



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 17-025

AN ORDINANCE TO AMEND SECTION 94.4.05(2): TO PROHIBIT THE USE OF A “PAYDAY LENDER” OR “PAYDAY LOAN BUSINESS” AS DEFINED BY WIS. STAT. §138.14.

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. 94.4.05(2) does not adequately address the regulations needed to prohibit the use of “Payday Lenders” or “Payday Loan Businesses” in the Village and Town; and

WHEREAS, Village Staff is proposing amendments to Chapter 94 Zoning to provide regulations for prohibiting the construction of carports for residential use; 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 17, 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:

94.4.05: Commercial Land Use Types

(2) Personal or Professional Service.

Exclusively indoor land uses whose primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples include professional services, banks, insurance or financial services, realty offices, medical offices and clinics, veterinary clinics, barber shops, and beauty shops. Payday loan uses, as defined in Wis. Stat. § 138.14, are not considered "Personal or Professional Service" uses under this chapter, and are not permitted within the Village. Service uses that are accessory to a principal residential use of a property are not considered "Personal or Professional Service" uses, but are instead regulated as "Home Occupations" or "Residential Businesses" under this chapter.

Performance Standards:

1. Minimum Required Off-Street Parking: one space per 300 square feet of Gross Floor Area.

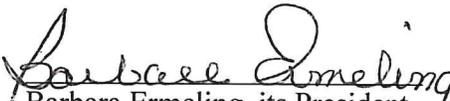
SECTION 2: The amendment effectuated by this Ordinance shall apply within the municipal limits of the Village and within its extraterritorial zoning jurisdiction in the Town of Weston.

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.

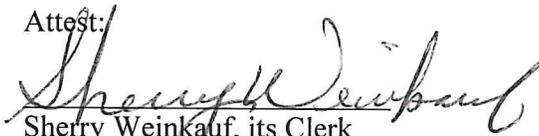
SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 24th day of July, 2017

WESTON VILLAGE BOARD

By: 
Barbara Ermeling, its President

Attest:


Sherry Weinkauff, its Clerk

APPROVED: 7/24/17

PUBLISHED: 7/26/17

Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted on July 24, 2017, the following Ordinances:

- Ordinance No 17-014: An amendment to Section 94.4.02(3): to allow the construction of a Townhome, create performance standards and allow the use within the 2F zoning District as a Conditional Use and establishing a prohibition on the construction of new carports for multi-family residence land uses.
- Ordinance No 17-016: An amendment to Section 94.4.02(2): to establish a prohibition of construction of new carports for two-family residence land uses.
- Ordinance No. 17-023 Amending Article II., Licenses and Fees, Sec. 6.103, Retail Liquor and Beer License Fees and Renumbering that Section of the Municipal Code.
- Ordinance No. 17-024 Amending Article II., Licenses and Fees, Sec. 6.104(e), Issuance of Alcohol Beverage Licenses and Renumbering that Section of the Municipal Code.
- Ordinance No 17-025: An amendment to Section 94.4.05(2): to prohibit the use of a “Payday Lender” or “Payday Loan Business” as defined by Wis. Stat. §§138.14 in pursuant to Wis. Stat. §§62.23(hi).
- Ordinance No. 17-027: An Ordinance to Approve the Rezoning of Land From RR-5 Rural Residential-5 Acre to RM – Rural Mixed at 3601 Camp Phillips Road, Village of Weston, Marathon County, Wisconsin.
- Ordinance No. 17-028 An Ordinance Repealing Section 10.126 Dogs and Cats Not to Run at Large and Amending, Renaming and Recreating Section 10.126 Animals Not to Run at Large

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 25th day of July, 2017
Sherry Weinkauff, Village Clerk

Published: 7/26/2017

DAILY HERALD media

A GANNETT COMPANY

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Please take notice that the Village Board of Weston, Wisconsin enacted on July 24, 2017, the following Ordinances:

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- Ordinance No. 17-023 Amending Article II., Licenses and Fees, Sec. 6.103, Retail Liquor and Beer License Fees and Renumbering that Section of the Municipal Code.
- Ordinance No. 17-024 Amending Article II., Licenses and Fees, Sec. 6.104(e), Issuance of Alcohol Beverage Licenses and Renumbering that Section of the Municipal Code.
- Ordinance No 17-025: An amendment to Section 94.4.05(2): to prohibit the use of a "Payday Lender" or "Payday Loan Business" as defined by Wis. Stat. §§138.14 in pursuant to Wis. Stat. §§62.23(h).
- Ordinance No. 17-027: An Ordinance to Approve the Rezoning of Land From RR-5 Rural Residential-5 Acre to RM - Rural Mixed at 3601 Camp Phillips Road, Village of Weston, Marathon County, Wisconsin.
- Ordinance No. 17-028 An Ordinance Repealing Section 10.126 Dogs and Cats Not to Run at Large and Amending, Renaming and Recreating Section 10.126 Animals Not to Run at Large
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 25th day of July, 2017
Sherry Weinkauff, Village Clerk
RUN: July 26, 2017 WNAXLP

STATE OF WISCONSIN
BROWN COUNTY

WESTON VILLAGE OF
5500 SCHOFIELD AVE
WESTON

WI 544764333

VOUCHER APPROVAL

Account Number: 10-06-56910 -321-000
Description: WDH publication Ord No 17-014, 17-016, 17-025, 17-027
Approved by [Signature] 8/11/17
Initials Date
\$12.73

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: 0002300785
No. of Affidavits: 1
Total Ad Cost: \$35.64
Published Dates: 07/26/17

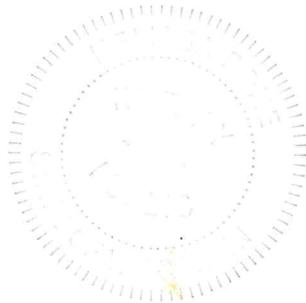
10-01-51420-321-000
WDH publication Ord No
17-023, 17-024 + 17-028
\$15.27
10-01-56925-321-000
WDH publication Ord No
17-014, 17-016, 17-025
\$7.64

(Signed) [Signature] (Date) 7/28/2017
Legal Clerk

Signed and sworn before me

[Signature]

My commission expires 1-12-2021



WESTON VILLAGE OF
Re: Newly Enacted Ord



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

Ordinance No.: 17-025 Hearing Date: July 17, 2017

Applicant: Jennifer Higgins, Zoning Administrator, Village of Weston

Title: An amendment to Section 94.4.05(2): to prohibit the use of a “Payday Lender” or “Payday Loan Business” as defined by Wis. Stat. §138.14.

Purpose: This code amendment will prohibit new payday lenders or payday loan business from establishing within the Village of Weston.

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 Land Use element of 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 better, more viable land uses within the Village. The prohibition of this land use is in the best interests of the residents’ welfare.
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:

The State of Wisconsin allows municipalities to create more restrictive regulations on payday lender or payday loan businesses under Wis. Stat. §§62.23(hi). This land use is not viable, create good jobs or attract other desirable businesses. These businesses tend to be considered “predatory;” therefore, it would be in the interest of the residents’ welfare to prohibit new business of this nature from establishing within Village limits.

Plan Commission Determination on 7/17/17:	Approve 6-0
ETZ Determination on 7/17/17:	Approve 6-0
Board of Trustees Determination on 7/24/17:	Approve/ Deny 6-0

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

MTG/DATE: Board of Trustees – 07/24/17

FROM: Jennifer Higgins, Director of Planning & Development

DESCRIPTION: Ordinance No. 17-025: An ordinance to amend Section 94.4.05(2) to prohibit the use of a “Payday Lender” or “Payday Loan Business” as defined by Wis. Stat. §138.14.

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 approve Ordinance 17-025 as recommended by the Plan Commission to establish a prohibition of Payday Lenders and Payday Loan Businesses within the Village of Weston?

BRIEF:
The State of Wisconsin allows municipalities to create more restrictive regulations on payday lender or payday loan businesses under Wis. Stat. §§62.23(hi). This land use is not viable, create good jobs or attract other desirable businesses. These businesses tend to be considered “predatory;” therefore, it would be in the interest of the residents’ welfare to prohibit new business of this nature from establishing within Village limits.

RECOMMEND: Director/Zoning Administrator recommends approval.

COMMITTEE: Recommendation endorsed by Plan Commission and ETZ Committee on (7/17/2017)

REQUEST: Approve Ordinance No. 17-025 under Consent

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

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, July 17, 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: amend Section 94.4.02(3): to allow the construction of a Townhome, create performance standards and allow the use within the 2F zoning District as a Conditional Use and to establish a prohibition on the construction of new carports for multi-family residence land uses.
2. Ordinance No 17-016: An ordinance to amend Section 94.4.02(2) to establish a prohibition of construction of new carports for two-family residence land uses.
3. Ordinance No 17-025: An ordinance to amend Section 94.4.05(2) to prohibit the use of a "Payday Lender" or "Payday Loan Business" as defined by Wis. Stat. §138.14.
4. Ordinance No 17-026: An ordinance to amend Figures 5.01(2) and 5.02(2) to remove "principal" from "minimum principal building separation (ft)," and modify the "minimum building separation (ft)" in the FP, AR and MF zoning districts to 30 feet and in the RR-2, SF-L, and 2F zoning districts to 10 feet; and to amend Figure 5.02(1) to modify the "minimum lot area" in the INT zoning district from 30,000 square feet to 20,000 square feet.

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 29th day of June, 2017

Valerie Parker
Plan Commission and ETZ Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, July 3, 2017, Monday, Monday, July 10, 2017.

VILLAGE OF WESTON
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Dated this 29th day of June, 2017
Valerie Parker
Plan Commission and ETZ Secretary
Run: July 3 & 10 WNAXLP

STATE OF WISCONSIN
BROWN COUNTY

WESTON VILLAGE OF
5500 SCHOFIELD AVE
WESTON

WI 544764333

VOUCHER APPROVAL

Account Number:

10-06-56910-321-000

Description: July PC WDH zoning ordinance public hearing notice

Approved by

ETZ Initials

7/20/17 Date

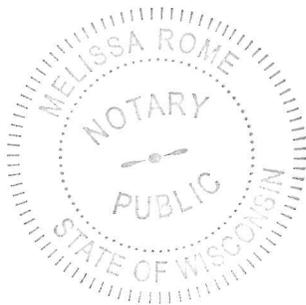
(\$45.17)

10-06-56925-321-000
ETZ (\$45.13)

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: 0002249192
No. of Affidavits: 1
Total Ad Cost: \$90.27
Published Dates: 07/03/17, 07/10/17

(Signed) [Signature] (Date) 7/10/2017
Legal Clerk



Signed and sworn before me

[Signature]

My commission expires

1-12-2021

WESTON VILLAGE OF
Re: Village of Weston Public Hearing

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

MTG/DATE: Plan Commission, July 17, 2017

FROM: Jennifer Higgins, Zoning Administrator

DESCRIPTION: Ordinance 17-025: An amendment to Section 94.4.05(2): to prohibit the use of a "Payday Lender" or "Payday Loan Business" as defined by Wis. Stat. §138.14.

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 Plan Commission recommend the approval of Ordinance 17-025 to the Board of Trustees as written to establishing a prohibition of Payday Lenders and Payday Loan Businesses within the Village of Weston?

BRIEF:

The State of Wisconsin allows municipalities to create more restrictive regulations on payday lender or payday loan businesses under Wis. Stat. §§62.23(hi). This land use is not viable, create good jobs or attract other desirable businesses. These businesses tend to be considered "predatory;" therefore, it would be in the interest of the residents' welfare to prohibit new business of this nature from establishing within Village limits.

FISCAL IMPACT: NONE

RECOMMEND: Zoning Administrator recommends approval.

REQUEST: Approve Ordinance 17-025

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- Amendment to Zoning Regulation (Text Amendment) Determination
 - Draft Ordinance Number 17-025