



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 16-043

AN ORDINANCE AMENDING SECTION 94.5.04 *INTRUSIONS INTO REQUIRED YARDS.*

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. 94.5.04 does not adequately address the ability to permit stormwater detention and retention ponds to intrude into required setbacks within the Village and Town; and

WHEREAS, Village Staff is proposing amendments to Chapter 94 Zoning to allow stormwater detention and retention ponds to intrude into required setback areas; 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 October 10, 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: Chapter 94 Zoning Ordinance is hereby amended to provide as follows:

Section 94.5.04: Intrusions into Required Yards

The minimum setbacks listed in Figures 5.01(2), 5.02(2), and 5.03(2) establish the minimum required yards/setbacks in the associated zoning districts, except that the following intrusions by buildings and structures are permitted into the minimum required yards:

(1) Permitted Intrusions Into Required Front and Street Side Yards.

- (a) Chimneys, flues, sills, pilasters, lintels, cornices, eaves, gutters, satellite dishes with a diameter of 20 inches or less, and other architectural and ornamental features attached to a building, provided they do not extend more than two and one-half feet into the required yard.
- (b) Yard lights, ornamental lights, and nameplate signs, provided they comply with applicable exterior lighting requirements of Section 94.12.11.
- (c) Terraces, steps, open walled porches, decks, stoops, or similar appurtenances to residential buildings that do not extend above the floor level of the adjacent building entrance, provided they do not locate closer than 20 feet to any front or street lot line.
- (d) Fences, in accordance with Section 94.12.03.
- (e) Lawn ornaments and flag poles, provided that in residential zoning districts flag poles do not exceed 35 feet in height and lawn ornaments do not exceed 6 feet in height, and that flag poles are constructed with footings that extend not less than 42 inches below the existing ground level unless secured in another manner verified by a structural engineer.
- (f) Stormwater retention and detention ponds and stormwater related structures.

(2) Permitted Intrusions Into Required Interior Side Yards.

- (a) Chimneys, flues, sills, pilasters, lintels, cornices, eaves, gutters, satellite dishes with a diameter of 20 inches or less, and other ornamental features attached to a building, provided they do not extend more than two and one-half feet into the required yard.
- (b) Fences, in accordance with Section 94.12.03.
- (c) Fire escapes that do not extend more than three feet into the required yard.
- (d) Lawn ornaments and flag poles, provided that in residential zoning districts flag poles do not exceed 35 feet in height and all lawn ornaments do not exceed 6 feet in height, and that flag poles are constructed with footings that extend not less than 42 inches below the existing ground level unless secured in another manner verified by a structural engineer.
- (e) Stormwater retention and detention ponds and stormwater related structures.

(3) Permitted Intrusions Into Required Rear Yards.

- (a) Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings, provided they do not locate closer than 20 feet to the rear lot line.
- (b) Chimneys, flues, sills, pilasters, lintels, cornices, eaves, gutters, satellite dishes with a diameter of 20 inches or less, and other architectural and ornamental features attached to a building, provided they do not extend more than two and one-half feet into the minimum required yard.
- (c) Fences, in accordance with Section 94.12.03.
- (d) Fire escapes that do not extend more than three feet into the minimum required yard.
- (e) Lawn ornaments, play sets, tree houses, trampolines, and flag poles, provided that in residential zoning districts flag poles do not exceed 35 feet in height and all other lawn ornaments do not exceed 6 feet in height, that flag poles are constructed with footings that extend not less than 42 inches below the existing ground level unless secured in another manner verified by a structural engineer, and that tree houses are not intended for human habitation.
- (f) Stormwater retention and detention ponds and stormwater related structures.

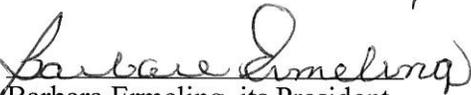
SECTION 2: The amendment effectuated by this Ordinance shall apply within the municipal limits of the Village and within its extraterritorial zoning jurisdiction in the Town of Weston.

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.

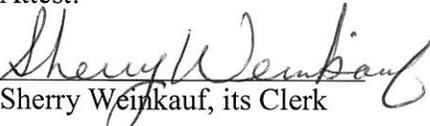
SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 17th day of October, 2016

WESTON VILLAGE BOARD

By: 
Barbara Ermeling, its President

Attest:


Sherry Weinkauff, its Clerk

APPROVED: 10-18-16

PUBLISHED: 10-20-16

Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted on October 17, 2016, the following Ordinances:

1. Ordinance No: 16-043 An Ordinance Amending Section 94.5.04 Intrusions into required yards.
2. Ordinance No. 16-044 An Ordinance Amending Section 94.4.07(3) Freight Terminal and Reflecting a Change in Name of a Land Use Category from Freight Terminal to Freight Terminal/Transportation Depot in Figures 3.04 and 3.05 and Sections 94.4.07(5) Livestock or Farm Commodity Trucking and 94.17.04 Definitions.

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 October, 2016
Sherry Weinkauf, Village Clerk

Published: 10/20/16

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

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

ITEM DESCRIPTION: **ORDINANCE NO. 16-043 AN ORDINANCE AMENDING SECTION 94.5.04
INTRUSIONS INTO REQUIRED YARDS.**

DATE/MTG: **BOARD OF TRUSTEES; MONDAY, OCTOBER 17, 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 of Ordinance No. 16-043.

LEGISLATIVE ACTION:

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

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: | <u>Chapter 94</u> |
| <input type="checkbox"/> Municipal Rules: | _____ |
-

PRIOR REVIEW: Plan Commission/ETZ Committee – October 10, 2016

BACKGROUND: At a recent staff meeting it was determined that we needed to make an amendment to Sec. 94.5.04 Intrusions Into Required Yards, to allow for Stormwater retention and detention ponds and stormwater related structures to be allowed to be permitted intrusions into the required front, street side, interior side and rear yards setbacks. We have many properties where this is happening already and DPW determined they had no issues with stormwater facilities continuing to be allowed in these areas of the property. Planning and Development Staff drafted an ordinance amendment which is attached.

The Plan Commission/ETZ held a public hearing on 10/10/16. No one spoke in opposition. PC/ETZ recommend approval.

Attachments – Ord. No. 16-043

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

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

ITEM DESCRIPTION: **ORDINANCE NO. 16-043 AN ORDINANCE AMENDING SECTION 94.5.04
INTRUSIONS INTO REQUIRED YARDS.**

DATE/MTG: **PLAN COMMISSION/ETZ; MONDAY, OCTOBER 10, 2016**

POLICY QUESTION: Should the Plan Commission and ETZ recommend the following draft ordinance amendments to the Village Board for approval?

RECOMMENDATION TO: I make a motion to endorse approval of Ordinance No. 16-043 and recommend it to the Trustees.

LEGISLATIVE ACTION:

- | | | |
|---|---|---------------------------------------|
| <input 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 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: None.

BACKGROUND: At a recent staff meeting it was determined that we needed to make an amendment to Sec. 94.5.04 *Intrusions into Required Yards*, to allow for stormwater retention and detention ponds and stormwater related structures to be allowed to be permitted intrusions into the required front, street side, interior side and rear yards setbacks. We have many properties where this is happening already and DPW determined they had no issues with stormwater facilities continuing to be allowed in these areas of the property. Planning and Development Staff drafted an ordinance amendment which is attached.

Attachments – Ord. No. 16-043



**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, October 10, 2016, at 6:00 p.m.**, at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476 to take testimony relative to the following Amendments to Chapter 94 Zoning:

1. Ordinance No. 16-043 An Ordinance Amending Section 94.5.04 *Intrusions into Required Yards*.
2. Ordinance No. 16-044 An Ordinance Amending Section 94.4.07(3) *Freight Terminal* and reflecting a change in name of a land use category from *Freight Terminal* to *Freight Terminal/ Transportation Depot* in Figures 3.04 and 3.05 and Sections 94.4.07(5) *Livestock or Farm Commodity Trucking* and 94.17.04 *Definitions*.

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, Planning Technician, Planning and Development Department, at 715-241-2607.

Dated this 22nd day of September, 2016

Valerie Parker
Plan Commission and ETZ Committee Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, September 26, 2016 and Monday, October 3, 2016.

DAILY HERALD media

A GANNETT COMPANY

STATE OF WISCONSIN
BROWN COUNTY

WESTON VILLAGE OF
5500 SCHOFIELD AVE
WESTON WI 544764333

VOUCHER APPROVAL

Account Number: 10-06-56910 -321-000 \$35.84
 Description: WDH Hearing Notice - PC
110-043 and 110-044 Text Amend Zoning
 Approved by [Signature] 10/21/16
 Initials Date

10-06-50925-321-000
ETZ portion - 110-043
\$35.83 + 110-044

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: 0001605982
 No. of Affidavits: 1
 Total Ad Cost: \$71.67
 Published Dates: 09/26/16, 10/03/16

(Signed) [Signature] (Date) 10/5/16
 Legal Clerk

Signed and sworn before me

[Signature]

My commission expires 3/3/19



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, October 10, 2016, at 6:00 p.m., at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476 to take testimony relative to the following Amendments to Chapter 94 Zoning:
 1. Ordinance No. 16-043 An Ordinance Amending Section 94.5.04 Intrusions into Required Yards.
 2. Ordinance No. 16-044 An Ordinance Amending Section 94.4.07(3) Freight Terminal and reflecting a change in name of a land use category from Freight Terminal to Freight Terminal and Mass Transportation Depot in Figures 3.04 and 3.05 and Sections 94.4.07(5) Livestock or Farm Commodity Trucking and 94.17.04 Definitions.
 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, Planning Technician, Planning and Development Department, at 715-241-2607.
 Dated this 22nd day of September, 2016
 Valerie Parker
 Plan Commission and ETZ Committee Secretary
 Run: Sept. 26, Oct. 3, 2016 WNAJLP

WESTON VILLAGE OF
 Re: 10/10/16 Hearing Ordinances