



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 17-007

AN ORDINANCE TO AMEND SECTION 94.12.06: EXTERIOR STORAGE STANDARDS FOR MULTI-FAMILY DWELLINGS AND NON-RESIDENTIAL FACILITIES AND PROPERTIES TO DISCONTINUE THE PROHIBITION OF PRIVACY SLATS WITHIN CHAINLINK FENCES.

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. 94.12.06 does not adequately address the regulations needed for screening of outdoor storage requirements in the Village and Town; and

WHEREAS, Village Staff is proposing amendments to Chapter 94 Zoning to provide regulations for exterior storage standards; 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 April 10, 2017, 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 94.12.06: Exterior Storage Standards

(2) **Exterior Storage Standards for Multi-Family Dwellings and Non-Residential Facilities and Properties.**

- (a) All exterior (outside) storage of recyclable and non-recyclable containers, within multi—family dwellings and non-residential facilities and properties (all land uses other than “Single-Family Detached Residence”, “Two-Family Residence”, and “Agricultural Use”), shall be placed and maintained within a three-sided enclosure and enclosed on the fourth side with a gate to contain garbage, refuse, waste, recycling, and other debris. The enclosure shall further meet all of the following requirements:
1. Subject to accessory structure setback requirements included in Figures 5.01(2) and 5.02(2).
 2. Must be at least 10 feet from any combustible walls, openings, or combustible roof eave lines, as per NFPA 1 (most recent addition).
 3. Not placed in any minimum required front or street side yard.
 4. Must be placed to the interior side or rear of the principal structure, unless such a location is not possible in the determination of the Zoning Administrator.
 5. Must be a minimum of 30-feet long by 10-feet wide.
 6. Must be 8-feet tall.
 7. Placed on a permanent hard surface.
 8. The recyclable and non-recyclable containers shall be fully screened and not visible from public rights-of-way and adjacent properties from the ground level; the screening shall consist of a solid fence constructed of masonry, commercial grade wood fencing, or other commercial grade material approved by the Zoning Administrator.
 9. This fence shall be constructed in such a manner so as to prevent paper, debris, and other refuse material from being blown through the fence.
 10. The Village’s Refuse and Recycling Site Application must be submitted and approved by the Village prior to installation. The owner shall provide proof to the Zoning Administrator, from the owner’s contracted solid waste/recycling hauler, that the design provides safe and reasonable access to the hauler to provide the contracted service.
- (b) The owner or designated agent may apply for a special exception from the Zoning Administrator regarding the minimum size, location, shape, and style of enclosure specified in subsection (a). The Zoning Administrator may grant a special exception if the applicant clearly shows that the ordinance requirement creates an unnecessary hardship and granting the special exception will not harm the public interest or undermine the purpose of this Chapter.
- (c) The exterior storage of non-recyclable and recyclable material, and associated containers and enclosures, which are not in compliance with this subsection as of March 18, 2015, shall have one year from such date to comply.

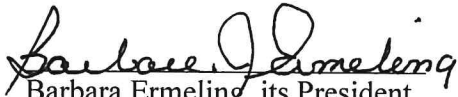
SECTION 2: The amendment effectuated by this Ordinance shall apply within the municipal limits of the Village and within its extraterritorial zoning jurisdiction in the Town of Weston.

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.

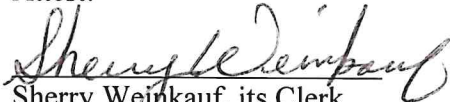
SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 17th day of April, 2017

WESTON VILLAGE BOARD

By: 
Barbara Ermeling, its President

Attest:


Sherry Weinkauff, its Clerk

APPROVED: 4-17-17

PUBLISHED: 4-19-17

**VILLAGE OF WESTON, WISCONSIN
AGENDA ITEM COVER SHEET**

MTG/DATE: Board of Trustees – 04/17/17

FROM: Jennifer Higgins, Zoning Administrator

DESCRIPTION: Ordinance 17-007, Amendment to Exterior Storage Standards for Multi-Family Dwelling and Non-Residential Facilities and Properties.

ACTION:	<input checked="" type="checkbox"/> Approve	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Proclamation
	<input type="checkbox"/> Deny	<input type="checkbox"/> Policy	<input type="checkbox"/> Report
	<input type="checkbox"/> Expenditure	<input type="checkbox"/> Procedure	<input type="checkbox"/> Resolution

QUESTION:

Should the Board of Trustees approve Ordinance 17-007 as recommended by the Plan Commission to remove the prohibition of privacy slats in chainlink fences for the purpose of screening outdoor storage?

BRIEF:

Staff has encountered numerous issues with fabric installed on chainlink fences for the use of privacy screening. The fabric does not withstand wind storms and ends up tearing. This was not the intention of the code.

FISCAL IMPACT: None

RECOMMEND: Zoning Administrator recommends approval.

COMMITTEE: Recommendation endorsed by Plan Commission (4/10/2017),

REQUEST: Approve Ordinance #17-007 under Policy Questions.

Is there an additional briefer with this agenda item?

Are there additional reference documents which have been attached to this report?



AMENDMENT TO ZONING REGULATION (TEXT AMENDMENT) DETERMINATION
PLANNING AND DEVELOPMENT
PLAN COMMISSION / JOINT TOWN & VILLAGE EXTRATERRITORIAL ZONING COMMITTEE
BOARD OF TRUSTEES

Ordinance No.: **17-007** Hearing Date: **April 10, 2017**

Applicant: **Jennifer Higgins, Zoning Administrator, Village of Weston**

Title: **An amendment to Section 94.12.06: Exterior Storage Standards for Multi-Family Dwelling and Non-Residential Facilities and Properties to discontinue the prohibition of privacy slats within chainlink fences.**

Purpose: **As the current code is written, the standard prohibits the use of privacy slats within chainlink fences for the purpose of screening storage yards.**

The Department of Planning and Development, Plan Commission and Board of Trustees of the Village of Weston, pursuant to the Village of Weston Zoning Code, Article 16 Processes, Section 94.16.02 Amendments to Zoning Regulations (Text Amendments), hereby makes the following findings and evaluation:

DETERMINATION:

1. Is the proposed text amendment consistent with the Comprehensive Plan, as is required by Wisconsin Statutes?
Yes, the proposed changes to the text is discontinuing the use of privacy slats in chainlink fences, as the privacy fabric is not withstanding the elements
2. Does the proposed text amendment further the purposes and intent of this Chapter and section to which the amendment is proposed?
Yes, this section continues to promote quality screening mechanisms where they are required for outdoor storage.
3. Does the amendment address any of the following deficiencies or omissions as compared to the current language of this Chapter?
 1. **A change has occurred in the land market, or other factors have arisen that require a new form of development, a new type of land use, or a new procedure to meet said change(s).**
 2. New methods of development or providing infrastructure make it necessary to alter this Chapter to meet these new factors.
 3. Changing governmental finances require amending this Chapter in order to meet the needs of the government in terms of providing and affording public services.
 4. There is an error or internal inconsistency in this Chapter.
4. Does the proposed amendment maintain the desired compatibility with allowable land uses, land use intensities, and impact on resources of the affected zoning district(s)?
Yes, there is not any impact on the allowable land uses, intensities or resources in any of the zoning districts.

BACKGROUND INFORMATION:

Staff has encountered numerous issues with fabric installed on chainlink fences for the use of privacy screening. The fabric does not withstand wind storms and ends up tearing. This was not the intention of the code.

Plan Commission Determination on 4/10/17:	Recommend approval – Unanimous vote
ETZ Determination on 4/10/17:	Recommend approval – Unanimous vote
Board of Trustees Determination on 4/17/17:	Approve

Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted on April 17, 2017, the following Ordinances:

- Ordinance No 17-006 An Ordinance to Amend Section 94.11.02: Landscape Requirements to Update a Maximum Percentage of Tree Species Planted and A Municipal Code Reference.
- Ordinance No 17-007 An Ordinance to Amend Section 94.12.06: Exterior Storage Standards for Multi-Family Dwellings and Non-Residential Facilities and Properties to Discontinue the Prohibition of Privacy Slats Within Chain-link Fences.
- Ordinance No 17-008 An Ordinance to Amend Section 94.12.08 Access and Driveway Standards to Explicitly Refer the Requirements for Widths of Driveways Connected to A Public Right-Of-Way to Chapter 71.
- Ordinance No 17-009 An Ordinance to Amend Section 94.12.09: Off Street Parking and Traffic Circulation Standards to Provide a Definition of Reconstruction and Maintenance and Their Associated Requirements.
- Ordinance No 17-010 An Ordinance to Amend Section 94.4.05(12) Commercial Animal Establishment Land Use Definition to Prohibit Outdoor and Overnight Activities Within The B-1 And B-2 Zoning Districts And To Amend Figure 3.05 To Allow Commercial Animal Establishments Within B-2 Zoning District As A Permitted Use By Right And Within The B-1 And Li Zoning Districts As A Conditional Use.
- Ordinance No. 17-011 An Ordinance to Amend Chapter 66 Solid Waste, Section 66.115 Exterior Storage Standards for Multiple-Family Dwellings and Non-Residential Facilities and Properties to Explicitly Refer to 94.12.06 Exterior Storage Standards (2) Exterior Storage Standards for Multi-Family Dwellings and Non-Residential Facilities and Properties.
- Ordinance No. 17-012 An Ordinance to Amend Section 90.103(k) Planting of Trees and Shrubs.
- Ordinance No. 17-013 An Ordinance to Amend Section 71.5.01(1) Relating to Width of Access of Driveways.

The full text of the above 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>.

Dated this 18th day of April, 2017
Sherry Weinkauff, Village Clerk

Published: 4/19/17