



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 17-018

AN ORDINANCE TO AMEND SECTION 94.16.11 TO ESTABLISH CRITERIA FOR THE EXPIRATION OF A VARIANCE.

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. 94.16.11 does not adequately address the regulations needed to define the criteria for the expiration of a variance in the Village and Town; and

WHEREAS, Village Staff is proposing amendments to Chapter 94 Zoning to provide criteria outlining an expiration for a variance; 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 June 12, 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 94.16.11: Variance Procedures

- (1) **Recording of Variance.** The Zoning Administrator shall record the variance against the property, assigning all costs thereof to the applicant, and shall make record of the variance on the Official Zoning Map. The document recording the variance shall indicate that the property owner has the

burden of proof to conclusively demonstrate that activities associated with the variance are being completed within the following applicable periods, or the variance shall become null and void:

- (a) A building permit associated with the approved variance shall be obtained within one calendar year of the approval.
- (b) Upon issuance of a building permit, the associated work must be completed in accordance with Section 94.16.04.
- (c) In the event the variance does not require a building permit; the associated work must be completed within two calendar years of the variance approval.

In the event that a variance is rendered null and void under this subsection, the Zoning Administrator may record an amendatory document against the property, assigning all costs thereof to the applicant, and shall remove or modify record of the variance on the Official Zoning Map.

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.

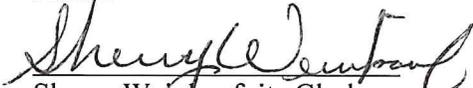
SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 19th day of June, 2017

WESTON VILLAGE BOARD

By: 
Barbara Ermeling, its President

Attest:


Sherry Weinkauff, its Clerk

APPROVED: 6-19-17

PUBLISHED: 6-21-17

Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted on June 19, 2017, the following Ordinances:

- Ordinance No. 17-015: An Ordinance to Amend Sections 94.4.09(1) and (2) to Limit Front Yard Placement of Accessory Structures and Setting Additional Standards for Said Circumstance, Referencing the Definitions of Detached Garage, Utility Shed, Gazebo and Carport, Establishing Roof Load Standards, Driveway Requirements and a Code Reference.
- Ordinance No. 17-017: An Ordinance to Amend Sections 94.12.06(3) and (4) to Establish and Clarify Standards for Parking Operable and Inoperable Motorized Vehicles in all Zoning Districts.
- Ordinance No. 17-018: An Ordinance to Amend Section 94.16.12 to Establish Criteria for the Expiration of a Variance.
- Ordinance No. 17-019: An Ordinance to Amend Section 94.17.04 to Establish Definitions for Detached Garage, Utility Shed, Gazebo and Carport.
- Ordinance No. 17-020: An ordinance to amend Figure 3.05 in Section 94.3.05 Allowable uses in Non-Residential and Mixed Use Zoning Districts, to change the land use of Outdoor Display from a conditional use to a permitted use-by-right within the B-2 zoning district.
- Ordinance No. 17-021: An Ordinance Renumbering Chapter 86 “Utilities” Renumbering Section 86.158 “Permanently Installed In-Ground Sprinkler Systems” To Section 86.2.336 “Permanently Installed In-Ground Sprinkler Systems” and Repealing and Recreating Chapter 86 “Utilities, Article IV Sewerage Utility” of the Municipal Code for the Village of Weston, Marathon County, Wisconsin.

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 20th day of June, 2017
Sherry Weinkauff, Village Clerk

Published: 6/21/2017

DAILY HERALD media

A GANNETT COMPANY

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Dated this 20th day of June, 2017
Shery Weinkauff, Village Clerk
RUN: June 21 WNAXLP

STATE OF WISCONSIN
BROWN COUNTY

WESTON VILLAGE OF
5500 SCHOFIELD AVE
WESTON

WI 544764333

10-01-51420-321-000
WDH recording fees
Ord 17-021 Utilities
\$5.94

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:

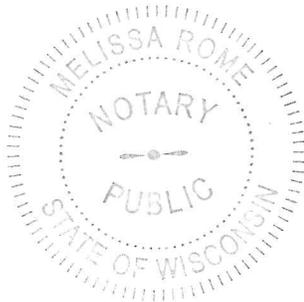
Account Number: GWM-WES425
Order Number: 0002224709
No. of Affidavits: 1
Total Ad Cost: \$35.64
Published Dates: 06/21/17

10-06-56925-321-000
WDH recording fees 17-015, 17-017
40 17-020 -ET2
\$14.85

VOUCHER APPROVAL

Account Number: 10-06-56910-321-000
Description: WDH recording fees
17-015-17-017 to 17-020-PC
Approved by: [Signature] 6/30/17
Initials Date
\$14.85

(Signed) [Signature] (Date) 6-21-17
Legal Clerk



Signed and sworn before me [Signature]
My commission expires 1-12-2021

WESTON VILLAGE OF
Re: Ords. 17-015-17-021

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, June 12, 2017, at approximately, or shortly after, 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 17-014: An Ordinance to amend Section 94.4.02: Residential Land Use, To Create a Townhome Use and Performance Standards and Modify Figures 3.04 And 3.05 to Allow Said Use Within the MF Zoning District as a Permitted Use-By-Right and Within the 2F and B-1 Zoning Districts as a Conditional Use.
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3. Ordinance No 17-016: An Ordinance to Amend Sections 94.10.02(1) and 94.10.03(10) to Establish a Prohibition of Construction of New Carports for Single-Family, Two-Family And Multi-Family Dwelling Units.
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These proposals have the effect of changing the allowable uses of property within the Village. The amendments to the Residential Zoning districts may affect any properties in those districts.

The hearing notice and applicable application materials are also 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 and ETZ Committee 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 25th day of May, 2017

Valerie Parker

Plan Commission and ETZ Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, May 29, 2017, Monday, June 5, 2017 and Sunday, June 11, 2017.

DAILY HERALD media

A GANNETT COMPANY

STATE OF WISCONSIN
BROWN COUNTY

VILLAGE OF WESTON
5500 SCHOFIELD AVE
WESTON

WI 544764333

VOUCHER APPROVAL

Account Number:

10-06-56910 -321-000

Description: June PC mtg

hearing notice text amendment

Approved by [Signature] 6/15/15
Initials Date

\$56.30

10-06-56925 -321-000

June ET2 mtg hearing notice

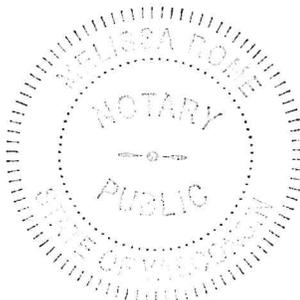
text amendment

\$56.29

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 a paper, which published therein on:

Account Number: GWM-1081606
Order Number: 0002170034
No. of Affidavits: 1
Total Ad Cost: \$112.59
Published Dates: 05/29/17, 06/05/17

(Signed) [Signature] (Date) 6-6-17
Legal Clerk



Signed and sworn before me
[Signature]

My commission expires 1-12-2021

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Dated this 25th day of May, 2017
Valerie Parker
Plan Commission and ETZ Secretary
RUN: May 29 & June 5, 2017 WNAXLP

VILLAGE OF WESTON
Re: Ord 17-014

DAILY HERALD media

print | digital | social | mobile

A GANNETT COMPANY

STATE OF WISCONSIN
BROWN COUNTY

VILLAGE OF WESTON
5500 SCHOFIELD AVE
WESTON, WI 54476

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-1081606

Ad Number: 0002193744

Cost: \$64.04

Published Dates: 6/11/17

VOUCHER APPROVAL

Account Number:

10-06-56910 - 321.000

Description: June PC/ETZ rerun of hearing notice

Approved by

JAA

Initials

8/24/17

Date

\$32.02

10-06-56925-321-000

\$32.02

(Signed):

Kumar 3/
Legal Clerk

Date:

8/16/2017

Signed and sworn to before me

E. D.

Notary Public,
Brown County, Wisconsin

My commission expires 5-25-18



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Dated this 25th day of May, 2017

Valerie Parker

Plan Commission and ETZ Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, May 29, 2017, Monday, June 5, 2017 and Sunday, June 11, 2017.

RUN: June 11, 2017 WNAXLP

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

MTG/DATE: Board of Trustees, 06/19/17

FROM: Jennifer Higgins, Director of Planning and Development/Zoning Administrator

DESCRIPTION: Ordinance 17-018: An Ordinance to Amend Section 94.16.12 to Establish Criteria for the Expiration of a Variance.

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 BOT Ordinance 17-018 as recommended by the PC/ETZ to establish criteria for the expiration of a variance?

BRIEF:
Under the current zoning code there is not any criteria establishing an expiration of a variance when the applicant does not act within a year of approval of the variance.

RECOMMEND: Director/Zoning Administrator recommends approval.

COMMITTEE: Recommendation endorsed by the PC & ETZ (6/12/17).

REQUEST: Approve Ordinance 17-018

-
- Amendment to Zoning Regulation (Text Amendment) Determination
 - Draft Ordinance Number 17-018



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

Ordinance No.:	17-018	Hearing Date:	June 12, 2017
Applicant:	Jennifer Higgins, Zoning Administrator, Village of Weston		
Title:	An amendment to Section 94.16.11: to establish criteria for the expiration of a variance.		
Purpose:	As the current code is written, there is not any criteria to establish an expiration if the applicant fails to act within the allotted amount of time.		

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 coincide with the objectives within the Comprehensive Plan
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 by ensuring that when variances are granted, they are acted upon in a timely manner.
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 found that there is not any mechanism in the code for the expiration of a variance if the applicant does not file the necessary building permits or if the associated building permit expires. This new section sets the criteria that if the applicant does not file for the required building permits to act upon the granted variance or if those building permits expire, then the variance will also expire.

Plan Commission Determination on 6/12/17:	Approve 7-0
ETZ Determination on 6/12/17:	Approve 6-0
Board of Trustees Determination on 6/19/17:	Approve / Deny (0-0)