



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 17-032

AN ORDINANCE TO AMEND SECTION 94.4.07(4) *DISTRIBUTION CENTERS* TO ACCOMMODATE A CONDITIONAL USE WHEN ADJACENT TO RESIDENTIAL LAND USES AND AMEND FIGURE 3.05 *ALLOWABLE USES IN NON-RESIDENTIAL AND MIXED USE ZONING DISTRICTS* TO ALLOW SAID USE AS A PERMITTED USE-BY-RIGHT AND A CONDITIONAL USE WITHIN THE LI LIMITED INDUSTRIAL ZONING DISTRICT.

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. 94.03.05 does not adequately address the allowable uses in non-residential and mixed-use zoning districts regarding Distribution Centers in the Village and Town; and

WHEREAS, Village Staff is proposing amendments to Chapter 94 Zoning to allow distribution centers as a permitted use-by-right and by conditional grant within the LI Limited Industrial zoning district; 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 September 11, 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 94.3.05: 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
Storage or Disposal Land Uses (see Section 94.4.06 for descriptions and standards for each land use)									
(1)	Indoor Storage or Wholesaling				P	C	P	P	C
(2)	Outdoor Storage or Wholesaling	C			C		C	P	C
(3)	Personal Storage Facility				C		C	C	
(4)	Junkyard or Salvage Yard							C	
(5)	Solid Waste Disposal, Composting, and/or Recycling Facility	C					C	C	
(6)	Auction Yard				C		C	C	C
Transportation Land Uses (see Section 94.4.07 for descriptions and standards for each land use)									
(1)	Off-Site Parking	C	C	C	C	C	C	C	C
(2)	Airport or Heliport	C					C	C	C
(3)	Freight Terminal and Mass Transportation Depot						C	P	
(4)	Distribution Center						P/C	P	
(5)	Livestock or Farm Commodity Trucking						C	P	C

Section 94.4.08 (4) Distribution Center.

Facilities oriented to the short-term indoor storage and possible repackaging and reshipment of the materials and products of a single user. Retail outlets associated with this use shall be considered accessory uses, which are separately listed and regulated.

Performance Standards:

1. A conditional use permit and a bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
2. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
3. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls or fencing shall be designed to completely screen all stored materials from view from non-industrial zoned areas and public rights-of-way, up to the maximum fence heights allowed under Section 94.12.03.
4. Activity and storage areas shall not be permitted in the minimum required front yard.

5. Minimum Required Off-Street Parking: one space per each employee on the largest work shift.

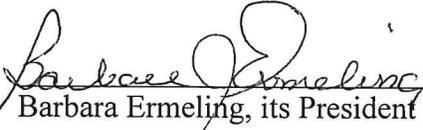
SECTION 2: The amendment effectuated by this Ordinance shall apply within the municipal limits of the Village and within its extraterritorial zoning jurisdiction in the Town of Weston.

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.

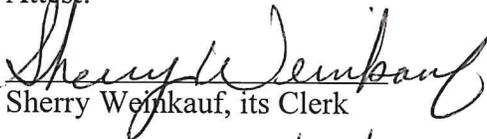
SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 18th day of September, 2017

WESTON VILLAGE BOARD

By: 
Barbara Ermeling, its President

Attest:


Sherry Weinkauff, its Clerk

APPROVED: 9/18/17

PUBLISHED: 9/21/17

Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted on September 18, 2017, Ordinance No. 17-032: An Ordinance to amend Section 94.4.07(4) *Distribution Centers* to accommodate a conditional use when adjacent to residential land uses and amend Figure 3.05 *Allowable Uses in Non-Residential and Mixed-Use Zoning Districts* to allow said use as a permitted use-by-right and a conditional use within the LI Limited Industrial zoning district.

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 19th day of September 2017
Sherry Weinkauff, Village Clerk

Published: 9/21/2017

DAILY HERALD media

A GANNETT COMPANY

STATE OF WISCONSIN
BROWN COUNTY

WESTON VILLAGE OF
5500 SCHOFIELD AVE
WESTON WI 544764333

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: 0002419412
No. of Affidavits: 1
Total Ad Cost: \$14.85
Published Dates: 09/21/17

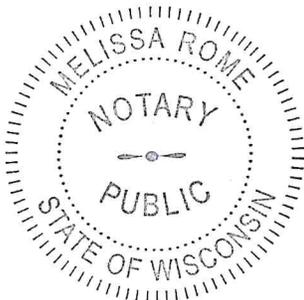
(Signed)



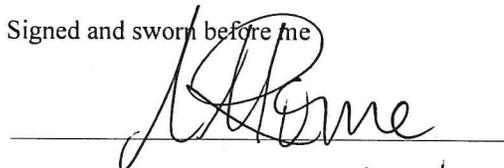
(Date)

9-21-17

Legal Clerk



Signed and sworn before me



My commission expires

1/12/2021

Notice of Newly Enacted Ordinances
Please take notice that the Village Board of Weston, Wisconsin enacted on September 18, 2017, Ordinance No. 17-032: An Ordinance to amend Section 94.4.07(4) Distribution Centers to accommodate a conditional use when adjacent to residential land uses and amend Figure 3.05 Allowable Uses in Non-Residential and Mixed-Use Zoning Districts to allow said use as a permitted use-by-right and a conditional use within the L1 Limited Industrial zoning district. 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 19th day of September 2017
Sherry Weinkauff, Village Clerk
RUN: September 21, 2017 WNAXLP

WESTON VILLAGE OF

Re: 17-032

GANNETT WI MEDIA
435 EAST WALNUT ST.
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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, September 11, 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 amendment to Chapter 94 Zoning:

1. Ordinance No 17-032: An ordinance to amend Section 94.4.07(4) *Distribution Centers* to accommodate a conditional use when adjacent to residential land uses and amend Figure 3.05 *Allowable Uses in Non-Residential and Mixed Use Zoning Districts* to allow said use as a permitted use-by-right and a conditional use within the LI Limited Industrial zoning district.

This proposal has the effect of changing the allowable uses of property within the Village. The amendment to the Non-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 Tuesday, September 5, 2017, to be included in the meeting packet. 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 28th day of August, 2017

Valerie Parker
Plan Commission and ETZ Secretary

Published as a legal ad in the Wausau Daily Herald on Wednesday, August 30, 2017, and Monday, September 4, 2017.

DAILY HERALD media

A GANNETT COMPANY

STATE OF WISCONSIN
BROWN COUNTY

WESTON VILLAGE OF
5500 SCHOFIELD AVE
WESTON WI 544764333

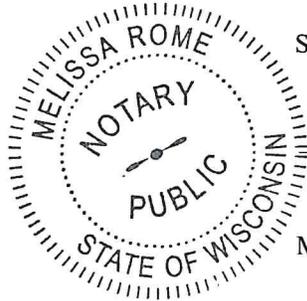
VOUCHER APPROVAL

Account Number: 10-06-56910 - 321-000
 Description: Notice of Public Hearing
WDH Ord No 17-032
 Approved by: [Signature] 9/22/17
 Initials: _____ Date: _____
 \$72.92

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: 0002375167
 No. of Affidavits: 1
 Total Ad Cost: \$72.92
 Published Dates: 08/30/17, 09/04/17

(Signed) [Signature] (Date) 9/6/17
 Legal Clerk



Signed and sworn before me [Signature]
 My commission expires 12-2017

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, September 11, 2017, at approximately, shortly after, 6:00 p.m., at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476, to take testimony relative to the following amendment Chapter 94 Zoning:
 1. Ordinance No 17-032: An ordinance amend Section 94.4.07(4) Distribution Centers to accommodate a condition use when adjacent to residential land uses and amend Figure 3.05 Allowed Uses in Non-Residential and Mixed Use Zoning Districts to allow said use as permitted use-by-right and a condition use within the LI Limited Industrial zoning district.
 This proposal has the effect of changing the allowable uses of property within the Village. The amendment to the Non-Residential Zoning districts may affect any properties in those districts.
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 Plan Commission and ETZ Secretary
 Dated this 10th day of August, 2017 Valerie Parker
 Zoning Board of Appeals Secretary
 Published as a legal ad in the Wausau Daily Herald on Tuesday, August 15, 2017, and Tuesday, August 22, 2017. RUN: Aug 30, Sept 4, 2017 WNAXLP

WESTON VILLAGE OF
Re: 9/11 Meeting



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

Ordinance No.: **17-032** Hearing Date: **September 11, 2017**

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

Title: **An Ordinance to amend Section 94.4.07(4) *Distribution Centers* to accommodate a conditional use when adjacent to residential land uses and amend Figure 3.05 *Allowable Uses in Non-Residential and Mixed-Use Zoning Districts* to allow said use as a permitted use-by-right and a conditional use within the LI Limited Industrial zoning district.**

Purpose: **This change will allow for our businesses within the industrial park, which are not directly adjacent to residential zoned properties, not to have to go through the conditional use process when adding on to their properties. This will speed up the review process and allow for the businesses to construct their projects sooner.**

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 requiring a conditional use permit where the distribution center use could be considered a nuisance to residential properties.
 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.
-

BACKGROUND INFORMATION:

The zoning code was inconsistent in readopted Section 94.4.09(2) and this change now brings this section into consistency with Article 5.

Plan Commission Determination on 9/11/17:	Approve 4-0
ETZ Determination on 9/11/17:	Approve 4-0
Board of Trustees Determination on 9/11/17:	Approve 6-0

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

MTG/DATE: Board of Trustees, 09/18/2017

FROM: Jennifer Higgins, Zoning Administrator

DESCRIPTION: Ordinance 17-032: An Ordinance to amend Section 94.4.07(4) *Distribution Centers* to accommodate a conditional use when adjacent to residential land uses and amend Figure 3.05 *Allowable Uses in Non-Residential and Mixed-Use Zoning Districts* to allow said use as a permitted use-by-right and a conditional use within the LI Limited Industrial zoning district.

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 17-032 as recommended by the PC & ETZ to amend Section 94.4.07(4) *Distribution Centers* to accommodate a conditional use when adjacent to residential land uses and amend Figure 3.05 *Allowable Uses in Non-Residential and Mixed-Use Zoning Districts* to allow distribution centers as a permitted use-by-right and a conditional use within the LI Limited Industrial zoning district?

BRIEF:

This change will allow for our businesses within the industrial park, which are not directly adjacent to residential zoned properties, not to have to go through the conditional use process when adding on to their properties. This will speed up the review process and allow for the businesses to construct their projects sooner. A Public Hearing was held on the ordinance by the PC/ETZ on 9/11/17. No one spoke in opposition.

FISCAL IMPACT: NONE

RECOMMEND: Recommendation endorsed by PC (4-0) and ETZ (4-0) (9/11/17)

REQUEST: Approve Ordinance 17-032 under New Business.

-
- Amendment to Zoning Regulation (Text Amendment) Determination
 - Draft Ordinance Number 17-032

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

MTG/DATE: Plan Commission/ETZ Committee, 09/11/2017

FROM: Jennifer Higgins, Zoning Administrator

DESCRIPTION: **PUBLIC HEARING:** Ordinance 17-032: An Ordinance to amend Section 94.4.07(4) *Distribution Centers* to accommodate a conditional use when adjacent to residential land uses and amend Figure 3.05 *Allowable Uses in Non-Residential and Mixed-Use Zoning Districts* to allow said use as a permitted use-by-right and a conditional use within the LI Limited Industrial zoning district.

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 & ETZ recommend the approval of Ordinance 17-032 to the Board of Trustees as written to amend Section 94.4.07(4) *Distribution Centers* to accommodate a conditional use when adjacent to residential land uses and amend Figure 3.05 *Allowable Uses in Non-Residential and Mixed-Use Zoning Districts* to allow distribution centers as a permitted use-by-right and a conditional use within the LI Limited Industrial zoning district?

BRIEF:
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FISCAL IMPACT: NONE

RECOMMEND: Zoning Administrator recommends approval.

REQUEST: Approve Ordinance 17-032

- Amendment to Zoning Regulation (Text Amendment) Determination
- Draft Ordinance Number 17-032