



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 17-036

AN ORDINANCE TO AMEND SECTION 94.4.09(2) DETACHED ACCESSORY STRUCTURES (FOR RESIDENTIAL USE) TO EXCLUDE PARCELS EXCEEDING 5 ACRES IN SIZE FROM PERFORMANCE STANDARD 10.

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 Section 94.4.09(2)10 do not adequately address the regulations needed to regulated altered single-family detached residence structures in the Village and Town; 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 November 13, 2017, 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, does ordain as follows:

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

Section 94.4.09: Residential Land Use Types

(2) Detached Accessory Structure (for Residential Use).

Performance Standards:

10. In all residential, RR-2 and non-residential and mixed-use zoning districts, no portion of a Detached Accessory Structure (for Residential Use) shall occupy any land between the

principal building on a residential lot and a street right-of-way, except where approved by the Plan Commission as part of an approved site plan.

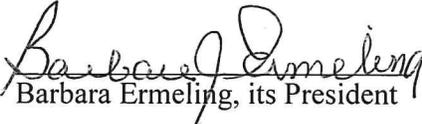
SECTION 2: The amendment effectuated by this Ordinance shall apply within the municipal limits of the Village and within its extraterritorial zoning jurisdiction in the Town of Weston.

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 20th day of November, 2017

WESTON VILLAGE BOARD

By: 
Barbara Ermeling, its President

Attest:


Sherry Weinkauff, its Clerk

APPROVED: 11/20/2017

PUBLISHED: 11/24/2017

Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted the following Ordinances on November 20, 2017:

Ordinance No. 17-034: An ordinance to rename Section 94.4.09(10) *Keeping of Farm Animals on Residential Lots* to *Keeping of Farm Animals on Residential Lots and School Sites*, amend Chapter 94 Zoning to replace the words “Section 94.4.09(10) *Keeping of Farm Animals on Residential Lots*” with “*Section 94.4.09(10) Keeping of Farm Animals on Residential Lots and School Sites*” wherever it appears in Chapter 94 and amend Figure 3.05 *Allowable Uses in Non-Residential and Mixed Use Zoning Districts* to allow said use as a conditional use within the INT Institutional zoning district.

Ordinance No. 17-036: An ordinance to amend Section 94.4.09(2) Detached Accessory Structure (for Residential Use) to exclude parcels exceeding 5 acres in area from performance standard 10.

The full text of the above 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>.

Dated this 20th day of November 2017
Sherry Weinkauff, Village Clerk

Published: 11/24/2017

STATE OF WISCONSIN
BROWN COUNTY

WESTON VILLAGE OF
5500 SCHOFIELD AVE
WESTON WI 544764333

VOUCHER APPROVAL

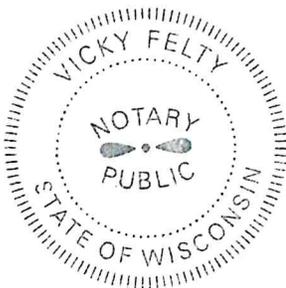
Account Number: 10-06-56910-321-000
 Description: WDH Pub Ord - Village
17-034 - 17-036
 Approved by JZK 12/11/17
Initials Date
\$12.28

I, being duly sworn, doth depose and say I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which published therein on:

Account Number: GWM-WES425
 Order Number: 0002556423
 No. of Affidavits: 1
 Total Ad Cost: \$24.55
 Published Dates: 11/24/17

10-06-56925-321-000
WDH Pub Ord - ETZ
17-034-17-036
\$12.27

(Signed) [Signature] (Date) 11/24/17
 Legal Clerk



Signed and sworn before me
[Signature]
 My commission expires 9-19-21

Public Notices

Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted the following Ordinances on November 20, 2017:

Ordinance No. 17-034: An ordinance to rename Section 94.4.09(10) Keeping of Farm Animals on Residential Lots to Keeping of Farm Animals on Residential Lots and School Sites, amend Chapter 94 Zoning to replace the words "Section 94.4.09(10) Keeping of Farm Animals on Residential Lots" with "Section 94.4.09(10) Keeping of Farm Animals on Residential Lots and School Sites" wherever it appears in Chapter 94 and amend Figure 3.05 Allowable Uses in Non-Residential and Mixed Use Zoning Districts to allow said use as a conditional use within the INT Institutional zoning district.

Ordinance No. 17-036: An ordinance to amend Section 94.4.09(2) Detached Accessory Structure (for Residential Use) to exclude parcels exceeding 5 acres in area from performance standard 10.

The full text of the above 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>.

Dated this 20th day of November 2017
 Sherry Weinkauff, Village Clerk
 RUN: Nov 24, 2017 WNAXLP

WESTON VILLAGE OF
 Re: New Ordinance 17-034/ 127-036

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, November 13, 2017, at approximately, or shortly after, 6:00 p.m., at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476, to take testimony relative to the following amendment to Chapter 94 Zoning:

1. Ordinance No 17-034: An ordinance to rename Section 94.4.09(10) *Keeping of Farm Animals on Residential Lots* to *Keeping of Farm Animals on Residential Lots and School Sites*, amend Chapter 94 Zoning to replace the words "Section 94.4.09(10) *Keeping of Farm Animals on Residential Lots*" with "Section 94.4.09(10) *Keeping of Farm Animals on Residential Lots and School Sites*" wherever it appears in Chapter 94 and amend Figure 3.05 *Allowable Uses in Non-Residential and Mixed Use Zoning Districts* to allow said use as a conditional use within the INT Institutional zoning district.

This proposal has the effect of changing the allowable uses of property within the Village. The amendment to the Non-Residential Zoning districts may affect any properties in those districts.

2. Ordinance No 17-035: 035 An ordinance amending Section 94.4.02(1) Single-Family Detached Residence and (2) Two-Family Residence to include structures which have been altered beyond 50% of the equalized assessed value of the structure and alterations to the elements listed in the performance standards of the respected codes.
3. Ordinance No 17-036: An ordinance to amend Section 94.4.09(2) Detached Accessory Structure (for Residential Use) to exclude parcels exceeding 5 acres in area from performance standard 10.

The hearing notice and applicable application materials are also 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 and ETZ Committee Secretary, 5500 Schofield Avenue, Weston, WI 54476, or emailed to vparker@westonwi.gov, by noon, on Tuesday, November 7, 2017, to be included in the meeting packet. 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 26th day of October 2017

Valerie Parker
Plan Commission and ETZ Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, October 30, 2017, and Monday, November 6, 2017.

**VILLAGE OF WESTON, WISCONSIN
AGENDA ITEM COVER SHEET**

MTG/DATE: Board of Trustees, November 20, 2017

FROM: Jennifer Higgins, Zoning Administrator

DESCRIPTION: Ordinance 17-036: An ordinance to amend Sections 94.4.09(2) Detached Accessory Structures (For Residential Use) to exclude parcels exceeding 5 acres in size from performance standard 10.

ACTION:	<input checked="" type="checkbox"/> Approve	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Proclamation
	<input type="checkbox"/> Deny	<input type="checkbox"/> Policy	<input type="checkbox"/> Report
	<input type="checkbox"/> Expenditure	<input type="checkbox"/> Procedure	<input type="checkbox"/> Resolution

QUESTION:

Should Board of Trustees approve Ordinance 17-036, as recommended by the Plan Commission, amending Sections 94.4.09(2) Detached Accessory Structures (For Residential Use) to exclude parcels exceeding 5 acres in size from performance standard 10?

BRIEF:

The zoning code was imposing an unnecessary requirement for lots larger than 5 acres, which requires Plan Commission/ETZ to approve the construction of accessory structures that are proposed to be located between the principal structure and the right-of-way. This requirement is intended to preserve the integrity of residential neighborhoods and not rural residential lots.

FISCAL IMPACT: NONE

COMMITTEE: Plan Commission & ETZ, November 13, 2017.

REQUEST: Approve Ordinance 17-036 under New Business.

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- Amendment to Zoning Regulation (Text Amendment) Determination
 - Draft Ordinance Number 17-036



AMENDMENT TO ZONING REGULATION (TEXT AMENDMENT) DETERMINATION
PLANNING AND DEVELOPMENT
PLAN COMMISSION / JOINT TOWN & VILLAGE EXTRATERRITORIAL ZONING COMMITTEE
BOARD OF TRUSTEES

Ordinance No.: **17-036** Hearing Date: **NOVEMBER 13, 2017**

Applicant: **Jennifer Higgins, Zoning Administrator, Village of Weston**

Title: **An ordinance amending Sections 94.4.09(2) Detached Accessory Structures (For Residential Use) to exclude parcels exceeding 5 acres in size from performance standard 10**

Purpose: **The zoning code was imposing an unnecessary requirement for lots larger than 5 acres, which requires Plan Commission to approve the construction of accessory structures that are proposed to be located between the principal structure and the right-of-way. This requirement is intended to preserve the integrity of residential neighborhoods and not rural residential lots.**

The Department of Planning and Development, Plan Commission and Board of Trustees of the Village of Weston, pursuant to the Village of Weston Zoning Code, Article 16 Processes, Section 94.16.02 Amendments to Zoning Regulations (Text Amendments), hereby makes the following findings and evaluation:

DETERMINATION:

1. Is the proposed text amendment consistent with the Comprehensive Plan, as is required by Wisconsin Statutes?
Yes, the proposed changes do not impact any consistency with the Comprehensive Plan.
 2. Does the proposed text amendment further the purposes and intent of this Chapter and section to which the amendment is proposed?
Yes, this section continues to promote sound neighborhood development in residential areas.
 3. Does the amendment address any of the following deficiencies or omissions as compared to the current language of this Chapter?
 1. A change has occurred in the land market, or other factors have arisen that require a new form of development, a new type of land use, or a new procedure to meet said change(s).
 2. New methods of development or providing infrastructure make it necessary to alter this Chapter to meet these new factors.
 3. Changing governmental finances require amending this Chapter in order to meet the needs of the government in terms of providing and affording public services.**4. There is an error or internal inconsistency in this Chapter.**
 4. Does the proposed amendment maintain the desired compatibility with allowable land uses, land use intensities, and impact on resources of the affected zoning district(s)?
Yes, there is an impact on the allowable intensities within any the impacted zoning districts.
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BACKGROUND INFORMATION:

The zoning code was inconsistent in readopted Section 94.4.09(2) and this change now brings this section into consistency with Article 5.

Plan Commission Determination on 11/13/2017:	6-0 to approve
ETZ Determination on 11/13/17:	6-0 to approve
Board of Trustees Determination on 11/20/17:	7-0 to approve
