



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 16-032

AN ORDINANCE CREATING SECTION 94.4.10(14) OF THE ZONING ORDINANCE ENTITLED *TEMPORARY ASPHALT, BATCH OR CONCRETE, STONE CRUSHING AND/OR PROCESSING OPERATIONS* AND ADDING THIS NEW TEMPORARY LAND USE TO THE TEMPORARY LAND USE CATEGORY WITHIN THE CHARTS DISPLAYED IN FIGURES 3.04 AND 3.05 OF THE VILLAGE ZONING ORDINANCE.

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, in administering this new Chapter 94, Village staff has found Sec. 94.4.10 does not adequately address the ability to permit the temporary use of property in the Village and Town of Weston ETZ area for a temporary asphalt, batch or concrete, stone crushing and/or processing operation in the Village and Town; and

WHEREAS, Village Staff is proposing amendments to Chapter 94 Zoning to provide regulations for temporary asphalt, batch or concrete, stone crushing and/or processing operations; 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 July 11, 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, does ordain as follows:

SECTION 1: Chapter 94 Zoning Ordinance is hereby amended to provide as follows:

Section 94.4.10: Temporary Land Use Types

(14) Temporary Asphalt, Batch or Concrete, Stone Crushing and/or Processing Operations

Where not accessory to a non-metallic mineral extraction operation, this temporary use shall be proposed in conjunction with and exclusively serving a specific public highway or road improvement, other public works project, or large scale construction project warranting on-site processing in the Zoning Administrator's opinion that benefits the Village or the Extraterritorial Zoning District, subject to the issuance of a temporary use permit and the following performance standards.

Performance Standards:

1. The permitted length of time of operation are as follow:
 - a. All temporary use permits within the Village for any such operation shall not exceed a six-month (6) period.
 - i. An extension of the permit may only be considered for up to one year by conditional use permit. Projects proposed to exceed 1-year must qualify as a Solid Waste Disposal, Composting and/or Recycling Facility as defined in Section 94.4.06(5).
 - b. All temporary use permits within the Extraterritorial Zoning District for any such operation shall only be considered by conditional use permit.
 - i. Projects proposed to exceed 1-year must qualify as a Solid Waste Disposal, Composting and/or Recycling Facility as defined in Section 94.4.06(5).
2. Batch plants and material processing operations shall only be permitted as a temporary use within the AR *Agriculture and Residential* district, Non-Residential, and Mixed Use Districts; or within a Subdivision where the preliminary plat has been approved or construction phase authorized within the preceding year.
3. All temporary use permit applications shall include detailed site and operational plans, which describe the specific nature of the proposed operation, justification for why the operation needs to be performed on-site; the specific project(s) which the operation would supply; types and quantities of materials and processes; types, quantities, and frequency of use of equipment to move, process, and haul materials within and to and from the site; where materials would be hauled from and to and over what routes and roads; any special measures that will be used for spill prevention and control, dust control, and environmental protection; methods to keep all public roads free of all mud, debris, and dust; number of employees; proposed days and hours of operation; proposed time length of operation; other state, county, or federal permits required; public safety measures including fencing; evidence of adequate insurance, and contact information for all on-site managers/supervisors.
4. All applications shall include a detailed map of the impacted areas showing the designated truck routes and frequency of travel. All off-site travel shall be restricted to arterial and collector streets and highways unless prior written approval is received from the Director of Public Works to use other streets.
5. A bond or other performance guarantee for such work may be required as part of the temporary use permit provided that a clear relationship is established between the operation and the need for road upgrades, repair, and maintenance.
6. All applications shall include a detailed site plan in accordance with Section 94.16.09 and shall also include the following:
 - a. Location of all fences or other screening mechanisms;
 - b. Location of processing equipment and areas and material and equipment storage areas;

- c. The proposed type and amount of material being processed and/or stored;
 - d. Employee parking; and
 - e. An erosion control plan, drawn to scale by a professional engineer, meeting all applicable Village, State, and County requirements.
 - f. Other location-specific items required under subsection 3 indicated.
7. Driveway access of the operation shall adhere to Section 94.12.08 and Chapter 71 of the Municipal Code.
 8. Batch plants and material processing operations proposed within 1,000 feet of any residential land use (not including undeveloped subdivisions) shall also have to obtain a conditional use permit per Section 94.16.06.
 9. On-site bulk fuel storage areas and areas for fueling of equipment shall be located in accordance with the Wisconsin Administrative Code and State Statutes. Fuel storage located within the Wellhead Protection Zones shall require a conditional use permit per Section 94.6.03 to minimize the potential for groundwater contamination.
 10. Depending on the nature of the use, the Zoning Administrator may require a reclamation plan clearly depicting the restoration of the property, proposed contours, depth of topsoil, vegetative cover and the proposed land use. A bond or letter of credit may be required to cover the costs of reclamation in the event that the applicant fails to complete the process or is unable to due to other circumstances. The amount is determined by the preexisting conditions of the site.
 11. At maximum, the operation of the batch plants and material processing uses shall be permitted between the hours of 7:00AM through 5:00PM, Monday through Friday; and between 7:00AM and 12:00PM on Saturday. Transportation of materials to and from the site shall not occur outside of these hours when within 1,000 feet of an existing residential land use. The entire project area shall be screened from view from all neighboring parcels and rights-of-way.
 12. To prevent tracking of mud onto public roads, access driveways shall be hard surfaced within one 100 feet of public roads, unless the adjacent road is not hard surfaced. This requirement may be satisfied with the use of a tracking pad as part of the erosion control plan.
 13. Material processed on site shall be only used for the project specified on the permit application. If it has been determined by the Zoning Administrator that other activities are occurring within the proposed site area unrelated to the specified project the temporary use permit shall be revoked.
 14. All public roads to all operations shall be kept free of all mud, debris, and dust.
 15. Operation sites and driveways shall be sprayed to control dust, except when the temperature is below freezing. All operations and sites shall also meet the air pollution standards in Section 94.12.14.
 16. Minimum Required Off-Street Parking: one space per each employee on the largest work shift.

Section 94.3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts

Figure 3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts

P = Permitted Use		C = Conditional Use		T = Temporary Use		Empty Cell = Prohibited Use				
Land Use Category		Zoning District (see key at end of figure)								
(#)	Land Use Type	FP	AR	RR-2; RR-5	PR	SF-L	SF-S	2F	MF	MH
Temporary Land Uses (see Section 94.4.10 for descriptions and standards for each land use)										
(1)	Temporary Outdoor Sales				T					

P = Permitted Use		C = Conditional Use		T = Temporary Use		Empty Cell = Prohibited Use		
Land Use Category		Zoning District (see key at end of figure)						
(#)	Land Use Type	INT	B-1	B-2	B-3	BP	LI	GI
(4)	Contractor's Project Office	T	T	T	T	T	T	T
(5)	Contractor's On-Site Equipment Storage Facility	T	T	T	T	T	T	T
(6)	Relocatable Building	T	T	T	T	T	T	T
(7)	On-Site Real Estate Sales Office		T	T	T	T	T	T
(8)	Seasonal Outdoor Sales of Farm Products	T			T			
(9)	Temporary Portable Storage Container	T	T	T	T	T	T	T
(10)	Temporary Shelter	T	T	T	T	T	T	T
(11)	Temporary Agricultural Structure							
(12)	Temporary Unscreened Outdoor Storage Accessory to Industrial Use				T		T	T
(13)	Temporary Sales by Mobile Food Vendors	T	T	T	T	T	T	T
(14)	<u>Temporary Asphalt, Batch or Concrete, Stone Crushing and/or Processing Operations</u>	<u>T/C</u>	<u>T/C</u>	<u>T/C</u>	<u>T/C</u>	<u>T/C</u>	<u>T/C</u>	<u>T/C</u>
Key to Zoning Districts:					B-3 = General Business			
INT = Institutional					BP = Business Park			
B-1 = Neighborhood Business					LI = Limited Industrial			
B-2 = Highway Business					GI = General Industrial			

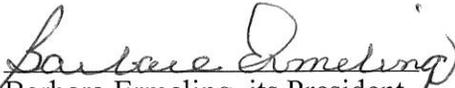
SECTION 2: The amendment effectuated by this Ordinance shall apply within the municipal limits of the Village and within its extraterritorial zoning jurisdiction in the Town of Weston.

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 15th day of August, 2016

WESTON VILLAGE BOARD

By: 
Barbara Ermeling, its President

Attest:


Sherry Weinkauff, its Clerk

APPROVED: 8/15/16

PUBLISHED: 8/18/16

Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted on August 15, 2016, the following Ordinances:

1. Ordinance No: 16-032 An Ordinance Creating Section 94.4.10(14) of the Zoning Ordinance Entitled Temporary Asphalt, Batch or Concrete, Stone Crushing and/or Processing Operations and adding the new temporary land use category within the Charts Displayed in Figures 3.04 and 3.05 of the Village Zoning Ordinance.
2. Ordinance No. 16-034 An Ordinance Amending Section 94.4.09(2) of the Zoning Ordinance Entitled Detached Accessory Structure (For Residential Use).
3. Ordinance No. 16-035 An Ordinance Amending Figure 5.01(1) of the Village Zoning Ordinance Entitled Rural, Open Space and Residential District Lot Dimension and Intensity Standards.
4. Ordinance No. 16-036 An Ordinance Amending Section 94.3.05: Figure 3.05 of the Village Zoning Ordinance Entitled Allowable Uses in Non-Residential and Mixed Use Zoning Districts.
5. Ordinance No. 16-037 An Ordinance Creating Section 94.16.18(5) of the Zoning Ordinance Entitled Parkland Fees.

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 18th day of August, 2016
Sherry Weinkauff, Village Clerk

Published: 8/18/16

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

**REQUEST FROM: JARED WEHNER, ASSISTANT PLANNER
JENNIFER HIGGINS; DIRECTOR OF PLANNING AND DEVELOPMENT**

ITEM DESCRIPTION: ORDINANCE NO. 16-032 AN ORDINANCE CREATING SECTION 94.4.10(14) OF THE ZONING ORDINANCE ENTITLED *TEMPORARY ASPHALT, BATCH OR CONCRETE, STONE CRUSHING AND/OR PROCESSING OPERATIONS* AND ADDING THIS NEW TEMPORARY LAND USE TO THE TEMPORARY LAND USE CATEGORY WITHIN THE CHARTS DISPLAYED IN FIGURES 3.04 AND 3.05 OF THE VILLAGE ZONING ORDINANCE.

DATE/MTG: BOARD OF TRUSTEES; MONDAY, AUGUST 15, 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 publication of Ordinance No. 16-032.

LEGISLATIVE ACTION:

- | | | |
|---|---|---------------------------------------|
| <input checked="" type="checkbox"/> Acknowledge/Approve | <input checked="" 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: Public Hearing held July 11, 2016 with PC/ETZ
Additional discussion and approval at August 8, 2016 PC/ETZ Meeting**

BACKGROUND: The public hearing for this ordinance amendment was held at the 7/11/16 PC/ETZ meeting. At the 7/11/16 meeting, the members suggested changes to the ordinance which staff has made. Staff worked with MDRoffers to make this update to the Code. After additional discussion on 8/8/16, the PC/ETZ approved the draft ordinance with a condition that we have legal counsel review prior to it going to the Board of Trustees for final consideration and approvals. Higgins sent the draft ordinance to Attorney Yde who made some modifications to Sec. 94.4.10(14), 1, 4 and 13. These modifications have been included in the attached draft ordinance. Staff recommends approval. It would then become effective on date of publication.

Attachments – Ord. No. 16-032

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

REQUEST FROM: **JARED WEHNER, ASSISTANT PLANNER**
JENNIFER HIGGINS; DIRECTOR OF PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: **UNFINISHED BUSINESS - ORDINANCE NO. 16-032 AN ORDINANCE CREATING SECTION 94.4.10(14) OF THE ZONING ORDINANCE ENTITLED TEMPORARY ASPHALT, BATCH OR CONCRETE, STONE CRUSHING AND/OR PROCESSING OPERATIONS AND ADDING THIS NEW TEMPORARY LAND USE TO THE TEMPORARY LAND USE CATEGORY WITHIN THE CHARTS DISPLAYED IN FIGURES 3.04 AND 3.05 OF THE VILLAGE ZONING ORDINANCE.**

DATE/MTG: **PLAN COMMISSION/ETZ COMMITTEE; MONDAY, AUGUST 8, 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 Statue: | _____ |
| <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: **Public Hearing held July 11, 2016 with PC/ETZ**

BACKGROUND: **The public hearing for this ordinance amendment was held at the 7/11/16 PC/ETZ meeting. At the 7/11/16 meeting, the members suggested changes to the ordinance which staff has made. Staff worked with MDRoffers to make this update to the Code. Staff recommends the PC/ETZ approve the draft ordinance and forward on to the Board of Trustees for final consideration and approvals.**

Attachments – Ord. No. 16-032
