



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

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 CONDUTUINAL USE.

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. 94.04.05(12) does not adequately address the regulations needed for commercial animal establishment requirements in the Village and Town; and

WHEREAS, in administering this new Chapter 94, Village staff has found Sec. 94.03.05 does not adequately address the allowable uses in non-residential and mixed use zoning districts regarding commercial animal establishment requirements in the Village and Town; and

WHEREAS, Village Staff is proposing amendments to Chapter 94 Zoning to provide regulations for commercial animal establishments; 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:

Figure 3.05: Allowable Uses in Non-Residential and Mixed Use 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	INT	B-1	B-2	B-3	BP	LI	GI	RM
(10)	Community Living Arrangement (16+)	P	C	C		C			
Commercial Land Uses (see Section 94.4.05 for descriptions and standards for each land use)									
(1)	Office	C	P	P	P	P	P	P	C
(2)	Personal or Professional Service		P	P	P	P	P	P	
(3)	Artisan Studio		P	P	P	C	C		C
(4)	Group Day Care Center	P	P	P	P	C	C		C
(5)	Indoor Sales or Service		P	P	P	C	C		
(6)	Outdoor Display		C	C	P		C	C	
(7)	Indoor Repair and Maintenance			P	P		P	P	C
(8)	Outdoor and Vehicle Repair and Maintenance			C	P		P	P	C
(9)	Drive-In or Drive-Through Sales or Service		C	P	P	C	C	C	
(10)	Indoor Commercial Entertainment		C	P	P	P	C	C	
(11)	Outdoor Commercial Entertainment		C	C	C				C
(12)	Commercial Animal Establishment		<u>C</u>	<u>P</u>	P		<u>C</u>	<u>C</u>	C

94.4.05(12) Commercial Animal Establishment.

Includes uses that provide for the care, treatment, grooming, and/or boarding of animals as a principal use of the property. Examples include commercial stables, pet shops, grooming shops, boarding kennels, animal shelters, and veterinary facilities. A boarding kennel is a facility where dogs, cats, horses, or other animals are kept for 24 hours or more for boarding, training or similar purposes for compensation. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate approvals.

Performance Standards:

1. As part of the permit approval, the Village may establish a limit on the number of animals that are serviced or boarded. No boarding kennels or other commercial animal establishments including outdoor activities or overnight stays are allowed in the B-1 or B-2 districts.

2. Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit or special event permit has been secured.
3. Commercial stables and boarding facilities for horses or other riding animals are subject to all "Agricultural Use" standards in Section 94.4.03(1) related to the keeping of farm animals.
4. All principal structures and outdoor containment areas for horses or other riding animals shall be no less than 100 feet from any residential zoning district.
5. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
6. Shall meet all performance standards in Article 12, including but not limited to odor standards in Section 94.12.15.
7. In the FP zoning district, the use must meet the standards set forth in Section 94.4.03(2) for an Agricultural-Related Use.
8. Commercial kennels and animal boarding facilities are subject to the requirements and licensing standards set forth in Chapter 10 of the Code.

Minimum Required Off-Street Parking: one space per every 1,000 square feet of indoor Gross Floor Area.

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.

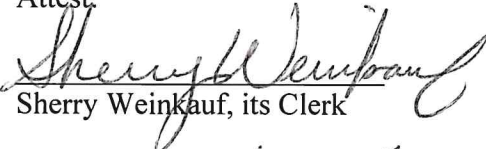
SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

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 17-010, Amendment to Commercial Animal Establishment and Figure 3.05, Non-Residential Use Table.

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 17-010 as recommended by the Plan Commission to limit outdoor and overnight activities associated with the commercial animal establishment use in B-1 and B-2 uses, and allowing the use in B-2 as a permitted use-by-right and in B-1 and LI districts by conditional use?

BRIEF:

Staff has had several requests for non-overnight commercial animal establishments, but applicants are very limited as to where they may be located, especially with last year's rezoning of Schofield Avenue. This proposed changed would allow those uses within the corridor, but limit them to indoor uses only.

FISCAL IMPACT: None

RECOMMEND: Zoning Administrator recommends approval.

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

REQUEST: Approve Ordinance #17-010 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.: **17-010** Hearing Date: **April 10, 2017**

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

Title: **An amendment to Section 94.05.05(12): Commercial Animal Establishments 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 districts as a permitted use-by-right and within the B-1 and LI zoning districts as a conditional use.**

Purpose: **As the current code is written, the standard does not address outdoor and overnight activities associated with commercial animal establishments, or allows the use within zoning districts other than B-3 and GI. The use now defines outdoor and overnight activities, thus making it easier to consider the use in other zoning districts.**

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 to be clear as to the requirements Commercial Animal Establishments.
 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 the intent of this chapter. The requirements are clearing when referring to outdoor and overnight activities associated with the use.
 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 a positive impact on the allowable land uses, intensities or resources in any of the zoning districts.
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BACKGROUND INFORMATION:

Staff has had several requests for non-overnight commercial animal establishments, but applicants are very limited as to where they may be located, especially with last year's rezoning of Schofield Avenue. This proposed changed would allow those uses within the corridor, but limit them to indoor uses only.

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