



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 16-026

AN ORDINANCE AMENDING SECTION 94.16.11(2) OF THE ZONING ORDINANCE ENTITLED *ELIGIBLE PROVISIONS FOR WHICH VARIANCES MAY BE GRANTED*.

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 the zoning ordinance to remove an inconsistency in the process for permitting the use of holding tanks; 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 May 9, 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 94.16.11(2) of the Village of Weston Zoning Ordinance entitled *Eligible Provisions for Which Variances may be Granted* is hereby amended to provide as follows:

Section 94.16.11: Variance Procedures

(2) **Eligible Provisions for Which Variances may be Granted.** Variances from the regulations of this Chapter may be granted only in the following instances and in no others:

- (a) To permit any setback, principal building separation distance, or landscape surface ratio that is less than the setback, principal building separation distance, or landscape surface ratio required within the applicable zoning district under Article 5.

- (b) To permit building construction on a lot where otherwise prohibited solely because of the insufficient lot area, lot width, or lot frontage within the applicable zoning district under Article 5. In no event shall the respective lot area, lot width, or lot frontage be less than 75 percent of the required dimension under Article 5.
- (c) To permit a building, fence, wall, or other structure height that is greater than that required within the applicable zoning district under Article 5, Section 94.12.03, or any other provision of this Chapter.
- (d) To permit a maximum or minimum floor area or density of any building or use so limited by the applicable regulations in this Chapter to vary by not more than 25 percent, where the matter is not otherwise covered by the above eligible variances.
- (e) To permit variations from an access, driveway, off-street parking, traffic circulation, or loading standard in Sections 94.12.08 to 94.12.10.
- ~~(f) To permit installation of a holding tank in a circumstance that does not meet the requirements in Section 94.3.03(13)~~

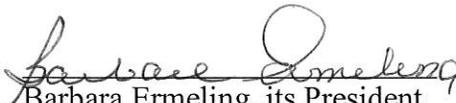
SECTION 2: The amendment effectuated by this Ordinance shall apply within the municipal limits of the Village and within its extraterritorial zoning jurisdiction in the Town of Weston.

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 16th of May, 2016

WESTON VILLAGE BOARD

By: 
Barbara Ermeling, its President

Attest:

Sherry Weinkauff, its Clerk

APPROVED: 5/16/16

PUBLISHED: 5/18/16

Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted on May 16, 2016, the following Ordinances:

1. Ordinance No. 16-025: An Ordinance Amending Chapter 94 Zoning, Section 94.3.04, Figure 3.04 *Allowable Uses in Rural, Open Space and Residential Zoning Districts*, Section 94.3.05, Figure 3.05 *Allowable Uses in Non-Residential and Mixed Use Zoning Districts* and Section 94.4.08(1) *Light Industrial*.
2. Ordinance No. 16-026 An Ordinance Amending Section 94.16.11(2) of the Zoning Ordinance Entitled *Eligible Provisions for which Variances May Be Granted*.
3. Ordinance No. 16-027 An Ordinance Amending Section 94.13.07(7)(b)1. and (c)1. of the Zoning Ordinance Relating to On-Building Sign (Wall, Awning, Marquee, or Projecting Sign) in the INT Institutional and B-1 Neighborhood Business Districts; and B-2 Highway Business, B-3 General Business, BP Business Park, and I Industrial Districts; and Amending the Same in Figure 13.07: Summary of Maximum Dimensions and Number of On-Premise Business Signs (for Non-Residential, Agricultural, and PR Districts—See Section 94.13.05 for Residential and RR District Standards).
4. Ordinance No. 16-028 An Ordinance Amending Section 94.12.08(10) of the Zoning Ordinance Entitled *Provisions for Sidewalk* and Creating Section 94.12.09(15) of the Zoning Ordinance Entitled *Pedestrian Facilities*.

The full text of 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/499/Adopted-Ordinances>.

Dated this 17th day of May, 2016
Sherry Weinkauff, Village Clerk

Published: 5-18-2016

DAILY HERALD media

A GANNETT COMPANY

STATE OF WISCONSIN
BROWN COUNTY

WESTON VILLAGE OF
5500 SCHOFIELD AVE
WESTON

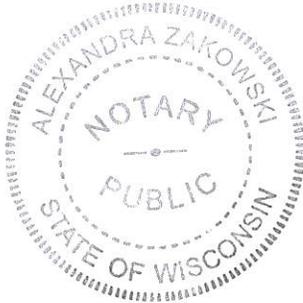
WI 544764333

10-06-56925-321-000
\$18.66
ET2 Ord Amend 16-025 through 16-028
VOUCHER APPROVAL Zoning
Account Number:
10-06-56910-321-000
Description: PC Ord Amend 16-025,
16-026, 16-027 - 16-028 - Zoning
Approved by [Signature] 6/2/16
Initials Date
\$18.66

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: 0001288659
No. of Affidavits: 1
Total Ad Cost: \$37.32
Published Dates: 05/18/16

(Signed) [Signature] (Date) 5-20-16
Legal Clerk



Signed and sworn before me

[Signature]

My commission expires 3/3/19

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Dated this 17th day of May, 2016
Sherry Weinkauf, Village Clerk
RUN: May 18, 2016 WNAXLP

WESTON VILLAGE OF
Re: Ord 16-025 thru 16-028



**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, May 9, 2016, at 6:00 p.m.**, at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476 to take testimony relative to the following:

1. Ordinance No. 16-025 An Ordinance Amending Chapter 94 Zoning, Section 94.3.04, Figure 3.04 *Allowable Uses in Rural, Open Space and Residential Zoning Districts*, Section 94.3.05, Figure 3.05 *Allowable Uses in Non-Residential and Mixed Use Zoning Districts* and Section 94.4.08(1) *Light Industrial*.
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The hearing notice and applicable application materials are 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 Secretary, 5500 Schofield Avenue, Weston, WI 54476, or emailed to vparker@westonwi.gov, by noon on the day of the hearing. 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, Administrative Specialist, Planning and Development Department, at 715-241-2607.

Dated this 21st day of April, 2016

Valerie Parker
Plan Commission and ETZ Committee Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, April 25, 2016 and Monday, May 2, 2016.

DAILY HERALD media

A GANNETT COMPANY

STATE OF WISCONSIN
BROWN COUNTY

WESTON VILLAGE OF
5500 SCHOFIELD AVE
WESTON

WI 544764333

10-06-56925-321-000
VOUCHER APPROVAL
Account Number: 10-06-56910-321-000
Description: PC/ETZ hearing notice
for May 2016 Ord 16-025 to 16-028
Approved by: [Signature] 5/16/16
initials Date

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: 0001217001
No. of Affidavits: 1
Total Ad Cost: \$101.34
Published Dates: 04/25/16, 05/02/16

(Signed) [Signature] (Date) 5-4-16
Legal Clerk



Signed and sworn before me

[Signature]

My commission expires 12-2-19

WESTON VILLAGE OF
Re: Notice of Public Hearings

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Legal Notices

ning and Development Department, at 715-241-2607.
Dated this 21st day of April, 2016
Valerie Parker
Plan Commission and
ETZ Committee Secretary
April 25 & May 2, 2016 WNAXLP

**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. 16-026 AN ORDINANCE AMENDING SECTION 94.16.11(2) OF THE ZONING ORDINANCE ENTITLED *ELIGIBLE PROVISIONS FOR WHICH VARIANCES MAY BE GRANTED.*

DATE/MTG: PLAN COMMISSION/ETZ COMMITTEE; MONDAY, MAY 9, 2016

POLICY QUESTION: Should the Board of Trustees approve the amendment to the zoning ordinance as proposed by the Plan Commission/ETZ Committee?

RECOMMENDATION TO: I make a motion to endorse approval, and recommend to the Trustees.

LEGISLATIVE ACTION:

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

- | | |
|--|-----|
| <input type="checkbox"/> Budget Line Item: | N/A |
| <input type="checkbox"/> Budget Line Item: | N/A |
| <input type="checkbox"/> Budgeted Expenditure: | N/A |
| <input type="checkbox"/> Budgeted Revenue: | N/A |
-

STATUTORY / RULEMAKING / POLICY REFERENCES:

- | | |
|---|------------|
| <input type="checkbox"/> WI Statute: | _____ |
| <input type="checkbox"/> WI Administrative Code: | _____ |
| <input type="checkbox"/> Case Law / Legal: | _____ |
| <input checked="" type="checkbox"/> Municipal Code: | Chapter 94 |
| <input type="checkbox"/> Municipal Rules: | _____ |
-

PRIOR REVIEW: None

BACKGROUND: Earlier this year, the Town of Weston decided to have new construction holding tanks go through a conditional use permit (CUP) process instead of a variance like the Village/ETZ code had been set up. Village staff thought this would be a better way to handle it as the ETZ doesn't meet very often anyway and the PC was probably the better approving authority since they were directly involved with the creation of the Comp Plan Future Land Use map which was directing if sewer and water was required or if a septic system was even allowable.

When we were working to update the ordinance changes from last month, it was noticed that the Town code, which was developed from the Village/ETZ code, had left the reference to holding tanks in the variance process. For this reason, staff, when updating the code last month did not include the attached proposed amendment in with last months group of amendments. Adopting the attached ordinance should take care of the contradiction in the code. Staff will also be making a note of this change being needed in the Town Code at a future time.

- Attachments – Ord. No. 16-026
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