquaculture; forest management; enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land and conservation payment program. Also includes an activity that is an integral part of, or incidental to, an Agricultural Use. Excludes any other separately listed land use in this Section, including but not limited to the Keeping of Farm Animals on a Residential Lot, a Commercial Animal Establishment, and an Animal Fancier.

Performance Standards:

1. Shall meet the requirements of the Village's Animal ordinance and the County's Animal Waste Management Ordinance, where applicable.
2. No farm animals shall be permitted as part of a principal Agricultural Use on a lot or parcel that is less than five acres in area, exclusive of existing public rights-of-way and road easements.
3. The keeping of hogs and pigs intended for slaughter or market, goats, roosters, or fur-bearing animals (other than rabbits and ferrets) shall not be permitted, except within the FP, AR, and RM districts, or on a farm operation of at least 20 acres established before March 18, 2015.
4. Within any RR and RM district, hobby farms meeting the definition in Section 94.17.04, including not more than 25 animal units, and on a lot or parcel at least 10 acres in area, shall be allowed as permitted uses. All other Agricultural Uses shall be regulated as conditional uses in any RR or RM district.
5. Beekeeping is permitted subject to the standards in Section 94.4.09(10), except that that the number of beehives shall be limited to one for each 2,500 square feet of lot area.
6. The raising or keeping of farm animals shall be permitted at a density not to exceed one animal unit per every acre owned, not considering fractional amounts of acreage. The definition of an animal unit is in Section 94.17.04. The Zoning Administrator may approve modifications and exceptions to this animal unit density standard if, each year the normal density standard is to be exceeded, the land owner provides conservation compliance documentation from Marathon County signifying that the keeping of a higher density of animal units is in compliance with all NR 151 Agricultural Runoff Performance Standards and Prohibitions.
7. Any area where farm animals are allowed to pasture or run shall be adequately fenced to keep them confined to such area.
8. Except for a farm in existence before March 18, 2015, barns, poultry houses, or similar animal enclosures may be no closer than 50 feet from any lot line, except that poultry houses for not more than eight chickens or ducks need only meet the minimum setback requirement for accessory structures.
9. This subsection does not establish regulations for household pets such as rabbits, ferrets, fish, song birds, potbelly pigs, cats, or dogs which are kept indoors. Household pets such as dogs or cats are regulated separately from this chapter through Chapter 10 of the Code. This subsection also does not establish regulations for the accessory use listed as "Keeping of Farm Animals on a Residential Lot" in Section 94.4.09(10).

(2) Agricultural-Related Use.

A facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose: providing agricultural supplies, agricultural equipment, agricultural inputs, or agricultural services directly to farms; storing, processing, or handling raw agricultural commodities obtained directly from farms; slaughtering livestock; marketing livestock to or from farms; processing

agricultural by-products or wastes received directly from farms. Examples of such uses include, but are not limited to, agricultural implement sales, storage, and/or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities (except those accessory to an “Agricultural Use”); commercial dairies; food processing facilities; licensed farm auction operations; canning and other food packaging facilities; greenhouses and garden centers; orchard stores; agricultural waste and by-product disposal facilities (except those accessory to an “Agricultural Use”); farms regularly open for tours, demonstrations, hayrides, corn mazes, farm breakfasts, and other similar events; sawmills; de-barking operations; and chipping facilities. Not included within this land use category are plants intended to convert agricultural products to energy on a large-scale basis, Sales of Farm and Forestry Products, landscape contractors, and or any other separately listed land use in this Section.

Performance Standards:

1. Within any RM district, agricultural and forestry storage facilities, sawmills, de-barking operations, chipping facilities, and other Agricultural-Related Uses of similar or lesser impact as determined by the Zoning Administrator shall be allowed as permitted uses. All other Agricultural-Related Uses shall be regulated as conditional uses in any RM district.
2. For agricultural implement sales, storage, and/or repair operations:
 - a. The display of items shall not be permitted in required landscaped areas, required bufferyards, or required setback areas for the principal structure.
 - b. Display areas shall be separated from any circulation area by a minimum of 10 feet, which shall be clearly delimited.
 - c. Items being displayed shall not interfere with motor vehicle, pedestrian, and bicycle traffic visibility.
 - d. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.

SECTION 5: Section 94.4.05(14) of the Weston Municipal Code is hereby amended to read as follows:

(14) **Boarding House.**

Includes any residential use renting rooms that do not contain private bathroom facilities, with the exception of an approved “Bed and Breakfast” establishment, which is separately classified and regulated.

Performance Standards:

1. Uses that meet the definition of a boarding house above shall only be allowed where listed in Figures 3.04 and 3.05.
2. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
3. Each boarding house may have no more than eight boarders and bedrooms for boarders.
4. The operator of the boarding house must live within the same building as the boarders. Minimum Required Off-Street Parking: one space per room for rent, plus one space per each employee on the largest work shift.

SECTION 6: Performance standard 7 of Section 94.4.08(1) [Light Industrial land use] of the Weston Municipal Code is hereby amended to read as follows:

7. New Light Industrial development within the AR and RM zoning districts shall be served by public sanitary sewer and water services.

SECTION 7: Section 94.4.09(2) of the Weston Municipal Code is hereby amended to read as follows:

(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 (including those including carports) designed primarily to shelter parked passenger vehicles; utility sheds used primarily to store residential maintenance equipment for the same property; 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, and 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. Each lot within a residential zoning district or RR-2 district shall contain no more than:
 - a. One detached garage, except where approved by the Plan Commission for a multi-family residential development.
 - b. One utility shed or similar building as determined by the Building Inspector, except that Two-Family Residences shall be permitted one utility shed per housing unit.
 - c. One gazebo, detached elevated deck or walkway, or similar Detached Accessory Structure (for Residential Use) as determined by the Building Inspector.
2. Each parcel within a RM or rural and open space zoning district, except if zoned RR-2, shall contain no more than 5 Detached Accessory Structures (for Residential Use).
3. No Detached Accessory Structure (for Residential Use) shall be constructed on any lot prior to establishment of a principal use on that same lot.
4. Except within the AR and RM zoning districts, no hoop building shall be a permitted as a Detached Accessory Structure (for Residential Use), except on a temporary basis for a maximum of five consecutive days within a 30-day period for a special event such as a sale on the property following issuance of a temporary use permit.
5. Each Detached Accessory Structure (for Residential Use) with an exterior door or opening of 8 feet or greater in width shall be serviced by a drive which is connected to a public road right-of-way. All driveways are subject to associated standards under Section 94.12.08.
6. The exterior walls of each Detached Accessory Structure (for Residential Use) shall be sided with wood, masonry, concrete, stucco, Masonite, horizontal vinyl or metal lap siding (except vertical siding allowed in all RM and rural and open space zoning districts aside from RR-2), or similar material approved by the Zoning Administrator. The exterior siding shall extend to the top of the foundation. If the top of the foundation is below grade, the siding shall extend to the ground.
7. Roofs of Detached Accessory Structure (for Residential Use) shall be surfaced with any of the following materials: wood shakes; asphalt, composition, or wood shingles; clay, concrete or metal tiles; slate; built-up gravel materials; architectural standing seam metal roofing; hidden fastener metal roofing; rubber membrane (for flat roofs or roofs with no greater than a 1:12 pitch); or similar material approved by the Zoning Administrator.
8. Pole or ladder constructed buildings shall be permitted only within the RM and rural and open space zoning districts, except for the RR-2 district, and shall be subject to subsections 5. and 6. of this section.
9. No Detached Accessory Structure (for Residential Use) shall involve or include the conduct of any business, trade, or industry, except for home occupations and residential businesses as described and limited elsewhere in this Article 4.
10. No Detached Accessory Structure (for Residential Use) shall be occupied as a dwelling unit or otherwise used for human habitation, unless it has first been approved for such use by the Building Inspector and meets all applicable code requirements for a dwelling.

11. No Detached Accessory Structure (for Residential Use) shall occupy any portion of the minimum required front setback for principal structures in the zoning district.
12. No Detached Accessory Structure (for Residential Use) shall be located closer than 10 feet from any other building on the lot.
13. See Figures 5.01(1) and 5.01(2) for other setback, floor area, 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 where 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 structure, except that where the siding on the principal structure 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.
14. Where the Plan Commission approves one or more detached garages associated with a Multiple-Family Residence:
 - a. No such garage shall be located between any residential building and the public street right-of-way.
 - b. Each garage shall be screened from such rights-of-way via decorative fences, walls, buildings, landscaping, or some combination.
 - c. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting any residentially zoned property.
 - d. 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.

SECTION 8: Section 94.4.09(10) of Weston Municipal Code is hereby amended to read as follows:

(10) **Keeping of Farm Animals on Residential Lots.**

The keeping or raising of farm animals on a residential lot, in zoning districts where allowed under Figure 3.04 and where such activity is clearly accessory to the principal residential use, as opposed to a principal "Agricultural Use." Farm animals are as defined in Article 17. The animals may be kept for show, breeding, or products that are predominantly consumed or used by the residents of the same lot. Gardening and residential composting are allowed in all zoning districts.

Performance Standards:

1. All animals shall be kept within a completely enclosed, covered area to the rear of the residence.
2. Animal enclosure areas may not exceed 20 percent of the lot area.
3. Use shall meet all performance standards in Article 12, including odor standards in Section 94.12.15.
4. Any slaughtering shall take place in a completely enclosed building.
5. The use of mechanized farm equipment and on-site sale of food or fur are prohibited.
6. To be considered an accessory use within any RR zoning district:

- a. The only permitted farm animals are up to 8 chickens, up to 8 ducks, and bees.
 - b. All animal enclosures and beehives shall meet the minimum interior side and rear setback requirements for detached accessory buildings per Figure 5.01(2).
 - c. No animal enclosure shall be located closer than 10 feet from the principal building.
 - d. The minimum lot size for the keeping of farm animals is two acres (three acres for bees).
 - e. The raising or keeping of farm animals shall be permitted at a density not to exceed one animal unit per every acre owned, not considering fractional amounts of acreage.
7. Within the AR and RM zoning districts:
- a. The keeping or raising of hogs or fur-bearing animals as an accessory use to principal residential use, as opposed to a principal “Agricultural Use,” shall not be permitted.
 - b. The raising or keeping of farm animals shall be permitted at a density not to exceed one animal unit per every acre owned, not considering fractional amounts of acreage. The definition of an animal unit is in Section 94.17.04. The Zoning Administrator may approve modifications and exceptions to this animal unit density standard if, each year the normal density standard is to be exceeded, the land owner provides conservation compliance documentation from Marathon County signifying that the keeping of a higher density of animal units is in compliance with all NR 151 Agricultural Runoff Performance Standards and Prohibitions.
 - c. Animal enclosures may be no closer than 50 feet from any lot line, except that beehives and poultry houses for not more than eight chickens or ducks need only meet the minimum setback requirement for detached accessory buildings in Figure 5.01(2).
8. The keeping of bees shall be governed by the following additional regulations:
- a. No more than one beehive shall be kept for each 5,000 square feet of lot area.
 - b. The front of any beehive shall face away from the property line of the residential property closest to the beehive. A “flyway barrier” consisting of a solid fence of six feet in height or a dense hedge at least six feet in height shall be placed along the side of the beehive that contains the entrance to the hive, be located within five feet of the hive, and extend at least two feet on either side of the hive. No such flyway barrier shall be required if all beehives are located at least 25 feet from all property lines.
 - c. A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.
 - d. No Africanized bees may be kept.

SECTION 9: Figures 5.02(1) and 5.02(2) within Section 94.5 of the Weston Municipal Code are hereby amended to read as indicated on the following pages:

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	30,000 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	N/A	0.1
<p>(a) Does not include structured parking or underground parking.</p> <p>(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.</p>					

Figure 5.02(2): Non-residential District Setback and Height Standards

Zoning District	Minimum Setbacks (ft) (b)						Minimum Principal Building Separation (ft)	Maximum Building Height (stories/ft, whichever is greater)	
	Principal Building to Front and Street Side Lot Lines (a)	Principal Building to Interior Side Lot Line	Principal Building to Rear Lot Line	Accessory Building to Interior Side/Rear Lot Line (a) (d)	Hard or Gravel Surface (c)			Principal Buildings	Accessory Buildings
					Front or Street Side	Interior Side or Rear			
INT Institutional	20	8	20	3	15	10	10	3/45	1/20
B-1 Neighborhood Business	10	6	10	3	10	5	10	3/45	1/20
B-2 Highway Business	30	12	20	6	15	10	10	3/45	1/20
B-3 General Business	30	12	20	6	15	10	10	3/45	1/20
BP Business Park	30	12	20	10	15	10	10	4/60	1/20
LI Light Industrial	30	12	20	10	10	5	10	2/30	1/20
GI General Industrial	40	15	30	10	10	5	10	4/60	2.5/35
RM Rural Mix	50	30	20	40	15	10	30	3/45	2.5/35

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

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

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

(d) Front and street side yard setbacks for accessory structures as the same as the minimum front and street side setback for the principal structure.

SECTION 10: Sections 94.12.03(3)(d) and (e) [Fences, Landscape Walls, and Hedges] of the Weston Municipal Code is hereby amended to read as follows:

- (d) Fences within all Non-residential Zoning Districts, Except for RM and for Residential Fences Located in Such Districts
 - 1. Fences, walls, and continuous hedges not exceeding ten feet in height are permitted. Such fence, wall, or continuous hedge shall be set back a minimum of two feet from any front or street side property line.
 - 2. Fences, walls, or continuous hedges may be required for screening particular land uses per Article 4 and Section 94.11.02(3)(d).
- (e) Agricultural-related Fences. Garden fences, partition fences under Wis. Stat. Chapter 90, and all other fencing within agricultural and RM zoning districts shall be exempt from the requirements of this Section, except that all front and street side yard fences shall adhere to the front yard fence requirements for residential districts where such regulation is not prohibited by Statute. Agricultural-related fences under this subsection shall not require a zoning permit or building permit, except for garden fences that are closer than two feet from any property line.

SECTION 11: Section 94.12.05(1) [Firewood Storage] of the Weston Municipal Code is hereby amended to read as follows:

- (1) **Applicability.** This section is applicable in all residential zoning districts and for lots that are occupied by residences and located within non-residential and mixed use zoning districts (except for the RM district), as those terms are defined in Section 94.17.04.

SECTION 12: Section 94.12.06(3) [Exterior Storage Standards] of the Weston Municipal Code are hereby amended to read as follows:

- (3) **Motor Vehicle Storage.** Except in agricultural and RM zoning districts, storage of operable and licensed motor vehicles shall be allowed in accordance with the hard or gravel surface setback requirements of Article 5 and landscaped in accordance with Article 11. Storage or parking of semi-trailers, busses, and heavy duty trucks on property zoned or used for residential purposes is prohibited.

SECTION 13: Figure 12.13(1) in Section 94.12.13 of the Weston Municipal Code is hereby amended to read as follows:

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

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

SECTION 14: Section 94.13.04(4)(a) of the Weston Municipal Code is hereby amended to read as follows:

(4) **Variable Message Signs (VMS).**

- (a) Allowable Districts and Land Uses. No VMS shall be allowed within any agricultural, rural, open space, residential, RM, or N district, or for any residential use regardless of district.

SECTION 15: Section 94.13.07(7)(a) [On-Premise Business Signs] of the Weston Municipal Code is hereby amended to read as follows:

(a) **For the FP Farmland Preservation, AR Agricultural Residential, PR Parks and Recreation, and RM Rural Mix Zoning Districts.**

1. Permitted Sign Type: Wall Sign
 - a. Maximum Permitted Number per Lot: One sign.
 - b. Maximum Permitted Area per Sign: 48 square feet.
2. Permitted Sign Type: Freestanding Sign (Monument Sign or Arm/Post Sign only)
 - a. Maximum Permitted Number per Lot: One sign.
 - b. Maximum Permitted Area per Sign: 32 square feet for all combined sign faces seen from a single vantage point.
 - c. Maximum Permitted Sign Height: Eight feet.
 - d. Minimum Permitted Sign Setback from All Property Lines: The greater of actual sign height or three feet.

SECTION 16: Figure 13.07 [SUMMARY of Maximum Dimensions and Number of On-Premise Business Signs] of the Weston Municipal Code is hereby amended to add the RM district in the same cell as the FP, AR, and PR districts for purposes of business sign standards.

SECTION 17: The following definition in Section 94.17.04 of the Weston Municipal Code is hereby amended to read as follows:

Non-Residential and Mixed Use (Zoning) Districts: The INT, B-1, B-2, B-3, BP, LI, GI, and RM districts, and any property within an N district approved for non-residential use. Alternately referred to as “Non-Residential Zoning Districts” in this chapter.

SECTION 18: The following territories now comprising a part of the RR-5 Rural Residential 5 Acres zoning district, located in Sections 8 and 9, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin, is hereby designated to be and become hereafter part of the following zoning district:

RM Rural Mix – Excluding the C & NW railroad right-of-way, excluding road and excluding north 313 feet of west 660 feet of the southwest quarter of the southwest quarter of Section 9 Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin; more commonly known as 4319 Camp Phillips Road. 32.79 Acres. PIN 192 2808 093 0994

RM Rural Mix – Parcel 1 of Certified Survey Map number 6770 filed with the Register of Deed of Marathon County, Wisconsin in Volume 25 Page 70 (Document number 966518), excluding Parcel 1 of Certified Survey Map number 8095 in Volume 31 Page 48 (Document number 1029615) and excluding Lot 1 of Certified Survey Map number 16028 in Volume 73 Page 132 (Document number 1594891); part of the southwest quarter and part of the northwest quarter of the southeast quarter of Section 9, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin; more commonly known as 4021 Camp Phillips Road. 60.86 Acres. PIN 192 2808 093 0986

RM Rural Mix – Lot 1 of Certified Survey Map number 16028 filed with the Register of Deeds of Marathon County, Wisconsin in Volume 73 Page 132 (Document number 1594891); part of the north half of the southwest quarter of Section 9, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin. 23.163 Acres. PIN 192 2808 093 0985

RM Rural Mix – Lot 1 of Certified Survey Map number 17543 filed with the Register of Deeds of Marathon County, Wisconsin in Volume 84 Page 50 (Document number 1723156); part of north half of the southeast quarter and part of the southeast quarter of the northwest quarter and part of the southwest quarter of the northeast quarter of Section 8, townline 28 north range 8 east, Village of Weston, Marathon County, Wisconsin; more commonly known as 4032 Camp Phillips Road. 67.32 Acres. PIN 192 2808 084 0957

SECTION 19: The amendment effectuated by this Ordinance shall apply within the municipal limits of the Village only. It shall not apply within its extraterritorial zoning jurisdiction in the Town of Weston.

SECTION 20: 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 21: EFFECTIVE DATE. This Ordinance shall take effect upon approval and publication.

Dated the 19th day of December, 2016.

VILLAGE BOARD OF WESTON

By: 
Barbara Ermeling, President

Attest: Sherry Weinkauff
Sherry Weinkauff, Village Clerk

APPROVED: 12/19/16

PUBLISHED: 12/21/16

Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted Ordinance No: 16-046 *An Ordinance Incorporating a "Rural Mix" Zoning District into the Village Zoning Ordinance (Chapter 94)* on December 19, 2016.

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 20th day of December, 2016

Sherry Weinkauf, Village Clerk

Published: 12/21/16

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

REQUEST FROM: **JENNIFER HIGGINS; DIRECTOR OF PLANNING AND DEVELOPMENT**

ITEM DESCRIPTION: **ORDINANCE NO. 16-046 AN ORDINANCE INCORPORATING A "RURAL MIX" ZONING DISTRICT INTO THE VILLAGE ZONING ORDINANCE (CHAPTER 94).**

DATE/MTG: **BOARD OF TRUSTEES; MONDAY, DECEMBER 19, 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 of Ordinance No. 16-046.**

LEGISLATIVE ACTION:

<input 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 Statue:	_____
<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 – October 10, 2016**

BACKGROUND: On March 18, 2015, the Village Board adopted an updated zoning ordinance (Chapter 94) which, among other provisions, consolidated rural zoning districts. Such consolidation resulted in some larger properties in the Village's zoning jurisdiction designated within a zoning district that did not reflect the range of their current and owner-desired mix of residential, agricultural, and rural business uses. Staff was approached by property owners Jordan and Turner with a request to create a new ordinance with this desired mix. A public hearing was held on the ordinance at the 11/14/16 PC/ETZ meeting. At that time, PC requested revisions to the ordinance which have now been made and the ETZ requested the ordinance not apply in the ETZ and not have the district added to the Town of Weston Zoning Ordinance later.

Staff worked with MDRoffers and the property owners on the attached RM district and the original November version of the ordinance. We feel it will meet the property owners needs and the needs of others within the village desiring to utilize their property for agricultural and rural businesses uses.

The marked-up ordinance was included in the PC/ETZ meeting packet and showed the additional changes that were made since the November version of the ordinance. Per Mark Roffers, the new district is consistent with the Comp Plan and no changes are needed to be made to the Comp Plan document.

Please note that through the ordinance, we are also proposing to rezone 1 of Jordan's properties and 3 of Turner's properties. All other parcels wanting to change to this zoning district will need to go through the rezone process later following normal rezone procedures.

PC/ETZ recommend approval.

Attachments – Ord. No. 16-046

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

REQUEST FROM: **JENNIFER HIGGINS; DIRECTOR OF PLANNING AND DEVELOPMENT**

ITEM DESCRIPTION: **UNFINISHED BUSINESS - ORDINANCE NO. 16-046 INCORPORATING A "RURAL MIX" ZONING DISTRICT INTO THE VILLAGE ZONING ORDINANCE (CHAPTER 94).**

DATE/MTG: **PLAN COMMISSION/ETZ; MONDAY, DECEMBER 12, 2016**

POLICY QUESTION: **Should the Plan Commission and ETZ recommend the following draft ordinance amendments to the Village Board for approval?**

RECOMMENDATION TO: **I make a motion to endorse approval of Ordinance No. 16-046 and recommend it to the Trustees.**

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

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:	<u>Chapter 94</u>
<input type="checkbox"/> Municipal Rules:	_____

PRIOR REVIEW: **Public Hearing PC/ETZ – November 14, 2016.**

BACKGROUND: On March 18, 2015, the Village Board adopted an updated zoning ordinance (Chapter 94) which, among other provisions, consolidated rural zoning districts. Such consolidation resulted in some larger properties in the Village's zoning jurisdiction designated within a zoning district that did not reflect the range of their current and owner-desired mix of residential, agricultural, and rural business uses. Staff was approached by property owners Jordan and Turner with a request to create a new ordinance with this desired mix. A public hearing was held on the ordinance at the 11/14/16 PC/ETZ meeting. At that time, PC requested revisions to the ordinance which have now been made and the ETZ requested the ordinance not apply in the ETZ and not have the district added to the Town of Weston Zoning Ordinance later.

Staff worked with MDRoffers and the property owners on the attached RM district and the original November version of the ordinance. We feel it will meet the property owners needs and the needs of others within the village desiring to utilize their property for agricultural and rural businesses uses.

I have included the marked up ordinance following the final copy of the ordinance so you can see the additional changes that were made since the November version of the ordinance. Per Mark Roffers, the new district is consistent with the Comp Plan and no changes are needed to be made to the Comp Plan document.

Please note that through the ordinance, we are also proposing to rezone 1 of Jordan's properties and 3 of Turner's properties. All other parcels wanting to change to this zoning district will need to go through the rezone process later following normal rezone procedures.

Attachments – Ord. No. 16-046

