

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, December 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 17-037: An ordinance to amend Section 94.10.02(1) General Design Requirements (for single-family and two-family housing) to state, "All new single-family detached residence shall meet the design requirements of Section 94.4.02(1). Expansion or exterior remodel (exceeding 50 percent of the equalized assessed value of the structure at the time of the proposed project) of existing single-family detached residence shall meet the design requirements of Section 94.4.02(1) to the extent determined practical by the applicable site plan approval authority. All new two-family residence shall meet the design requirements of Section 94.4.02(2). Expansion or exterior remodel (exceeding 50 percent of the equalized assessed value of the structure at the time of the proposed project) of existing two-family residence shall meet the design requirements of Section 94.4.02(2) to the extent determined practical by the applicable site plan approval authority."
2. Ordinance No 17-038: An ordinance to amend Figure 5.01(1) Rural, Open Space, and Residential District Lot Dimensions and Intensity Standards correcting footnote (a) to state, "Maximum Accessory Structure Floor Area may be increased by conditional use permit, subject to the procedures in Section 94.16.06, and per the standards in Section 94.4.09(2)," as stated in and consistent with Section 94.4.09(2)11.

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, December 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 17th day of November 2017

Valerie Parker
Plan Commission and ETZ Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, November 27, 2017, and Monday, December 4, 2017.

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

MTG/DATE: Plan Commission, December 11, 2017

FROM: Jennifer Higgins, Zoning Administrator

DESCRIPTION: Ordinance 17-038: An ordinance amending Figure 5.01(1) "Rural, Open Space and Residential District Lot Dimensions and Intensity Standards" correcting footnote (a) to state "Maximum accessory structure floor area may be increased by conditional use permit, subject to procedures in Section 94.16.06 and per standards in Section 94.4.09(2)," as stated in and consistent with Section 94.4.09(2)11.

ACTION:	<input checked="" type="checkbox"/> Recommend	<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 approval of Ordinance 17-038 amending Figure 5.01(1) "Rural, Open Space and Residential District Lot Dimensions and Intensity Standards" correcting footnote (a) to state, "Maximum accessory structure floor area may be increased by conditional use permit, subject to procedures in Section 94.16.06 and per standards in Section 94.4.09(2)," as stated in and consistent with Section 94.4.09(2)11.

BRIEF:

Staff found the inconsistency between the above-mentioned figure and section when a resident applied for an accessory structure that exceeded the allowed maximum accessory floor area for the parcel. This proposed change would align the two and continue to require the conditional use permit for these situations.

FISCAL IMPACT: NONE

RECOMMEND: Staff recommends approval.

REQUEST: Recommend Ordinance 17-038 under Public Hearing for approval to the Board of Trustees.

- Amendment to Zoning Regulation (Text Amendment) Determination
- Draft Ordinance Number 17-038



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

Ordinance No.: **17-038** Hearing Date: **DECEMBER 11, 2017**

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

Title: **An ordinance amending Figure 5.01(1) "Rural, Open Space and Residential District Lot Dimensions and Intensity Standards" correcting footnote (a) to state, "Maximum accessory structure floor area may be increased by conditional use permit, subject to procedures in Section 94.16.06 and per standards in Section 94.4.09(2)," as stated in and consistent with Section 94.4.09(2)11.**

Purpose: **There is an inconstancy with the language between Figure 5.01(1) and Section 94.4.09(2)11. The figure states exceeding the Maximum Accessory Floor Area must follow the site plan procedure, whereas the referred section requires a conditional use permit to exceed those requirements.**

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 sound neighborhood development in residential areas.
 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.
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BACKGROUND INFORMATION:

Staff found the inconsistency between the above-mentioned figure and section when a resident applied for an accessory structure that exceeded the allowed maximum accessory floor area for the parcel. This proposed change would align the two and continue to require the conditional use permit for these situations.

Plan Commission Determination on 12/11/2017:

ETZ Determination on 12/11/17:

Board of Trustees Determination on 12/18/17:



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 17-038

AN ORDINANCE AMENDING FIGURE 5.01(1) “RURAL, OPEN SPACE AND RESIDENTIAL DISTRICT LOT DIMENSIONS AND INTENSITY STANDARDS” CORRECTING FOOTNOTE (A) TO STATE, “MAXIMUM ACCESSORY STRUCTURE FLOOR AREA MAY BE INCREASED BY CONDITIONAL USE PERMIT, SUBJECT TO PROCEDURES IN SECTION 94.16.06 AND PER STANDARDS IN SECTION 94.4.09(2),” AS STATED IN AND CONSISTENT WITH SECTION 94.4.09(2)11.

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 Figure 5.01(1) does not adequately address the regulations needed to regulate accessory structures 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 November 13, 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 5.01(1): Rural, Open Space and Residential District Lot Dimensions and Intensity Standards

Zoning District	Minimum Lot Area	Minimum Lot Width (ft)	Minimum Public Street Frontage (ft)	Maximum Total Building Coverage	Maximum Accessory Structure Floor Area (sf) (a)	Minimum Landscape Surface Ratio (LSR)
FP Farmland Preservation	20 acres	300	100	N/A	N/A	N/A
AR Agriculture and Residential	20 acres(f)(g)	300(f)	100	N/A	1,600 ^(a)	N/A
RR-2 Rural Residential 2 Acres	2.0 acres	150	80	20%	1,600	N/A
RR-5 Rural Residential 5 Acres	5.0 acres	200	80	20%	1,600 ^(a)	N/A
PR Parks and Recreation	N/A	N/A	N/A	10%	N/A	75%
SF-L Single Family – Large Lot	20,000 sf	100	50	30%	1,000	50%
SF-S Single Family – Small Lot	10,000 sf	80	40	40%	800	40%
2F Two Family Residential (c)	10,000 sf	80 (b)	40	40%	800	40%
MF Multi Family Residential (d)	3,000 sf/dwelling unit	100 (b)	40	40%	10% of Lot Area	30%
MH Manufactured Home	5,000 sf/home (e)	50	N/A	40%	350	30%

(a) Maximum Accessory Structure floor area may be increased by ~~site-plan approval~~ Conditional Use Permit under as provided under Section 94.16.06⁹ and per the standards in Section 94.4.09(2).

(b) For zero lot line structures, each separate lot must be at least 50 feet in width.

(c) Single-Family Detached Residences within the 2F district shall comply with the SF-S district requirements.

(d) Single-Family Detached Residences within the MF district shall comply with the SF-S district requirements. Two-family Residences within the MF District shall comply with 2F district requirements.

(e) Total area of each “Manufactured Home Community” shall be a minimum of 10 acres.

(f) Instead of a 20-acre minimum lot size, land in the AR district may be developed at a density of one residential lot per 20 acres and a minimum lot size of 2.0 acres and minimum lot width of 150 feet. See Section 94.5.08 for further description and method of calculation for regulating at a one residential lot per 20-acre density in the AR district.

(g) Parcel size in the AR 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.

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 December, 2017

WESTON VILLAGE BOARD

By: _____
Barbara Ermeling, its President

Attest: _____
Sherry Weinkauff, its Clerk

APPROVED: _____

PUBLISHED: _____