

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](mailto: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 17<sup>th</sup> 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**

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**MTG/DATE:** Plan Commission, December 11, 2017

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**FROM:** Jennifer Higgins, Zoning Administrator

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**DESCRIPTION:** Ordinance 17-037: An ordinance Sections 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.

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<b>ACTION:</b>	<input checked="" type="checkbox"/> <b>Recommend</b>	<input checked="" type="checkbox"/> <b>Ordinance</b>	<input type="checkbox"/> <b>Proclamation</b>
	<input type="checkbox"/> <b>Deny</b>	<input type="checkbox"/> <b>Policy</b>	<input type="checkbox"/> <b>Report</b>
	<input type="checkbox"/> <b>Expenditure</b>	<input type="checkbox"/> <b>Procedure</b>	<input type="checkbox"/> <b>Resolution</b>

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**QUESTION:**

Should the Plan Commission recommend approval of Ordinance 17-037 amending Sections 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?

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**BRIEF:**

This amendment fixes a deficiency in the code which does not allow for the code to be enforce requirements for single-family and two-family homes when the standards within these sections are altered on an already existing structure.

This issue was brought up in the Town when a resident proposed to install a corrugated metal roof on their home, which is not allowed for new homes. Upon further review of the code by the consultant, Mark Roffers, it was determined that the requirements listed for single family detached residence and two-family residence only pertain to new construction. These updates will not pertain when someone drastically updates their home and/or when they are modifying any of the elements listed in the performance standards.

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**FISCAL IMPACT:** NONE

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**RECOMMEND:** Staff recommends approval.

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**REQUEST:** Recommend Ordinance 17-037 under Public Hearing for approval to the Board of Trustees.

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- Amendment to Zoning Regulation (Text Amendment) Determination
  - Draft Ordinance Number 17-037



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

Ordinance No.: **17-037** Hearing Date: **DECEMBER 11, 2017**

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

Title: **An ordinance amending Sections 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.**

Purpose: **This amendment fixes a deficiency in the code which does not allow for the code to be enforce requirements for single-family and two-family homes when the standards within these sections are altered on an already existing structure.**

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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?  
**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:**

This issue was brought up in the Town when a resident proposed to install a corrugated metal roof on their home, which is not allowed for new homes. Upon further review of the code by the consultant, Mark Roffers, it was determined that the requirements listed for single family detached residence and two-family residence only pertain to new construction. These updates will not pertain when someone drastically updates their home and/or when they are modifying any of the elements listed in the performance standards.

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Plan Commission Determination on 12/11/2017:

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ETZ Determination on 12/11/2017:

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Board of Trustees Determination on 12/18/2017:

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VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

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.**

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 Section 94.10.02(1) do not adequately address the regulations needed to regulate altered single-family and two-family detached residences 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 December 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 94.10.02: Single-Family and Two-Family Housing Standards**

- (1) General Design Requirements. 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.

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 18<sup>th</sup> day of December, 2017

WESTON VILLAGE BOARD

By: \_\_\_\_\_  
Barbara Ermeling, its President

Attest:

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Sherry Weinkauff, its Clerk

APPROVED: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_