



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 16-005

AN ORDINANCE AMENDING SECTION 94.6.03(4), FIGURE 6.03 OF THE ZONING ORDINANCE ENTITLED *CONDITIONAL (C), PROHIBITED (R), AND PERMITTED (P) USES IN WHP OVERLAY DISTRICTS*.

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, Village Staff has requested an amendment to correct sections of the zoning code to be consistent with changes made to the ordinance when the Town of Weston adopted the zoning ordinance in December 2015 and Marathon County in January 2016; 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 March 14, 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: Section 94.6.03(4), Figure 6.03 of the Village of Weston Zoning Ordinance entitled *Conditional (C), Prohibited (R), and Permitted (P) Uses in WHP Overlay Districts* is hereby amended to provide as follows:

Figure 6.03: Conditional (C), Prohibited (R), and Permitted (P) Uses in WHP Overlay Districts

Land Use	Status in WHP-A District	Status in WHP-B District
Animal confinement facilities	R	C
Asphalt products manufacturing plants	C	C
Automobile fueling, service, painting, repair, and/or maintenance facilities	C	P
Building materials and product sales	C	P
Buried <u>or exposed</u> hydrocarbon, petroleum or hazardous chemical storage tanks. Hazardous chemicals are identified by OSHA criteria under 40 CFR Part 370, <u>but not including residential LP gas tanks.</u>	R	C
Car washes	C	P
Cartage and express facilities	C	P
Cemeteries	C	C
Center-pivot or other large-scale irrigated agriculture operations	C	C
Chemical storage, sale, processing, and/or manufacturing facilities	C	C
Coal storage facilities	R	R
Composting and post-consumer material recycling and storage facilities	C	C
Dry cleaning establishments	R	C
Dumping or disposing of garbage, refuse, trash, or demolition material, including landfills but excluding composting and post-consumer recycling and storage facilities	R	R
Electronic circuit assembly plants	C	P
Electroplating plants	C	P
Exposed hydrocarbon, petroleum, or hazardous chemical storage tanks, with hazardous chemicals identified by OSHA criteria under 40 CFR Part 370, but not including residential LP gas tanks.	R	C
Exterminating shops	R	P
Fertilizer or pesticide manufacturing or storage, facilities	R	C
Foundries and forge plants	C	C
Industrial liquid waste storage areas, indoor.	C	C
Industrial waste storage facilities, outdoor, such as industrial lagoons and pits	R	R
Junk yards and salvage yards	R	C
Manure and animal waste storage facilities, except for animal waste storage facilities regulated by Marathon County	R	C
Metal plating, reduction, and/or refinement plants	C	P

Land Use	Status in WHP-A District	Status in WHP-B District
Mineral extraction operations	C	C
Motor and machinery service and assembly shops	C	C
Motor freight terminals, rail yards	C	C
Petroleum products processing	R	C
Pharmaceuticals manufacturing	C	C
Photography studios involving the developing of film and pictures (digital excluded)	C	P
Plastics manufacturing	C	P
Printing and publishing establishments	C	C
Private on-site wastewater treatment systems designed for 12,000+ gallons per day flow	C	C
Private on-site wastewater treatment systems on new lots under 20,000 square feet	C	P
Pulp and paper manufacturing	C	C
Rendering plants and slaughterhouses	R	R
Salt or de-icing storage facilities	C	C
Septage, wastewater, or sewage spreading, storage, treatment or disposal, outdoor, except for lagoons and pits exclusively for industrial use	R	C
Storage, manufacturing or disposal of toxic or hazardous materials not otherwise listed	R	C
Storage or processing of extremely hazardous substances, radioactive materials or substances listed in Table 1, Wis. Admin. Code NR Chapter 140. (Extremely hazardous substances are identified by SARA/EPCRA criteria under 40 CFR Parts 302 and 355.)	R	R
Underground petroleum products storage tanks, and above-ground petroleum product storage tanks greater than 660 gallons. All new or replaced tanks shall also be installed in compliance with Wis. Admin. Code SPS Chapter 10.	C	P
Woodworking, wood preserving, and wood products manufacturing	C	P

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 21st day of March, 2016

WESTON VILLAGE BOARD

By: _____
Barbara Ermeling, its President

Attest:

Sherry Weinkauff, its Clerk

APPROVED: _____

PUBLISHED: _____

DRAFT