

**VILLAGE OF WESTON
REQUEST FOR CONSIDERATION**

AGENDA ITEM DSCRPTN: ORDINANCE NO. 15-006 *AN ORDINANCE AMENDING SECTION 94.17.04
DEFINITIONS OF THE ZONING ORDINANCE OF THE VILLAGE OF WESTON.*

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. 15-006
to amend Sec. 94.17.04 as proposed.

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

BACKGROUND: The Village Board recently approved a new ordinance Chapter 71 *Street Access
Control*. In the new ordinance, the Public Works Director and Village Attorney
utilized slightly different definitions for street, street arterial and street collector.
This requires for us to make an amendment to the new zoning code so that the
definitions used in Chapter 94 Article 17 is consistent with what was used in the
new Chapter 71.

Staff recommends approval of the amendments to Sec. 94.17.04 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. 94.17.04

Judicial Ruling: _____

FURTHER REVIEW: VILLAGE BOARD FOR FINAL APPROVALS ON 5/18/15



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 15-006

**AN ORDINANCE AMENDING SECTION 94.17.04 DEFINITIONS OF THE ZONING
ORDINANCE OF THE VILLAGE OF WESTON**

WHEREAS, the Village recently adopted a new Chapter 71 Street Access Control Ordinance for the Village of Weston; and

WHEREAS, this new Chapter 71 contains definitions which are not consistent with the definitions described in Sec. 94.17.04 of the Village Zoning Ordinance; and

WHEREAS, Village Staff has requested Sec. 94.17.04 Definitions be amended to make the definitions consistent with the definitions for Street; Street, arterial; and Street, collector in the new Chapter 71;

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 Extraterritorial Zoning Committee; 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 94.17.04 *Definitions* of the Village of Weston Ordinances is hereby amended by amending the following definitions:

Street: A public or private right-of-way that affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but excepting driveways to buildings. Unless specifically designated otherwise by the Village, any public or private way that is dedicated or permanently open to pedestrian and vehicular use.

Street, arterial: A public street that serves longer intra-urban trips and traffic traveling through the Village, has limited to no direct access for abutting land uses, and has measured or projected traffic volume of over 63,000 vehicles per day; or as otherwise may be designated as an arterial street within the Comprehensive Plan or by the Village Board. Private access may be permitted with limitations imposed by the Village, Marathon County, the Wisconsin Department of

Transportation and/or the Federal Highway Administration. The Functional Classification System includes designations as principal and minor arterials.

Street, collector: A public street that collects and distributes internal traffic within the Village (such as within a residential neighborhood), provides connections between local and arterial streets and limited restrictions on access connections for abutting land uses, and has a measured or projected traffic volume of between ~~750~~ 1,500 and 38,000 vehicles per day; or as otherwise may be designated as a collector street within the Comprehensive Plan or by the Village Board. The Functional Classification System includes designations as major and minor collectors.

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 May, 2015

WESTON VILLAGE BOARD

By: _____

Barbara Ermeling, its President

Attest:

Sherry Weinkauff, its Clerk

APPROVED: _____

PUBLISHED: _____