

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

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

ITEM DESCRIPTION: **PUBLIC HEARING - ORDINANCE NO. 16-032 AN ORDINANCE CREATING SECTION 94.4.10(14) OF THE ZONING ORDINANCE ENTITLED *TEMPORARY ASPHALT, BATCH OR CONCRETE, STONE CRUSHING AND/OR PROCESSING OPERATIONS* AND ADDING THIS NEW TEMPORARY LAND USE TO THE TEMPORARY LAND USE CATEGORY WITHIN THE CHARTS DISPLAYED IN FIGURES 3.04 AND 3.05 OF THE VILLAGE ZONING ORDINANCE.**

DATE/MTG: **PLAN COMMISSION/ETZ COMMITTEE; MONDAY, JULY 11, 2016**

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

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

LEGISLATIVE ACTION:

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

FISCAL IMPACT ANALYSIS:

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

STATUTORY / RULEMAKING / POLICY REFERENCES:

- | | |
|---|------------|
| <input type="checkbox"/> WI 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: None

BACKGROUND: Staff has been approached for a temporary crushing permit at Lewis Construction (zoned LI) as they have some concrete on site they would like to crush. It was noted that the only way to allow this use, even though only temporary, was to go through the conditional use process. Staff was not comfortable giving them a conditional use to do this all the time and instead felt it would be better to update the code and create the ability to permit for a short term via a temporary use permit. Staff worked with MDROffers to make this update to the Code.

Attachments – Ord. No. 16-032



**VILLAGE OF WESTON
NOTICE OF PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Village of Weston Plan Commission and Joint Town and Village of Weston Extraterritorial Zoning Committee, on **Monday, July 11, 2016, at 6:00 p.m.**, or as soon thereafter as possible, in the Board Room of the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476 to take testimony relative to the following:

Ordinance No. 16-032 An Ordinance Creating Section 94.4.10(14) of the Zoning Ordinance Entitled Temporary Asphalt, Batch or Concrete, Stone Crushing and/or Processing Operations and Adding This New Temporary Land Use to the Temporary Land Use Category Within the Charts Displayed in Figures 3.04 And 3.05 of the Village Zoning Ordinance.

The hearing notice and applicable application materials are available for public inspection on the Village of Weston website located at <http://westonwi.gov/421/Public-Hearing-Notices>. Proposed Ordinances can be found on the Village's website at <http://www.westonwi.gov/509/Proposed-Ordinances>.

Written testimony may be forwarded to the Village of Weston Plan Commission, Valerie Parker, Plan Commission Secretary, 5500 Schofield Avenue, Weston, WI 54476, or emailed to vparker@westonwi.gov, by noon on the day of the hearing. All interested persons will be given an opportunity to be heard. Any person with questions or planning to attend needing special accommodations in order to participate should call Valerie Parker, Planning Technician, Planning and Development Department, at 715-241-2607.

Dated this 23rd day of June, 2016

Valerie Parker
Plan Commission and ETZ Committee Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, June 27, 2016 and Monday, July 4, 2016.



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 16-032

AN ORDINANCE CREATING SECTION 94.4.10(14) OF THE ZONING ORDINANCE ENTITLED *TEMPORARY ASPHALT, BATCH OR CONCRETE, STONE CRUSHING AND/OR PROCESSING OPERATIONS* AND ADDING THIS NEW TEMPORARY LAND USE TO THE TEMPORARY LAND USE CATEGORY WITHIN THE CHARTS DISPLAYED IN FIGURES 3.04 AND 3.05 OF THE VILLAGE ZONING ORDINANCE.

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

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

WHEREAS, in administering this new Chapter 94, Village staff has found Sec. 94.4.10 does not adequately address the ability to permit the temporary use of property in the Village and Town of Weston ETZ area for a temporary asphalt, batch or concrete, stone crushing and/or processing operation in the Village and Town; and

WHEREAS, Village Staff is proposing amendments to Chapter 94 Zoning to provide regulations for temporary asphalt, batch or concrete, stone crushing and/or processing operations; and

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

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

WHEREAS, the Joint Village and Town of Weston Extraterritorial Zoning Committee and Village Plan Commission have held a joint public hearing on this ordinance, on July 11, 2016, in compliance with Wis. Stat. § 62.23, and following such hearing the Board considered public comments and the recommendation of the Village Plan Commission and Joint Village and Town of Weston Extraterritorial Zoning Committee; and

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

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

SECTION 1: Chapter 94 Zoning Ordinance is hereby amended to provide as follows:

Section 94.4.10: Temporary Land Use Types

(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, subject to the issuance of a temporary use permit and the following performance standards.

Performance Standards:

1. All temporary use permits for any such operation shall not exceed a one-year period. An extension of the permit may be considered for up to one additional year, more by conditional use permit only.
2. 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 plat was recorded or construction phase authorized within the preceding year.
3. 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.
4. 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, except that operations proposing to utilize local street for direct access to and from the site shall require the approval of the Director of Public Works.
5. 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.
6. All applications shall include a detailed site plan in accordance with Section 94.16.09 and shall also include the following:
 - a. Location of all fences or other screening mechanisms;
 - b. Location of processing equipment and areas and material and equipment storage areas;
 - c. The proposed type and amount of material being processed and/or stored;
 - d. Employee parking; and
 - e. An erosion control plan, drawn to scale by a professional engineer, meeting all applicable Village, State, and County requirements.
 - f. Other location-specific items required under subsection 3 indicated.
7. Driveway access of the plant shall adhere to Section 94.12.08 and Chapter 71 of the Municipal Code.
8. Facilities 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

| P = Permitted Use | | C = Conditional Use | | T = Temporary Use | | Empty Cell = Prohibited Use | | |
|--|--|--|------------|-------------------|-------------------------|-----------------------------|------------|------------|
| Land Use Category (#) Land Use Type | | Zoning District (see key at end of figure) | | | | | | |
| | | INT | B-1 | B-2 | B-3 | BP | LI | GI |
| (12) | Temporary Unscreened Outdoor Storage Accessory to Industrial Use | | | | T | | T | T |
| (13) | Temporary Sales by Mobile Food Vendors | T | T | T | T | T | T | T |
| (14) | <u>Temporary Asphalt, Batch or Concrete, Stone Crushing and/or Processing Operations</u> | <u>T/C</u> | <u>T/C</u> | <u>T/C</u> | <u>T/C</u> | <u>T/C</u> | <u>T/C</u> | <u>T/C</u> |
| 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 | | | |

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

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

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

Dated the 18th day of July, 2016

WESTON VILLAGE BOARD

By: _____
Barbara Ermeling, its President

Attest:

Sherry Weinkauff, its Clerk

APPROVED: _____

PUBLISHED: _____