

**VILLAGE OF WESTON
ORDINANCE 21-019**

AN ORDINANCE AMENDING SECTION 94.4.10 TEMPORARY LAND USE TYPES

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

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

WHEREAS, WHEREAS, the Board of Trustees requested staff and the Plan Commission bring forth an amendment to (13) Temporary Sales by Mobile Food Vendors of this ordinance at their June 21, 2021 meeting; and

WHEREAS, the Joint Town and Village of Weston Extraterritorial Zoning Committee and the Village Plan Commission held a joint public hearing on this ordinance, on July 12, 2021, in compliance with Wis. Stat. § 62.23; and

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

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

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

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

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

SECTION 1: **AMENDMENT** “Sec 94.4.10 Temporary Land Use Types” of the Weston Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 94.4.10 Temporary Land Use Types

1. **Temporary Outdoor Sales.**

Includes the short-term display and/or sale of any items outside the confines of a building. Examples of this land use include but are not limited to seasonal garden shops, tent sales, flea markets, and church sales. This category does not include “Garage, Yard, Estate, and In-Home Sales”, “Seasonal Outdoor Sales of Farm Products” (including farmers markets) or “Drive-in or Drive-Through Sales or Service.”

Performance Standards:

- a. Each such use shall not exceed 120 days in any calendar year, except via Plan Commission approval of a site plan under Section 94.16.09.
- b. In commercial and industrial zoning districts, the products displayed and sold outdoors shall be of the same general nature as the permanent retail activity conducted on the property.
- c. Within the PR district and within public parks in other zoning districts, Temporary Outdoor Sales are permitted only in conjunction with a Village approved festival or other event.
- d. There shall be no evidence of the Temporary Outdoor Sales use 24 hours before or after the sales are permitted, either on-site or off-site.
- e. No fireworks stands are permitted.
- f. Hoop buildings and structures of similar design shall be a permitted for a maximum of five consecutive days within a 30-day period, shall comply with Chapter 34, Fire Prevention and Protection, and shall in non-residential and mixed-use zoning districts require a tent permit from the Fire Department.
- g. The applicant and operator shall comply with temporary use review and approval procedures in Section 94.16.07. A temporary use permit shall only be issued to the owner/operator of the associated permanent use of the property.
- h. The applicant or operator shall provide a layout of the activities, and additional details if requested by the Zoning Administrator.

2. Garage, Yard, Estate, and In-Home Sales.

Includes the short-term display and sales of household products in a residence, residential garage, driveway, or yard, whether for one or multiple families.

Performance Standards:

- a. Shall be limited to properties in residential use.
- b. Shall be permitted in association with a two-family and multiple family residence only in a private driveway from the residential unit to the public street or in a garage serving a two- to four-unit building. Sales within parking lots, common driveways, or yard areas of two-family or multiple family residences are not permitted.
- c. May only be conducted by or on behalf of the occupants of the residence.
- d. Shall be limited to a maximum of four sales per year, with a maximum duration of three days per sale.
- e. Shall not require a temporary use review and approval under Section 94.16.07.

- f. No hoop buildings or structures of similar design shall be used in conjunction with the sale.
- g. Signs shall meet applicable one-time event sign standards in Section 94.13.08. No sign shall be placed in the public right-of-way, except with the express consent of the Zoning Administrator.

3. Outdoor Assembly or Special Event.

Includes any organized assembly of more than 200 persons, outdoors, including church festivals, community events, and other similar activities open to the public, but excluding one-time and occasional auctions, weddings, funerals, family reunions, and other similar private events. Also includes special events as defined in Chapter 67 of the Code.

Performance Standards:

- a. Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- b. Adequate parking, drinking water, toilet facilities, and crowd control shall be provided.
- c. If the subject property is located within or adjacent to a residentially zoned area, activities shall be limited to daylight hours, unless licensed for longer hours.
- d. Each such use or activity shall not exceed 14 days per quarter.
- e. The applicant and operator shall comply with temporary use review and approval procedures in Section 94.16.07.

4. Contractor's Project Office.

Includes any structure containing an on-site construction management office for an active construction project.

Performance Standards:

- a. Facility may be installed no sooner than 10 days before construction commences and shall be removed within 10 days of issuance of an occupancy permit for all structures on the construction site.
- b. The applicant shall comply with temporary use review and approval procedures in Section 94.16.07.

5. Contractor's On-Site Equipment Storage Facility.

Includes any structure or outdoor storage area designed for the on-site storage of construction equipment and/or materials for an active construction project.

Performance Standards:

- a. Facility may be installed no sooner than 10 days before construction commences and shall be removed within 10 days of issuance of an occupancy permit for all structures on the construction site.
- b. The applicant shall comply with temporary use review and approval

procedures in Section 94.16.07.

6. Relocatable Building.

Includes any manufactured building that serves as a temporary building, supplementing permanent buildings on the site, but not including other temporary uses or buildings included in this Section. Examples include temporary classrooms and temporary manufacturing facilities.

Performance Standards:

- a. The building shall conform to all setback and height regulations for principal buildings in the associated zoning district, as provided in Article 5.
- b. The building shall conform to all building code regulations.
- c. Each such building shall not be placed on a site for more than 120 days in any calendar year, except by conditional use permit.
- d. The applicant shall comply with temporary use review and approval procedures in Section 94.16.07.

7. On-Site Real Estate Sales Office.

Includes any building that serves as an on-site sales office for a development project.

Performance Standards:

- a. Facility may be installed no sooner than 10 days before construction commences.
- b. The office shall be removed or converted to a permitted land use within 10 days of the completion of sales activity.
- c. The applicant shall comply with temporary use review and approval procedures in Section 94.16.07.

8. Seasonal Outdoor Sales of Farm Products.

Includes outdoor display and sales of farm products on a seasonal basis as an accessory use, including but not limited to seasonal roadside stands, farmers markets, and Christmas tree lots.

Performance Standards:

- a. Outside of agricultural zoning districts, such uses shall be limited to the sale of holiday trees and associated products, except where conducted by organizations that are tax-exempt under Section 501(c)(3) of the Internal Revenue Code.
- b. The display of products shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- c. If subject property is located adjacent to residentially zoned property, sales and display activities shall be limited to daylight hours.
- d. Each such use shall not exceed 120 days in any calendar year.
- e. Roadside stands, less than 200 square feet in area, shall be set back a minimum of 30 feet from the existing road right-of-way line and 20 feet from any other lot line.

- f. Shall comply with temporary use review and approval procedures in Section 94.16.07.

9. Temporary Portable Storage Container.

A portable storage container designed and used primarily for temporary storage of household goods and other such materials for use on a limited basis on residential property. Also known as a “pod.”

Performance Standards:

- a. The container shall be permitted on the property for up to 30 days associated with each change of occupancy as defined by a recorded change in property ownership or valid lease.
- b. The Temporary Portable Storage Container cannot encroach on the public right-of-way, neighboring property, sidewalk, or be placed in the street. The unit must be sited on a hard surface as defined in Section 94.17.04.
- c. Shall comply with temporary use review and approval procedures in Section 94.16.07.

10. Temporary Shelter.

Shelters that are typically supported by poles, have a fabric, metal, or vinyl roof and/or sides, and are usually used to shelter automobiles, boats, recreational vehicles, temporary sales use, and gatherings of people on a temporary basis. These structures are not designed for the snow loading that can occur during the winter months.

Performance Standards:

- a. Shall be permitted as a temporary use only, for a maximum of five consecutive days within a 30-day period.
- b. Shall comply with Chapter 34, Fire Prevention and Protection of the Code.
- c. Shall comply with temporary use review and approval procedures in Section 94.16.07.

11. Temporary Agricultural Structure.

Temporary structures normally accessory and incidental to farming operations.

Performance Standards:

- a. Shall be permitted as a temporary use only, for a maximum of 180 days.
- b. The parcel the structure is proposed to be located on shall be a minimum of 40 acres in area.
- c. The structure shall conform to the underlying zoning district’s setback regulations.
- d. The structure must be affixed to the ground or a structure to prevent the wind from relocating the structure.
- e. Need not comply with temporary use review and approval procedures in Section 94.16.07.

12. Temporary Unscreened Outdoor Storage Accessory to an Industrial Use.

Provisions for the temporary unscreened or marginally screened outdoor storage of products, equipment, or supplies used by a principal “Light Industrial” or “Heavy Industrial” use on the same property, intended to address one-time and rare occasions of heavy activity in the business.

Performance Standards:

- a. Shall be a permitted as a temporary use only, for a maximum of 90 days.
- b. The building shall conform to all setback regulations for principal buildings.
- c. Must be sited on a hard surface or gravel surface.
- d. Shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- e. The Zoning Administrator may limit such storage to only those uses and lots where a site plan approved after March 18, 2015 designated the possibility of a Temporary Unscreened Outdoor Storage Accessory to an Industrial Use.
- f. The Zoning Administrator may require measures to screen or buffer the storage area, or direct the placement to a location that minimizes visual impact, to the extent practical.
- g. Shall comply with temporary use review and approval procedures in Section 94.16.07.

13. Temporary Sales by Mobile Food Vendors

Includes the short-term sale of products and foods outside the confines of a building. Foods and beverages are made by the licensed mobile food vendor. Examples of this land use category include, but are not limited to, mobile retail food establishment, temporary retail food establishment, pushcart, ice cream vendor and temporary food stands. This category does not include “Seasonal Sales of Farm Products” (including farmers’ markets), “Drive-in or Drive-through Sales or Service,” or licensed mobile food vendors associated with a licensed and approved “Outdoor Assembly or Special Event.”

Performance Standards:

- a. Each such use shall require the issuance of a “Mobile Food Vendor” License from the Village Clerk per Section 18.148 of the Municipal Code.
- b. Vending shall only be permitted to operate between the hours of 7:00 a.m. and 30 minutes after the provided closing hours for Class “B” licensed alcohol establishments as provided in Wis. Stat. §125.32(3).
- c. No mobile food vending unit may be set up at any one location for more than a 7-day period. Mobile food vending units that operate out of a motorized vehicle shall be parked in a parking stall overnight as to not inhibit traffic flow.
- d. All mobile food vendor units shall be located on a hard or gravel surface, as defined by this Chapter.
- e. All mobile food vendor units shall adhere to the setbacks of the hard or gravel surface of the respected zoning district as defined in Figure 5.02(2) Non-residential District Setbacks and Height Standards within this Chapter.
- f. Written permission from the property owner or designee granting the permission to vend food from a mobile food vending unit on their property.

- g. No mobile food vendor unit shall be located or operate within a rural, open space or residentially zoned district, with the exception of the PR – Parks and Recreation district or unless the mobile food vendor is identified under Section 18.148(d)(2) of Licensing.
- h. No mobile food vendor unit shall be located or operate within the right-of-way, which includes, but not limited to, the street and sidewalk, with the exception of a mobile ice cream vendor. No vending shall be made in a public street from a vehicle or other on-street unit except from the curbside of said vehicle or on-street unit. Vehicle or pedestrian flow shall not be impeded in any way. All vending from the right-of-way shall cease at sunset.
- i. No mobile food vendor unit shall be located within 10 feet of a fire hydrant or designated bus stop and shall not be located within the vision triangle as described in Chapter 71.
- j. No mobile food vendor unit shall be located on the same parcel or any adjacent parcel where a business is selling the same or similar products during the hours of operation of said business, unless written permission is granted by the owner of said business and such documentation is provided with the required application.
- k. No mobile food vendor unit shall be located or operating within 1000 feet of school property during school hours, unless written permission is granted by the school superintendent or designee and such documentation is provided with the required application.
- l. It shall be prohibited for any mobile food vendor units to be connected to any public source of water, sewer or electricity.
- m. The utilization of public property, such as light poles, utility pole, planters is prohibited.
- n. The utilization of a drive-up or drive-through window for motorized vehicles is prohibited.
- o. The licensee or designated operator of the mobile food vendor unit shall be present at all times during which food is being displayed and sold, except that the operator may leave his/her vending location and mobile vending unit unattended during lawful vending hours for a maximum of 30 minutes per day.
- p. The Everest Metropolitan Police Department or the Village shall have the authority to remove or cause the removal of any mobile food vendor unit, any of its accessories or product that is in violation of this chapter or poses a risk to the health, safety or welfare of the general public. In addition to any forfeiture that may be imposed, the violator shall also be liable for any removal, towing and storage charges incurred by the Village or any of its associated agencies as a result.
- q. Any signs that are attached to the mobile vending unit are exempt from the requirements of filing a sign permit but shall adhere to all regulations within Article 13.

14. Temporary Asphalt, Batch or Concrete, Stone Crushing and/or Processing

Operations

Where not accessory to a non-metallic mineral extraction operation, this temporary use shall be proposed in conjunction with and exclusively serving a specific public highway or road improvement, other public works project, or large scale construction project warranting on-site processing in the Zoning Administrator's opinion that benefits the Village and/or the Extraterritorial Zoning District, subject to the issuance of a temporary use permit and the following performance standards.

Performance Standards:

- a. The permitted length of time of operation are as follows:
 - i. All temporary use permits within the Village for any such operation shall not exceed a six-month (6) period.
 - (1) An extension of the permit may only be considered for up to one year by conditional use permit. Projects proposed to exceed 1-year must qualify as a Solid Waste Disposal, Composting and/or Recycling Facility as defined in Section 94.4.06(5).
 - ii. All temporary use permits within the Extraterritorial Zoning District for any such operation shall only be considered by conditional use permit.
 - (1) Projects proposed to exceed 1-year must qualify as a Solid Waste Disposal, Composting and/or Recycling Facility as defined in Section 94.4.06(5)
- b. Batch plants and material processing operations shall only be permitted as a temporary use within the AR Agriculture and Residential district, Non-Residential, and Mixed-Use Districts; or within a Subdivision where the preliminary plat has been approved or construction phase authorized within the preceding year.
- c. All temporary use permit applications shall include detailed site and operational plans, which describe the specific nature of the proposed operation, justification for why the operation needs to be performed on-site; the specific project(s) which the operation would supply; types and quantities of materials and processes; types, quantities, and frequency of use of equipment to move, process, and haul materials within and to and from the site; where materials would be hauled from and to and over what routes and roads; 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; number of employees; proposed days and hours of operation; proposed time length of operation; other state, county, or federal permits required; public safety measures including fencing; evidence of adequate insurance, and contact information for all on-site managers/supervisors.
- d. All applications shall include a detailed map of the impacted areas showing the designated truck routes and frequency of travel. All off-site travel shall be restricted to arterial and collector streets and highways unless prior written

- approval is received from the Director of Public Works to use other streets.
- e. A bond or other performance guarantee for such work may be required as part of the temporary use permit provided that a clear relationship is established between the operation and the need for road upgrades, repair, and maintenance.
 - f. All applications shall include a detailed site plan in accordance with Section 94.16.09 and shall also include the following:
 - i. Location of all fences or other screening mechanisms;
 - ii. Location of processing equipment and areas and material and equipment storage areas;
 - iii. The proposed type and amount of material being processed and/or stored;
 - iv. Employee parking; and
 - v. An erosion control plan, drawn to scale by a professional engineer, meeting all applicable Village, State, and County requirements.
 - vi. Other location-specific items required under subsection 3 indicated.
 - g. Driveway access of the operation shall adhere to Section 94.12.08 and Chapter 71 of the Municipal Code.
 - h. Batch plants and material processing operations proposed within 1,000 feet of any residential land use (not including undeveloped subdivisions) shall also have to obtain a conditional use permit per Section 94.16.06.
 - i. 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. Fuel storage located within the Wellhead Protection Zones shall require a conditional use permit per Section 94.6.03 to minimize the potential for groundwater contamination.
 - j. Depending on the nature of the use, the Zoning Administrator may require a reclamation plan clearly depicting the restoration of the property, proposed contours, depth of topsoil, vegetative cover and the proposed land use. A bond or letter of credit may be required to cover the costs of reclamation in the event that the applicant fails to complete the process or is unable to do so due to other circumstances. The amount is determined by the preexisting conditions of the site.
 - k. At maximum, the operation of the batch plants and material processing uses shall be permitted between the hours of 7:00AM through 5:00PM, Monday through Friday; and between 7:00AM and 12:00PM on Saturday. Transportation of materials to and from the site shall not occur outside of these hours when within 1,000 feet of an existing residential land use. The entire project area shall be screened from view from all neighboring parcels and rights-of-way.
 - l. To prevent tracking of mud onto public roads, access driveways shall be hard surfaced within one 100 feet of public roads, unless the adjacent road is not hard surfaced. This requirement may be satisfied with the use of a tracking pad as part of the erosion control plan.
 - m. Material processed on site shall be only used for the project specified on the permit application. If it has been determined by the Zoning Administrator that

- other activities are occurring within the proposed site area unrelated to the specified project the temporary use permit shall be revoked.
- n. All public roads to all operations shall be kept free of all mud, debris, and dust.
 - o. Operation sites and driveways shall be sprayed to control dust, except when the temperature is below freezing. All operations and sites shall also meet the air pollution standards in Section 94.12.14.
 - p. Minimum Required Off-Street Parking: one space per each employee on the largest work shift.

AFTER AMENDMENT

Sec 94.4.10 Temporary Land Use Types

1. **Temporary Outdoor Sales.**

Includes the short-term display and/or sale of any items outside the confines of a building. Examples of this land use include but are not limited to seasonal garden shops, tent sales, flea markets, and church sales. This category does not include “Garage, Yard, Estate, and In-Home Sales”, “Seasonal Outdoor Sales of Farm Products” (including farmers markets) or “Drive-in or Drive-Through Sales or Service.”

Performance Standards:

- a. Each such use shall not exceed 120 days in any calendar year, except via Plan Commission approval of a site plan under Section 94.16.09.
- b. In commercial and industrial zoning districts, the products displayed and sold outdoors shall be of the same general nature as the permanent retail activity conducted on the property.
- c. Within the PR district and within public parks in other zoning districts, Temporary Outdoor Sales are permitted only in conjunction with a Village approved festival or other event.
- d. There shall be no evidence of the Temporary Outdoor Sales use 24 hours before or after the sales are permitted, either on-site or off-site.
- e. No fireworks stands are permitted.
- f. Hoop buildings and structures of similar design shall be a permitted for a maximum of five consecutive days within a 30-day period, shall comply with Chapter 34, Fire Prevention and Protection, and shall in non-residential and mixed-use zoning districts require a tent permit from the Fire Department.
- g. The applicant and operator shall comply with temporary use review and approval procedures in Section 94.16.07. A temporary use permit shall only be issued to the owner/operator of the associated permanent use of the property.
- h. The applicant or operator shall provide a layout of the activities, and additional details if requested by the Zoning Administrator.

2. **Garage, Yard, Estate, and In-Home Sales.**

Includes the short-term display and sales of household products in a residence, residential garage, driveway, or yard, whether for one or multiple families.

Performance Standards:

- a. Shall be limited to properties in residential use.
- b. Shall be permitted in association with a two-family and multiple family residence only in a private driveway from the residential unit to the public street or in a garage serving a two- to four-unit building. Sales within parking lots, common driveways, or yard areas of two-family or multiple family residences are not permitted.
- c. May only be conducted by or on behalf of the occupants of the residence.
- d. Shall be limited to a maximum of four sales per year, with a maximum duration of three days per sale.
- e. Shall not require a temporary use review and approval under Section 94.16.07.
- f. No hoop buildings or structures of similar design shall be used in conjunction with the sale.
- g. Signs shall meet applicable one-time event sign standards in Section 94.13.08. No sign shall be placed in the public right-of-way, except with the express consent of the Zoning Administrator.

3. Outdoor Assembly or Special Event.

Includes any organized assembly of more than 200 persons, outdoors, including church festivals, community events, and other similar activities open to the public, but excluding one-time and occasional auctions, weddings, funerals, family reunions, and other similar private events. Also includes special events as defined in Chapter 67 of the Code.

Performance Standards:

- a. Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- b. Adequate parking, drinking water, toilet facilities, and crowd control shall be provided.
- c. If the subject property is located within or adjacent to a residentially zoned area, activities shall be limited to daylight hours, unless licensed for longer hours.
- d. Each such use or activity shall not exceed 14 days per quarter.
- e. The applicant and operator shall comply with temporary use review and approval procedures in Section 94.16.07.

4. Contractor's Project Office.

Includes any structure containing an on-site construction management office for an active construction project.

Performance Standards:

- a. Facility may be installed no sooner than 10 days before construction commences and shall be removed within 10 days of issuance of an occupancy permit for all structures on the construction site.
- b. The applicant shall comply with temporary use review and approval procedures in Section 94.16.07.

5. Contractor's On-Site Equipment Storage Facility.

Includes any structure or outdoor storage area designed for the on-site storage of construction equipment and/or materials for an active construction project.

Performance Standards:

- a. Facility may be installed no sooner than 10 days before construction commences and shall be removed within 10 days of issuance of an occupancy permit for all structures on the construction site.
- b. The applicant shall comply with temporary use review and approval procedures in Section 94.16.07.

6. Relocatable Building.

Includes any manufactured building that serves as a temporary building, supplementing permanent buildings on the site, but not including other temporary uses or buildings included in this Section. Examples include temporary classrooms and temporary manufacturing facilities.

Performance Standards:

- a. The building shall conform to all setback and height regulations for principal buildings in the associated zoning district, as provided in Article 5.
- b. The building shall conform to all building code regulations.
- c. Each such building shall not be placed on a site for more than 120 days in any calendar year, except by conditional use permit.
- d. The applicant shall comply with temporary use review and approval procedures in Section 94.16.07.

7. On-Site Real Estate Sales Office.

Includes any building that serves as an on-site sales office for a development project.

Performance Standards:

- a. Facility may be installed no sooner than 10 days before construction commences.
- b. The office shall be removed or converted to a permitted land use within 10 days of the completion of sales activity.
- c. The applicant shall comply with temporary use review and approval procedures in Section 94.16.07.

8. Seasonal Outdoor Sales of Farm Products.

Includes outdoor display and sales of farm products on a seasonal basis as an accessory use, including but not limited to seasonal roadside stands, farmers markets,

and Christmas tree lots.

Performance Standards:

- a. Outside of agricultural zoning districts, such uses shall be limited to the sale of holiday trees and associated products, except where conducted by organizations that are tax-exempt under Section 501(c)(3) of the Internal Revenue Code.
- b. The display of products shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- c. If subject property is located adjacent to residentially zoned property, sales and display activities shall be limited to daylight hours.
- d. Each such use shall not exceed 120 days in any calendar year.
- e. Roadside stands, less than 200 square feet in area, shall be set back a minimum of 30 feet from the existing road right-of-way line and 20 feet from any other lot line.
- f. Shall comply with temporary use review and approval procedures in Section 94.16.07.

9. Temporary Portable Storage Container.

A portable storage container designed and used primarily for temporary storage of household goods and other such materials for use on a limited basis on residential property. Also known as a “pod.”

Performance Standards:

- a. The container shall be permitted on the property for up to 30 days associated with each change of occupancy as defined by a recorded change in property ownership or valid lease.
- b. The Temporary Portable Storage Container cannot encroach on the public right-of-way, neighboring property, sidewalk, or be placed in the street. The unit must be sited on a hard surface as defined in Section 94.17.04.
- c. Shall comply with temporary use review and approval procedures in Section 94.16.07.

10. Temporary Shelter.

Shelters that are typically supported by poles, have a fabric, metal, or vinyl roof and/or sides, and are usually used to shelter automobiles, boats, recreational vehicles, temporary sales use, and gatherings of people on a temporary basis. These structures are not designed for the snow loading that can occur during the winter months.

Performance Standards:

- a. Shall be a permitted as a temporary use only, for a maximum of five consecutive days within a 30-day period.
- b. Shall comply with Chapter 34, Fire Prevention and Protection of the Code.
- c. Shall comply with temporary use review and approval procedures in Section 94.16.07.

11. Temporary Agricultural Structure.

Temporary structures normally accessory and incidental to farming operations.

Performance Standards:

- a. Shall be a permitted as a temporary use only, for a maximum of 180 days.
- b. The parcel the structure is proposed to be located on shall be a minimum of 40 acres in area.
- c. The structure shall conform to the underlying zoning district's setback regulations.
- d. The structure must be affixed to the ground or a structure to prevent the wind from relocating the structure.
- e. Need not comply with temporary use review and approval procedures in Section 94.16.07.

12. Temporary Unscreened Outdoor Storage Accessory to an Industrial Use.

Provisions for the temporary unscreened or marginally screened outdoor storage of products, equipment, or supplies used by a principal "Light Industrial" or "Heavy Industrial" use on the same property, intended to address one-time and rare occasions of heavy activity in the business.

Performance Standards:

- a. Shall be a permitted as a temporary use only, for a maximum of 90 days.
- b. The building shall conform to all setback regulations for principal buildings.
- c. Must be sited on a hard surface or gravel surface.
- d. Shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- e. The Zoning Administrator may limit such storage to only those uses and lots where a site plan approved after March 18, 2015 designated the possibility of a Temporary Unscreened Outdoor Storage Accessory to an Industrial Use.
- f. The Zoning Administrator may require measures to screen or buffer the storage area, or direct the placement to a location that minimizes visual impact, to the extent practical.
- g. Shall comply with temporary use review and approval procedures in Section 94.16.07.

13. Temporary Sales by Mobile Food Vendors

Includes the short-term sale of products and foods outside the confines of a building. Foods and beverages are made by the licensed mobile food vendor. Examples of this land use category include, but are not limited to, mobile retail food establishment, temporary retail food establishment, pushcart, ice cream vendor and temporary food stands. This category does not include "Seasonal Sales of Farm Products" (including farmers' markets), "Drive-in or Drive-through Sales or Service," or licensed mobile food vendors associated with a licensed and approved "Outdoor Assembly or Special Event."

Performance Standards:

- a. Each such use shall require the issuance of a “Mobile Food Vendor” License from the Village Clerk per Section 18.148 of the Municipal Code.
- b. Vending shall only be permitted to operate between the hours of 7:00 a.m. and 30 minutes after the provided closing hours for Class “B” licensed alcohol establishments as provided in Wis. Stat. §125.32(3).
- c. No mobile food vending unit may be set up at any one location for more than a 7-day period. Mobile food vending units that operate out of a motorized vehicle shall be parked in a parking stall overnight as to not inhibit traffic flow.
- d. All mobile food vendor units shall be located on a hard or gravel surface, as defined by this Chapter.
- e. All mobile food vendor units shall adhere to the setbacks of the hard or gravel surface of the respected zoning district as defined in Figure 5.02(2) Non-residential District Setbacks and Height Standards within this Chapter.
- f. Written permission from the property owner or designee granting the permission to vend food from a mobile food vending unit on their property.
- g. No mobile food vendor unit shall be located or operate within a rural, open space or residentially zoned district, with the exception of the PR – Parks and Recreation district or unless the mobile food vendor is identified under Section 18.148(d)(2) of Licensing.
- h. No mobile food vendor unit shall be located or operate within the right-of-way, which includes, but not limited to, the street and sidewalk, with the exception of a mobile ice cream vendor. No vending shall be made in a public street from a vehicle or other on-street unit except from the curbside of said vehicle or on-street unit. Vehicle or pedestrian flow shall not be impeded in any way. All vending from the right-of-way shall cease at sunset.
- i. No mobile food vendor unit shall be located within 10 feet of a fire hydrant or designated bus stop and shall not be located within the vision triangle as described in Chapter 71.
- j. No mobile food vendor unit shall be located on the same parcel ~~or any adjacent parcel~~ where a business is selling the same or similar products during the hours of operation of said business, unless written permission is granted by the owner of said business and such documentation is provided with the required application.
- k. No mobile food vendor unit shall be located or operating within 1000 feet of school property during school hours, unless written permission is granted by the school superintendent or designee and such documentation is provided with the required application.
- l. It shall be prohibited for any mobile food vendor units to be connected to any public source of water, sewer or electricity.
- m. The utilization of public property, such as light poles, utility pole, planters is prohibited.
- n. The utilization of a drive-up or drive-through window for motorized vehicles is prohibited.
- o. The licensee or designated operator of the mobile food vendor unit shall be present at all times during which food is being displayed and sold, except that the operator may leave his/her vending location and mobile vending unit

unattended during lawful vending hours for a maximum of 30 minutes per day.

- p. The Everest Metropolitan Police Department or the Village shall have the authority to remove or cause the removal of any mobile food vendor unit, any of its accessories or product that is in violation of this chapter or poses a risk to the health, safety or welfare of the general public. In addition to any forfeiture that may be imposed, the violator shall also be liable for any removal, towing and storage charges incurred by the Village or any of its associated agencies as a result.
- q. Any signs that are attached to the mobile vending unit are exempt from the requirements of filing a sign permit but shall adhere to all regulations within Article 13.

14. Temporary Asphalt, Batch or Concrete, Stone Crushing and/or Processing Operations

Where not accessory to a non-metallic mineral extraction operation, this temporary use shall be proposed in conjunction with and exclusively serving a specific public highway or road improvement, other public works project, or large scale construction project warranting on-site processing in the Zoning Administrator's opinion that benefits the Village and/or the Extraterritorial Zoning District, subject to the issuance of a temporary use permit and the following performance standards.

Performance Standards:

- a. The permitted length of time of operation are as follows:
 - i. All temporary use permits within the Village for any such operation shall not exceed a six-month (6) period.
 - (1) An extension of the permit may only be considered for up to one year by conditional use permit. Projects proposed to exceed 1-year must qualify as a Solid Waste Disposal, Composting and/or Recycling Facility as defined in Section 94.4.06(5).
 - ii. All temporary use permits within the Extraterritorial Zoning District for any such operation shall only be considered by conditional use permit.
 - (1) Projects proposed to exceed 1-year must qualify as a Solid Waste Disposal, Composting and/or Recycling Facility as defined in Section 94.4.06(5)
- b. Batch plants and material processing operations shall only be permitted as a temporary use within the AR Agriculture and Residential district, Non-Residential, and Mixed-Use Districts; or within a Subdivision where the preliminary plat has been approved or construction phase authorized within the preceding year.
- c. All temporary use permit applications shall include detailed site and operational plans, which describe the specific nature of the proposed operation, justification for why the operation needs to be performed on-site;

the specific project(s) which the operation would supply; types and quantities of materials and processes; types, quantities, and frequency of use of equipment to move, process, and haul materials within and to and from the site; where materials would be hauled from and to and over what routes and roads; 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; number of employees; proposed days and hours of operation; proposed time length of operation; other state, county, or federal permits required; public safety measures including fencing; evidence of adequate insurance, and contact information for all on-site managers/supervisors.

- d. All applications shall include a detailed map of the impacted areas showing the designated truck routes and frequency of travel. All off-site travel shall be restricted to arterial and collector streets and highways unless prior written approval is received from the Director of Public Works to use other streets.
- e. A bond or other performance guarantee for such work may be required as part of the temporary use permit provided that a clear relationship is established between the operation and the need for road upgrades, repair, and maintenance.
- f. All applications shall include a detailed site plan in accordance with Section 94.16.09 and shall also include the following:
 - i. Location of all fences or other screening mechanisms;
 - ii. Location of processing equipment and areas and material and equipment storage areas;
 - iii. The proposed type and amount of material being processed and/or stored;
 - iv. Employee parking; and
 - v. An erosion control plan, drawn to scale by a professional engineer, meeting all applicable Village, State, and County requirements.
 - vi. Other location-specific items required under subsection 3 indicated.
- g. Driveway access of the operation shall adhere to Section 94.12.08 and Chapter 71 of the Municipal Code.
- h. Batch plants and material processing operations proposed within 1,000 feet of any residential land use (not including undeveloped subdivisions) shall also have to obtain a conditional use permit per Section 94.16.06.
- i. 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. Fuel storage located within the Wellhead Protection Zones shall require a conditional use permit per Section 94.6.03 to minimize the potential for groundwater contamination.
- j. Depending on the nature of the use, the Zoning Administrator may require a reclamation plan clearly depicting the restoration of the property, proposed contours, depth of topsoil, vegetative cover and the proposed land use. A bond or letter of credit may be required to cover the costs of reclamation in the event that the applicant fails to complete the process or is unable to due to other circumstances. The amount is determined by the preexisting conditions of the

- site.
- k. At maximum, the operation of the batch plants and material processing uses shall be permitted between the hours of 7:00AM through 5:00PM, Monday through Friday; and between 7:00AM and 12:00PM on Saturday. Transportation of materials to and from the site shall not occur outside of these hours when within 1,000 feet of an existing residential land use. The entire project area shall be screened from view from all neighboring parcels and rights-of-way.
 - l. To prevent tracking of mud onto public roads, access driveways shall be hard surfaced within one 100 feet of public roads, unless the adjacent road is not hard surfaced. This requirement may be satisfied with the use of a tracking pad as part of the erosion control plan.
 - m. Material processed on site shall be only used for the project specified on the permit application. If it has been determined by the Zoning Administrator that other activities are occurring within the proposed site area unrelated to the specified project the temporary use permit shall be revoked.
 - n. All public roads to all operations shall be kept free of all mud, debris, and dust.
 - o. Operation sites and driveways shall be sprayed to control dust, except when the temperature is below freezing. All operations and sites shall also meet the air pollution standards in Section 94.12.14.
 - p. Minimum Required Off-Street Parking: one space per each employee on the largest work shift.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

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

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from July 22, 2021 and after the required approval and publication according to law.

SECTION 5: 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.

PASSED AND ADOPTED BY THE VILLAGE OF WESTON BOARD OF TRUSTEES
 JULY 19, 2021.

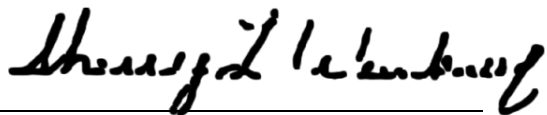
| | AYE | NAY | ABSENT | ABSTAIN |
|-------------------|---------------|---------------|---------------|----------------|
| Mark Maloney | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Barbara Ermeling | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Steve Meinel | <u> </u> | <u> </u> | <u>X</u> | <u> </u> |
| Yee Leng Xiong | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Nathan Fiene | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Loren White | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Hooshang Zeyghami | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |

Presiding Officer

Attest



Mark Maloney, Village President,
 Village of Weston



Sherry Weinkauf, Village Clerk Village
 of Weston

