



**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)~~

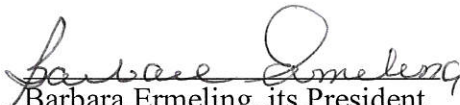
SECTION 2: The amendment effectuated by this Ordinance shall apply within the municipal limits of the Village and within its extraterritorial zoning jurisdiction in the Town of Weston.

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 16<sup>th</sup> of May, 2016

WESTON VILLAGE BOARD

By:   
Barbara Ermeling, its President

Attest:  
  
Sherry Weinkauff, its Clerk

APPROVED: 5/16/16

PUBLISHED: 5/18/16