



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

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 ALL 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.

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 Figures 4.09(2), 5.01(2) and 5.02(2) do not adequately address the regulations needed for Minimum Building Separation in the Village and Town; and

WHEREAS, in administering this new Chapter 94, Village staff has found Figure 5.02(1) does not adequately address the regulations needed for Minimum Lot Size for the INT – Institutional zoning district in the Village and Town; 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:

Article 5: DENSITY, INTENSITY AND BULK REGULATIONS

Figure 5.01(2): Rural. Open Space and Residential District Setback and Height Standards

Zoning District	Minimum Setbacks (ft) (b)								Minimum Principal Building Separation (ft)	Maximum Building Height			
	Principal Residential Building including Attached Garage				Detached Accessory Building (a)		Hard or Gravel Surface (d)			Principal Building		Accessory Building	
	Front (a)	Street Side (a)	Interior Side	Rear	Interior Side (c)	Rear	Interior Side or Rear	Front or Street (a)		Feet	Floors	Feet	Floors
FP	50	30	20	40	15	15	15	10	10+0	NA	NA	NA	NA
AR	50	30	20	40	15	15	15	10	10+0	35	2.5	35	2.5
RR-2	50	30	20	40	15	15	15	10	30+0	35	2.5	35	2.5
RR-5	50	30	20	40	15	15	15	10	30+0	35	2.5	35	2.5
PR	30	30	12	20	12	12	6	10	30+0	35	2.5	25	2
SF-L	50	30	12	20	6	6	6	10	20+0	35	2.5	15	1
SF-S	30	20	8	20	6	6	6	10	10	35	2.5	15	1
2F (e)	30	30	8	20	6	6	6	10	20+0	35	2.5	15	1
MF (f)	30	30	8	20	6	6	6	10	20+0	40	3	15	1
MH	20(g)	20(g)	6	10	6	6	6	10	10+0	20	1	15	1

(a) See Section 94.4.09(2) for standards related to detached accessory buildings located within front yard areas, minimum separation requirements associated with detached accessory buildings, and other standards associated with detached accessory structures.
 (b) Additional setbacks may be required along zoning district boundaries for buffer yards, if required for the particular land use under Article 4 or Section 94.11.02(3)(d).
 (c) Minimum street side yard setbacks are equal to the minimum street side setback for the principal structure.
 (d) Includes all gravel and hard surfaces as defined in Section 94.17.04, along with recreational vehicles. This setback excludes intrusions required for driveway entrances and permitted or required for cross access driveways and pedestrian ways; shared driveways; and shared parking lots.
 (e) Single-Family Detached Residences shall comply with the requirements for the SF-S district.
 (f) Single-Family Detached Residences shall comply with requirements of the SF-S District. Two-Family Residences shall comply with the requirements for the 2F district.
 (g) A minimum 100-foot wide buffer must be provided around the perimeter of each "Manufactured Home Community."
 (h) See Section 94.4.09(2) for further requirements regarding setbacks for Detached Accessory Structures (for Residential Use).

Figure 5.02(1): Non-Residential District Density and Intensity Standards

Zoning District	Minimum Lot Area	Minimum Lot Width (ft)	Minimum Public Street Lot Frontage (ft)	Minimum Landscape Surface Ratio (LSR)	Max Floor Area Ratio (FAR) (a)
INT Institutional	3020,000 sf	80	40	20%	0.5
B-1 Neighborhood Business	20,000 sf	80	40	20%	0.5
B-2 Highway Business	30,000 sf	80	40	20%	1.0
B-3 General Business	30,000 sf	80	40	20%	0.5
BP Business Park	40,000 sf	100	50	20%	1.5
LI Light Industrial	30,000 sf	80	40	15%	0.5
GI General Industrial	40,000 sf	100	50	10%	1.0
RM Rural Mix	20 acres (b)	300	100	N/A	0.1

(a) Does not include structured parking or underground parking.
 (b) Parcel size in the RM district to be calculated based on gross acreage, including roads and navigable waters within the deeded parcel. Each such parcel meets the 20 acre minimum, even if net acreage is less than 20 acres following the removal of roads and navigable waters, if such removal does not reduce the gross acreage by greater than 15% for corner parcels or 10% for all other parcels.
 [Amended via Ord. 16-046, 12/21/2016]

Figure 5.02(2): Non-Residential District Setbacks and Height Standards

Zoning District	Minimum Setbacks (ft) (b)						Minimum Principal Building Separation (ft)	Maximum Building Height (stories/ft, whichever is greater)	
	Principal Building to Front and Street Side Lot Lines (a)	Principal Building to Interior Side Lot Line	Principal Building to Rear Lot Line	Accessory Building to Interior Side/Rear Lot Line (a) (d)	Hard or Gravel Surface (c)			Principal Buildings	Accessory Buildings
					Front or Street Side	Interior Side or Rear			
INT Institutional	20	8	20	3	15	10	10	3/45	1/20
B-1 Neighborhood Business	10	6	10	3	10	5	10	3/45	1/20
B-2 Highway Business	30	12	20	6	15	10	10	3/45	1/20
B-3 General Business	30	12	20	6	15	10	10	3/45	1/20
BP Business Park	30	12	20	10	15	10	10	4/60	1/20
LI Light Industrial	30	12	20	10	10	5	10	2/30	1/20
GI General Industrial	40	15	30	10	10	5	10	4/60	2/35
RM Rural Mix	50	30	20	40	15	10	30 10	3/45	2.5/35

(a) See Section 94.4.09(1) for standards related to detached accessory buildings located within front yard areas, minimum separation requirements associated with detached accessory structures, and other standards associated with detached accessory structures.

(b) Additional setbacks may be required along zoning district boundaries for buffer yards, if required for a particular land use in Article 4 or Section 94.11.02(3)(d).

(c) Includes all gravel and hard surfaces as defined in Section 94.17.04. This setback excludes intrusions required for driveway entrances and permitted or required for cross access driveways and pedestrian ways; shared driveways; and shared parking lots.

(d) Front and street side yard setbacks for accessory structures as the same as the minimum front and street side setback for the principal structure.

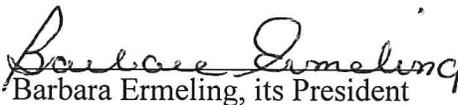
SECTION 2: The amendment effectuated by this Ordinance shall apply within the municipal limits of the Village and within its extraterritorial zoning jurisdiction in the Town of Weston.

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 21th day of August, 2017

WESTON VILLAGE BOARD

By: 
Barbara Ermeling, its President

Attest:


Sherry Weinkauff, its Clerk

APPROVED: 8/21/17

PUBLISHED: 8/23/17

Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted on August 21, 2017, the following Ordinances:

- 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 all the 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.
- Ordinance No. 17-029: An Ordinance to amend Figure 4.09(2) Detached Accessory Structure (for Residential Use) Allowances to add the FP zoning district and decrease the “Minimum Distance from Other Buildings” from 30 feet to 10 feet for the FP, RM, AR and RR-5 zoning districts.
- Ordinance No. 17-030: An Ordinance to Approve the Rezoning of Land from INT Institutional to GI General Industrial on the West 135 Feet of Lot 1 of Parcel 1 of Certified Survey Map No. 9813 Recorded in Volume 40 of Certified Survey Maps on Page 36 Located in Part of The Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 23, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin.
- Ordinance No. 17-031: An Ordinance to Approve the Rezoning of Land from BP Business Park to LI Limited Industrial at 8808 Progress Way, Village of Weston, Marathon County, Wisconsin CU-7-17-1653 Gerald Drewa, Badgerland Overhead Door, LLC.

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 22nd day of August 2017
Sherry Weinkauff, Village Clerk

Published: 8/23/2017

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

Description: Publication of Ord 17-026

17-029 through 17-031

Approved by

JRH
Initials

9/11/17
Date

\$25.17

10-06-56925-321-000

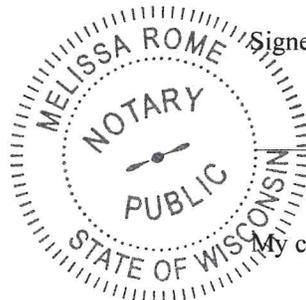
ETZ publication of 17-026+17-029

\$8.39

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: 0002361295
No. of Affidavits: 1
Total Ad Cost: \$33.56
Published Dates: 08/23/17

(Signed) [Signature] (Date) 8/25/17
Legal Clerk



Signed and sworn before me

[Signature]

My commission expires

12-31-17

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Dated this 22nd day of August 2017
Sherry Weinkauff, Village Clerk
RUN: Aug. 23, 2017 WNAXLP

WESTON VILLAGE OF
Re: Newly Enacted Ord.

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 an 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 [Signature] 7/20/17
 Initials Date

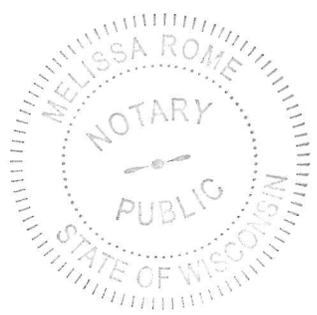
(\$45.17)

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



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

Ordinance No.:	17-026	Hearing Date:	July 17, 2017
Applicant:	Jennifer Higgins, Zoning Administrator, Village of Weston		
Title:	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 in all 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.		
Purpose:	This code amendment will be consistent with the newly amended Section 94.4.09(2), which sets minimum building separation for accessory structures. This change aligns the two section.		

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 do not impact any consistency with 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 safety of the residents of the Village by ensuring building separations are consistent with requirements set by S.A.F.E.R.
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 an impact on the allowable intensities within any the impacted zoning districts.

BACKGROUND INFORMATION:

The zoning code was inconsistent since Section 94.4.09(2) was adopted and this change now brings the two sections into consistency. The adjustments create a consistency among similar zoning districts as well as their locations.

Plan Commission Determination on 8/14/17:	Approve 6-0
ETZ Determination on 8/14/17:	Approve 5-0
Board of Trustees Determination on 8/21/17:	Approve 7-0

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

MTG/DATE: Board of Trustees, 08/21/2017

FROM: Jennifer Higgins, Zoning Administrator

DESCRIPTION: Ordinance 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 all the 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.

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 17-026 as written to amend Figures 4.09(2), 5.01(2) and 5.02(2) to remove “Principal” from “Minimum Principal Building Separation (ft)” and modify the “Minimum Building Separation (ft)” in all the 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?

BRIEF:

The zoning code was inconsistent since Section 94.4.09(2) was adopted and this change now brings the two sections into consistency. The adjustments create a consistency among similar zoning districts as well as their locations. A Public Hearing was held on the ordinance by the PC/ETZ on 7/17/17. No one spoke in opposition, but action was deferred until the 8/14/17 meeting so staff could make some PC requested changes.

FISCAL IMPACT: NONE

RECOMMEND: Recommendation endorsed by PC (6-0) and ETZ (5-0)
(8/14/17)

REQUEST: Approve Ordinance 17-026 under New Business.

-
- Amendment to Zoning Regulation (Text Amendment) Determination
 - Draft Ordinance Number 17-026

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

MTG/DATE: Plan Commission, July 17, 2017

FROM: Jennifer Higgins, Zoning Administrator

DESCRIPTION: Ordinance 17-026: 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 district 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.

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 17-026 to the Board of Trustees as written 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 district 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?

BRIEF:
The zoning code was inconsistent since Section 94.4.09(2) was adopted and this change now brings the two sections into consistency. The adjustments create a consistency among similar zoning districts as well as their locations.

FISCAL IMPACT: NONE

RECOMMEND: Zoning Administrator recommends approval.

REQUEST: Approve Ordinance 17-026

- Amendment to Zoning Regulation (Text Amendment) Determination
- Draft Ordinance Number 17-026