

**VILLAGE OF WESTON
REQUEST FOR CONSIDERATION**

AGENDA ITEM DSCRPTN: ORDINANCE NO. 15-005 *AN ORDINANCE REPEALING SECTION 94.6.02(3)(d) ENTITLED D-WC WESTON CENTER OVERLAY AND RENAMING AND RECREATING SECTION 94.6.02(3)(d) ENTITLED D-WM WESTON MARKETPLACE OVERLAY.*

FOR CONSIDERATION AT: PLAN COMMISSION/EXTRATERRITORIAL ZONING (ETZ) COMMITTEE; MONDAY, MAY 11, 2015

LEGISLATION TYPE: ACKNOWLEDGE | **MOTION** | ORDINANCE | POLICY | RESOLUTION

RECOMMENDATION TO: Recommendation to the Board of Trustees to adopt Ordinance No. 15-005 to amend Sec. 94.6.02(3)(d) as proposed.

REPORT PREPARED BY: JENNIFER HIGGINS, DIRECTOR OF PLANNING AND DEVELOPMENT

BACKGROUND: At the 4/13/15 Plan Commission meeting, the Plan Commission approved a change in the name of the Lokre Development from Weston Center to Weston Marketplace. The change was requested by Lokre staff as the Village Farmer's Market will be making a move to this property later this spring.

 The Lokre Development had been developed under an OPD in the previous zoning code. With the adoption of the new code in March 2015, this development was placed under its own overlay zoning district called D-WC Weston Center Overlay and regulations at this site for building setbacks and aesthetics is guided by the Weston Lifestyle Center Master Plan (adopted 10/19/06) and the Weston Center Master Plan (adopted 11/6/13)

 As part of the name change approval by the Plan Commission back in April, Lokre was to make application to Planning and Development Department to request a text amendment in the new zoning code for Section 94.6.02(3)(d) D-WC Weston Center Overlay. Lokre did this on 4/17/15 and staff has drafted the proposed ordinance change which is included in your packet via the draft Ordinance No. 15-005.

 Staff recommends approval of the amendments to Sec. 94.6.02(3)(d) as proposed.

 Please note, the Plan Commission and ETZ Committee should both take separate action on the request.

FISCAL IMPACTS:

Budget Line Item: _____

Budget Line Item: _____

Budgeted Expenditure: _____

Budgeted Revenue: _____

STATUTORY REFERENCES:

Wisconsin Statue: _____

Administrative Code: _____

Municipal Code: Sec. 94.6.02(3)(d)

Judicial Ruling: _____

FURTHER REVIEW:

VILLAGE BOARD FOR FINAL APPROVALS ON 5/18/15

8. Wherever practical in the determination of the Zoning Administrator, public roadway access shall be shared, and cross-access driveways and pedestrian ways shall be provided, between adjoining properties.
 9. All utility systems including, but not limited to water, electric, gas, sewer, storm water, telephone, fiber optics servicing the site, shall be installed underground.
 10. Wall and fences between the street side landscaping area and the building shall not exceed 3 feet in height unless used to screen public plazas, patios, outdoor dining areas or similar permitted outdoor uses in conformance with Section 94.4.05(11). Materials and design of all walls and fences shall be consistent with the architectural theme and materials of the building.
 11. Materials and design of all walls, fences, refuse and recycling enclosures, signs, and exterior lighting shall be unified across the site and consistent with the architectural theme of the building. No wall, fence, or enclosure shall exceed 6 feet in height. Roofed enclosures may exceed this limit, but shall be no higher than 10 feet in height.
 12. If specified in an adopted element of the Village's Comprehensive Plan for the particular geographic area in which the development is proposed, building, site, landscaping and other design components of the proposed development shall conform to the standards in that Comprehensive Plan element.
 13. The Plan Commission may approve a waiver or modification to one or more of the above requirements where it finds such requirement(s) would create practical difficulties in the development of the site and compensating design elements are incorporated.
- (d) ~~D-WC-WM~~ *Weston Center-Marketplace Overlay*. Design requirements are included within the Schofield Avenue Lifestyle Center Master Plan, dated October 19, 2006, [amendments made to the Weston Center Master Plan, dated November 6, 2013](#) and now known as the Weston ~~Center-Marketplace~~ Master Plan and as such plan may be amended or supplemented from time to time by the Plan Commission under the site plan approval procedures in Section 94.16.09. All future buildings depicted in such plan shall utilize materials, architectural design, and signage that are consistent with those used on the constructed "Retail Center #1" in such Plan. The areas around such buildings shall be landscaped in accordance with such Plan.
- ~~(e)~~ *D-R Renaissance Development Overlay*. Design requirements are included within the Renaissance Development Plan, dated December 19, 2007 and as such plan may be amended or supplemented from time to time by the Plan Commission under the site plan approval procedures in Section 94.16.09.

[\[Amended via Ord. 15-005, 5/ /2015\]](#)

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Section 94.6.03: WHP Wellhead Protection Area Overlay District

- (1) **Description and Purpose.** The Village depends exclusively on ground water for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade ground water quality. The purpose of this Section is to institute land use regulations and restrictions to protect the Village's municipal water supply and well fields, and to promote the public health, safety, and general welfare of the residents, employees, and visitors of the Village. The restrictions imposed in this Section are in addition to those of the underlying standard zoning district or any other provisions of this Chapter. This section is established under the authority of Wis. Stat. § 62.23(7)(a) and (c) and Wis. Admin Code NR Chapter 811.
- (2) **Wellhead Protection Area Overlay District Boundaries.** The regulations of this Section shall apply to land within Wellhead Protection Area district boundaries mapped as "WHP" on the Official Zoning Map and/or Official Overlay Zoning Map. The WHP district is further divided into WHP-A and WHP-B, on the Map, indicating different zones of groundwater contribution to the associated well. WHP-A indicates



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 15-005

AN ORDINANCE REPEALING SECTION 94.6.02(3)(d) ENTITLED *D-WC WESTON CENTER OVERLAY* AND RENAMING AND RECREATING SECTION 94.6.02(3)(d) ENTITLED *D-WM WESTON MARKETPLACE OVERLAY*

WHEREAS, the Village has received a request to amend the Zoning Ordinance to change the name of the Weston Center Design Overlay (D-WC Weston Center Overlay) to reflect the new name of the development, Weston Marketplace; 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 with 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, 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

WHEREAS, the Village Board finds the proposed amendments are 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: Section 94.6.02(3)(d) of the Village Of Weston Ordinances entitled *D-WC Weston Center Overlay* is hereby repealed, renamed and recreated to provide as follows:

Section 94.6.02: D Design Overlay District

(3) **Established D Design Overlay Districts.** The following D Design overlay districts, and documents within which design standards are located, are as follows:

(d) ~~D-WC WM~~ Weston ~~Center~~ Marketplace Overlay. Design requirements are included within the Schofield Avenue Lifestyle Center Master Plan, dated October 19, 2006, amendments made to the Weston Center Master Plan, dated November 6, 2013 and now known as the Weston ~~Center~~ Marketplace Master Plan and as such plan may be amended or supplemented from time to time by the Plan Commission under the site plan approval procedures in Section 94.16.09. All future buildings depicted in such plan shall utilize materials, architectural design, and signage that are consistent with those used on the constructed “Retail Center #1” in such Plan. The areas around such buildings shall be landscaped in accordance with such Plan.

SECTION 2: 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 3: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 18th day of May, 2015

WESTON VILLAGE BOARD

By: _____

Barbara Ermeling, its President

Attest:

Sherry Weinkauf, its Clerk

APPROVED: _____

PUBLISHED: _____

**Zoning Code Text
Amendment Application**

Planning and Development
Village of Weston
Date: 04/17/2015

Permit No.: _____

Payment: Cash Check No. _____



5500 Schofield Avenue
Weston, WI 54476
(715) 359-6114

Zoning Code Text Amendment

\$200.00 FEE

[48/4870]

-- ALL FIELDS MUST BE FILLED OUT TO BE PROCESSED PLEASE PRINT LEGIBLY --

Applicant Information:

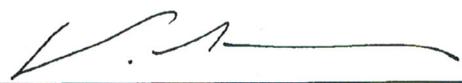
Business Name: Lokre Companies
Contact Name: Victor Anderson
Mailing: Lokre Co.
Address: PO Box 215
Phone Number: (715) 342-9200
Email Address: victor@lokre.com

Article Number: 60, Page Number: 6-5, Section: 94.6.02(3)d, Line: _____

On separate documentation:

- The proposed text change WESTON MARKETPLACE
- The reason for the proposed text change Matches and promotes the addition of the Weston Farmers Market.

I hereby depose and say that all the above statements and all accompanying statements are correct and true.

Applicant Signature:  Date: 4/17/15