

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

REQUEST FROM: JENNIFER HIGGINS; DIRECTOR OF PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ORDINANCE NO. 15-017 AN ORDINANCE TO APPROVE THE REZONING OF LAND FROM RR-2 – RURAL RESIDENTIAL-2 ACRE DISTRICT TO AR – AGRICULTURE AND RESIDENTIAL DISTRICT; 2.69 ACRES AT PARCEL DESCRIBED AS THAT PART LYING NORTH OF RIVER ROAD EXCLUDING CERTIFIED SURVEY MAP VOLUME 6 PAGE 7 (#1326), EXCLUDING CERTIFIED SURVEY MAP VOLUME 11 PAGE 209 (#3099) AND EXCLUDING CERTIFIED SURVEY MAP VOLUME 18 PAGE 261 (#5093); PART OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 13 T28N R8E, TOWN OF WESTON, MARATHON COUNTY, WISCONSIN. (ETZ-REZN-8-15-1530)

DATE/MTG: BOARD OF TRUSTEES; MONDAY, SEPTEMBER 21, 2015

POLICY QUESTION: Should the Board of Trustees rezone the property to AR by adopting Ordinance No. 15-017?

RECOMMENDATION TO: I make a motion to approve Ordinance No. 15-017 as recommended and presented by the Joint Village and Town of Weston Extraterritorial Zoning (ETZ) Committee.

LEGISLATIVE ACTION:

- | | | |
|---|---|--|
| <input type="checkbox"/> Acknowledge/Approve | <input checked="" type="checkbox"/> Ordinance | <input checked="" 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:

- Budget Line Item: _____
- Budget Line Item: _____
- Budgeted Expenditure: _____
- Budgeted Revenue: _____
-

STATUTORY / RULEMAKING / POLICY REFERENCES:

- WI Statute: Chapter 61 and Wis. Stat. § 62.23 (7)(a) _____
- WI Administrative Code: _____
- Case Law / Legal: _____
- Municipal Code: Sec. 94.16.04(8) _____
- Municipal Rules: _____
-

PRIOR REVIEW: Reviewed and recommended by the ETZ, following a public hearing, on September 14, 2015

BACKGROUND: Jason Maki, owner of the parcel and the neighboring northern parcel is looking to install a driveway to access the northern parcel. In the present state of the lots, a cross access easement agreement would be

required to be filed with the Marathon County Register of Deeds even though both lots are owned by the same owner. By rezoning this parcel, the owner is able to combine the parcels via a certified survey map to make a new conforming parcel instead of creating a cross access easement agreement making development of the land cleaner and easier in the future.

No one spoke in opposition at the Public Hearing. The ETZ has unanimously recommended approval of the rezone to AR. Please note per Section 94.16.04(8)(b) *The Village Board may approve an amendment by a simple majority of a voting quorum, except that if the Board action is opposed to or alters a recommendation of the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area), and/or an official protest against the requested amendment to the Official Zoning Map meeting the requirements of Wis. Stat. § 62.23(7)(d)2m.a is filed, then approval of the amendment to the Official Zoning Map shall require an affirmative vote from three-fourths or greater of the full Village Board.* Therefore, if the Board wishes to modify the ETZ recommendation or deny the request, a vote of $\frac{3}{4}$ or greater of the full Village Board is required.

Supplemental Briefer for Agenda Items under Consideration?

Attachments?



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 15-017

AN ORDINANCE TO APPROVE THE REZONING OF LAND FROM RR-2 – RURAL RESIDENTIAL-2 ACRE DISTRICT TO AR – AGRICULTURE AND RESIDENTIAL DISTRICT; 2.69 ACRES AT PARCEL DESCRIBED AS THAT PART LYING NORTH OF RIVER ROAD EXCLUDING CERTIFIED SURVEY MAP VOLUME 6 PAGE 7 (#1326), EXCLUDING CERTIFIED SURVEY MAP VOLUME 11 PAGE 209 (#3099) AND EXCLUDING CERTIFIED SURVEY MAP VOLUME 18 PAGE 261 (#5093); PART OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 13 T28N R8E, TOWN OF WESTON, MARATHON COUNTY, WISCONSIN.

WHEREAS, the Extraterritorial Zoning Committee of the Village of Weston having held a public hearing on the 14th day of September 2015, on the application described below for the zoning of the property described herein; and

WHEREAS, the Extraterritorial Zoning Committee having thereafter filed its written recommendations and findings with the Village Board, and the said Board having received and approved the recommendation of said Committee;

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

SECTION 1: On the application (ETZ-REZN-8-15-1530) of property owner Jason Maki, 6007 Municipal Street, Weston, for the following territory now comprising a part of the RR-2 – Rural Residential 2-Acre zoning district, located in Section 13, Township 28 North, Range 8 East, Town of Weston, Marathon County, Wisconsin, is hereby designated to be and become hereafter part of the following zoning district:

AR – Agriculture and Residential - described that part lying north of River Road excluding Certified Survey Map Volume 6 Page 7 (#1326), excluding Certified Survey Map Volume 11 Page 209 (#3099) and excluding Certified Survey Map Volume 18 Page 261 (#5093); part of the southeast ¼ of the southeast ¼ of Section 13 T28N R8E, Town of Weston, Marathon County, Wisconsin. The area to be rezoned consists of 2.69 acres.

SECTION 2: The Clerk shall make necessary alterations upon the Official Extraterritorial Zoning Map of the Village of Weston to reflect the changes in the zoning classifications of the property described herein.

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.

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 21st day of September, 2015

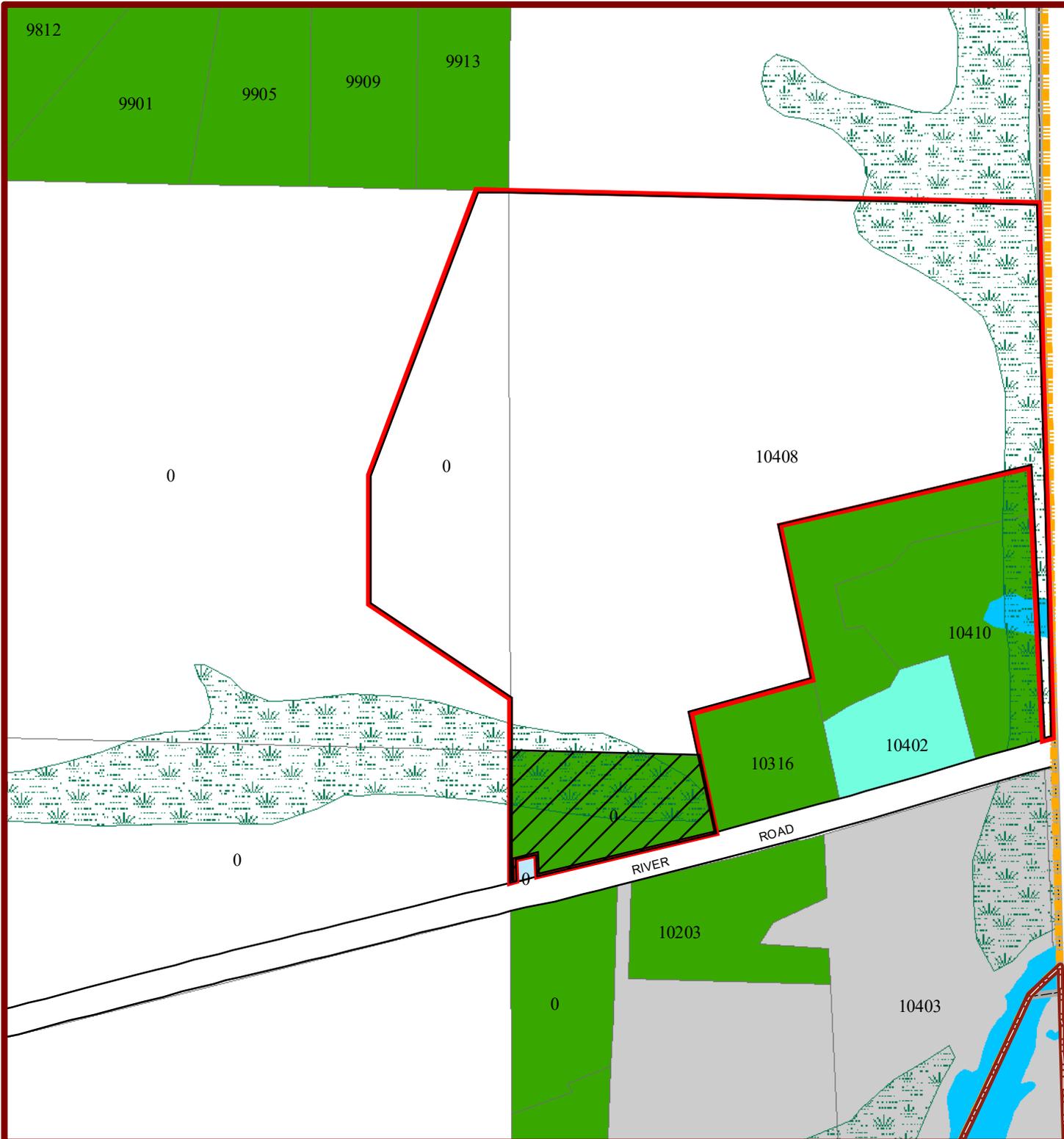
VILLAGE BOARD OF WESTON

By: Barbara J. Ermeling
Barbara Ermeling, its President

Attest: Sherry Weinkauff
Sherry Weinkauff, Village Clerk

APPROVED: 9/21/15

PUBLISHED: 9/23/15



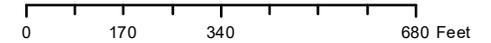
Village of Weston - ETZ Official Zoning Map



Maki Rezone and CSM

Map Date: 09/01/2015

Created by the Village of Weston
Technical Services Department



Legend

- Maki - ETZ Rezone
- Maki - CSM
- Village of Weston
- Extraterritorial Zoning
- Town of Weston
- Parcel Boundary
- ROW
- Wetlands
- Surface Water

Zoning District Designations

- AR - Agriculture and Residential
- PR - Parks and Recreation
- RR-2 - Rural Residential-2 Acre
- RR-5 - Rural Residential-5 Acre
- SF-L - Single Family Residential-Large Lot
- SF-S - Single Family Residential-Small Lot
- 2F - Two Family Residential
- MF - Multiple Family Residential
- MH - Manufactured Home
- INT - Institutional
- B-1 - Neighborhood Business
- B-2 - Highway Business
- B-3 - General Business
- BP - Business Park
- LI - Limited Industrial
- GI - General Industrial