

VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 23-016

**AN ORDINANCE TO AMEND PROVISIONS WITHIN CHAPTER 94 OF THE MUNICIPAL CODE, AFFECTING THE PERFORMANCE STANDARDS OF THE PERSONAL STORAGE FACILITY LAND USE, CALCULATION OF MINIMUM REQUIRED PARKING SPACES, BICYCLE PARKING AND NONCONFORMING SITES IN THE VILLAGE OF WESTON AND THE EXTRATERRITORIAL ZONING AREA OF THE TOWN OF WESTON.**

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

WHEREAS, the Village recreated 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, the Village has identified the need for amendments to its zoning ordinance to address the several issues listed in the title to this ordinance; 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 October 9, 2023, 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, the Village Board of Weston, Marathon County, Wisconsin, does ordain as follows:

SECTION 1: Section 94.4.06 (3) Personal Storage Facility of the Village of Weston Municipal Code is hereby amended to provide as follows:

Section 94.4.06

(3) **Personal Storage Facility.**

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

**Performance Standards:**

1. In addition to the building design standards in Section 94.10.03, buildings and facility shall be designed to minimize adverse visual impacts on nearby developments. The color, exterior

materials, and orientation of proposed buildings and other structures shall complement surrounding development and be consistent with any building design standards within the Comprehensive Plan.

2. A ~~buffer yard~~ meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property and public rights-of-way.
3. The Plan Commission or Extraterritorial Zoning Committee may restrict or limit unit doors facing a public street right-of-way or property not in an industrial zoning ~~district, or~~ may otherwise require that any such doors be screened from view with berms, landscaping, and/or opaque fencing.
4. Facility shall be limited to indoor storage ~~of for household individuals to store personal~~ items and similar durable goods ~~or for businesses to store material for operation of a business establishment located at another location~~. No live animals, perishable items, odor producing materials (see Section 94.12.15), flammable or explosive materials (see Section 94.12.17), toxic or noxious materials (see Section 94.12.18), or hazardous materials (see Section 94.12.20) shall be stored on site.
5. No storage unit may have any other function aside from storage, including but not limited to any retail, wholesale, workshop, hobby shop, manufacturing, residential, lodging, or service use.
6. ~~6. Facility may include outdoor storage of recreational equipment including recreational vehicles, camping trailers, ice shanties, and recreational equipment stored in/on trailers. Any such outdoor storage shall be an accessory use and require conditional use approval. All outdoor storage areas shall be completely screened by any permitted combination of buildings, structures, walls, and solid fencing. No outdoor storage of materials shall be permitted on site, with the exception of an outdoor-Outdoor~~ trash or recycling receptacle, if proposed and approved as part of the site plan ~~and shall be~~ screened in accordance with Section 94.12.06.
7. To prevent unauthorized access, each storage unit shall be outfitted with quality commercial locks and the Plan Commission or Extraterritorial Zoning Committee may require gated access to the facility and/or security fencing.
8. The Plan Commission or Extraterritorial Zoning Committee may require that the project be equipped with a digital security camera(s) that records site activity, with footage made available to the Everest Metro Police Department upon suspicion of criminal activity.
9. All storage units shall gain access from the interior of the building or site, as opposed to direct access from units to public streets.
10. The Plan Commission or Extraterritorial Zoning Committee may deny or limit a conditional use permit, where required, if it determines that the location, size, quantity, job or tax base creation, or other applicable characteristics of the proposed facility are incompatible with the economic development goals and objectives of the Village, including those within the Comprehensive Plan and any approved tax incremental district project plan.
11. Minimum Required Off-Street Parking: one space for each employee on the largest work shift.

SECTION 3: Section 94.12.09 Off Street Parking and Traffic Circulation Standards (7) Calculation of Minimum Required Parking Spaces & (14) Bicycle Parking of the Village of Weston Municipal Code is hereby amended to provide as follows:

(7) **Calculation of Minimum Required Parking Spaces.** The minimum number of required parking spaces is stated for each land use in Article 4. In the case of uses not mentioned in Article 4, the site plan approval authority may regulate minimum parking requirements using a regulation of a listed use they deem to be similar. A garage stall shall be considered a parking space.

(14) **Bicycle Parking.** For all multi-family, commercial, and institutional uses, a minimum of two bicycle spaces shall be provided except as otherwise waived by this code or modified by the site plan approval authority based on unique or pre-existing site conditions or operational plan. For all uses requiring 20 or more vehicle parking spaces, with the exception of projects consisting of reconstruction, resurfacing, reconfiguration, or restriping of parking lot, driveway, or vehicle circulation area legally constructed before March 18, 2015, a number of ~~Except for reconstruction, resurfacing, reconfiguration, or restriping of a parking lot, driveway, or vehicle circulation area legally constructed before March 18, 2015, a number of~~ off-street bicycle parking spaces shall be provided equal to five percent of the automobile parking space requirement, with no fewer than two bicycle parking spaces provided for all uses requiring 20 or more vehicular parking spaces. The "inverted-U" type bike rack is the preferred bicycle parking rack and means of providing off-street bicycle parking spaces as required in this section, other acceptable types of bicycle parking racks may be approved at the discretion of the site plan approval authority. Each "Inverted-U" or similar type rack counts as two bicycle parking spaces. All bicycle parking shall be on a hard-surfaced area in a location accessible to building entrances. Bicycle parking spaces shall be installed in conformance with setback requirements applicable to automobile parking lots. The spaces shall be placed where bicyclists would naturally transition to pedestrian mode. The placement of the racks shall not conflict with pedestrians and motorized traffic.

SECTION 4: Section 94.15.05 Nonconforming Sites of the Village of Weston Municipal Code is hereby amended to provide as follows:

**Section 94.15.05: Nonconforming Sites**

- (1) **Definition.** A nonconforming site is one on which a principal use has been established prior to March 18, 2015 and on which one or more site development standards, such as minimum landscape surfaces, buffer yards, plantings, or minimum parking, have not been met or cannot be met owing to the configuration of the site or existing structures whether conforming or nonconforming.
- (2) **Blanket Variance.** A blanket variance for the requirements of this Chapter is hereby granted to all development sites in their configuration existing or as finally approved as of March 18, 2015, except in the following circumstances:
  - (a) Where other Articles of this Chapter make a particular requirement applicable to existing development sites or components thereof.
  - (b) Where the predecessor zoning ordinance, or a Village zoning decision under that ordinance, required site improvements which have not been satisfactorily completed or maintained.
  - (c) Where a particular requirement of this Chapter reflects a condition or requirement of approval for the particular development site.
  - (d) Where the provisions of subsection (3) apply.
- (3) **Proposed Enlargements Require Compliance.** After the March 18, 2015, additional site development that results in enlargement, expansion, or extension of uses or structures will not be allowed to occur without bringing the site into full compliance with all site development standards in this Chapter, or into compliance to the extent practical as provided in different sections of this Chapter, in accordance with the following:
  - (a) On lots where the site configuration and undeveloped area are sufficient to comply with nonconformities in site design, no enlargement, expansion, or extension of a use or structure shall be permitted if it makes compliance with site regulations of the Chapter impossible, even if said enlargement, expansion, or extension of the use or structure would otherwise be permissible.
  - (b) Enlargements, expansions, or extensions that would result in creation of one or more nonconformities, render a nonconforming site incapable of being brought into full or greater compliance with nonconforming site requirements, or increase the degree of existing nonconformities with the site development standards of this Chapter shall not be permitted, unless a variance is granted by the Zoning Board of Appeals under Section 94.15.11.
  - (c) On ~~lots-sites~~ with adequate configuration and area to bring the site into full or greater compliance with ~~the~~ site design standards ~~in this Chapter~~, said compliance shall be required at the time ~~of any property improvement, modification, enlargement, or expansion requiring that~~ site plan approval ~~is necessary under Section 94.16.09~~. The degree to which ~~the property each such site~~ shall be made to comply with ~~current substandard~~ site design ~~elements-standards~~ shall be proportional to the degree of ~~property-site~~ improvement.

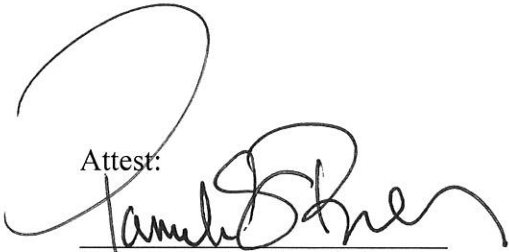
**SECTION 5:** The amendments effectuated by this Ordinance shall apply within the municipal limits of the Village and within its extraterritorial zoning area in the Town of Weston.

**SECTION 6: 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

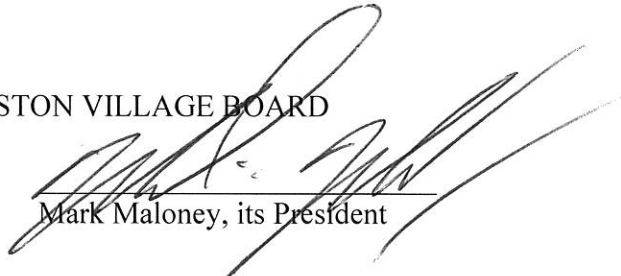
jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have 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 7: EFFECTIVE DATE. This Ordinance shall take effect upon approval and publication.

Dated the 16th of October 2023

Attest:  
  
\_\_\_\_\_  
Pamela Brehm, its Clerk

WESTON VILLAGE BOARD

By:   
\_\_\_\_\_  
Mark Maloney, its President

APPROVED: 10/16/23

PUBLISHED: 10/20/23