

**Village of Weston, Wisconsin
AGENDA ITEM COVERSHEET
Requested for Official Consideration and Review**

REQUEST FROM: **JENNIFER HIGGINS; DIRECTOR OF PLANNING AND DEVELOPMENT**

ITEM DESCRIPTION: **ORDINANCE NO. 16-008 AN ORDINANCE AMENDING SECTION 94.16.06(2), (3) AND (4) OF THE ZONING ORDINANCE RELATING TO THE CONDITIONAL USE PERMIT APPROVAL PROCESS.**

DATE/MTG: **BOARD OF TRUSTEES; MONDAY, APRIL 18, 2016**

POLICY QUESTION: Should the Board of Trustee approve the amendment to the zoning ordinance as proposed by the Plan Commission?

RECOMMENDATION TO: I make a motion to approve Ordinance No. 16-008.

LEGISLATIVE ACTION:

☒ Acknowledge/Approve	☒ Ordinance	☐ Proclamation
☐ Administrative Order	☐ Policy	☐ Reports
☐ Expenditure	☐ Procedure	☐ Resolution

FISCAL IMPACT ANALYSIS:

☐ Budget Line Item:	N/A
☐ Budget Line Item:	N/A
☐ Budgeted Expenditure:	N/A
☐ Budgeted Revenue:	N/A

STATUTORY / RULEMAKING / POLICY REFERENCES:

☐ WI Statue:	
☐ WI Administrative Code:	
☐ Case Law / Legal:	
☒ Municipal Code:	Chapter 94
☐ Municipal Rules:	

PRIOR REVIEW: All the proposed changes were suggested by Attorney VanderWaal, Town of Weston Attorney (previous Village Attorney) for the recent Town Zoning Ordinance Update

PC and ETZ review at March 14, 2016 and April 11, 2016 Meetings

BACKGROUND:

Staff is requesting the following amendments to the zoning ordinance per the recommendation of Municipal Attorney VanderWaal. These same changes were recently incorporated into the Town of Weston's new zoning code. Mr. VanderWaal has been a municipal attorney for many years and used to assist the Village prior to Attorney Yde taking over a few years ago. Staff recommends the changes as presented in the draft ordinance. A joint public hearing was held on April 11th before the PC and ETZ. No one spoke in opposition of the proposed ordinance and both bodies recommended approval of the ordinance. The ordinance will apply in both the Village and ETZ area of the Town of Weston.

☒ Attachments – Ord. No. 16-008



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 16-008

AN ORDINANCE AMENDING SECTION 94.16.06(2), (3) AND (4) OF THE ZONING ORDINANCE RELATING TO THE CONDITIONAL USE PERMIT APPROVAL PROCESS.

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, Village Staff has requested an amendment to correct sections of the zoning code to be consistent with changes made to the ordinance when the Town of Weston adopted the zoning ordinance in December 2015 and Marathon County in January 2016; 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 April 11, 2016, 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, do ordain as follows:

SECTION 1: Section 94.16.06(2), (3) and (4) of the Zoning Ordinance Relating to the Conditional Use Permit Approval Process is hereby amended to provide as follows:

Section 94.16.06: Conditional Use Permits

- (2) **Application for Conditional Use Permit.** No application for a conditional use permit shall be placed on any agenda as an item to be acted upon unless the Zoning Administrator has certified acceptance of a complete application. ~~A proposed conditional use permit may be placed on any~~

~~agenda as a discussion only item, with the permission of the Zoning Administrator, without an application.~~ Prior to publication of the required Notice of Public Hearing, the applicant shall provide the Zoning Administrator with the complete application certified by the Zoning Administrator, including an easily reproducible electronic copy plus hard copies in a quantity directed by the Zoning Administrator. Said complete application shall be comprised of all of the following:

- (a) A completed conditional use permit application form furnished by the Zoning Administrator.
- (b) A map of the subject property showing all lands for which the conditional use permit is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map and all its parts and attachments shall be submitted in a form that is clearly reproducible with a photocopier, and shall be at a scale that is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
- (c) A map, such as the Future Land Use Map from the Comprehensive Plan, of the generalized location of the subject property in relation to the Village as a whole.
- (d) A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.
- (e) A site plan of the subject property, with any alterations as may be proposed to accommodate the conditional use. Said site plan shall conform to any applicable requirements of Section 94.16.09. If the conditional use will make use of existing site improvements only, a site plan need only be of sufficient detail to confirm the portion of the site used by the conditional use.
- (f) Written justification for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the approval criteria set forth in this Section.
- (g) Any other plans and information deemed necessary by the Zoning Administrator or the Plan Commission (or Extraterritorial Zoning Committee if in the ETZ Area) to ensure that the intent of the Chapter is fulfilled.
- (h) Any required fee per the fee schedule approved by the Village Board.

(3) Zoning Administrator Review and Recommendation.

- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. Only a complete application in the determination of the Zoning Administrator shall entitle a public hearing under subsection (4). The Zoning Administrator shall inform the applicant if the application is incomplete in his or her determination.
- (b) Once the Zoning Administrator determines that the application is If complete, the Zoning Administrator or designee shall authorize the public hearing and prepare a written evaluation of the application based on the criteria for evaluating conditional use permits in subsection (7) below. The Zoning Administrator shall forward a copy of the evaluation to the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area).

(4) Public Hearing. Following acceptance of a complete application The Village Clerk shall schedule a public hearing before the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area) to be held within 45 days after acceptance of a complete application as determined by the Zoning Administrator. Notice of the time, place, and purpose of such hearing shall be given by publication as a Class 2 Notice in conformance with the requirements of Wis. Stat. § 62.23(7)(d).

The Village Clerk shall also send said notice to the applicant, owners of record of all lands within 300 feet of the boundaries of the subject property, and the clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter at least ten days prior to the date of such public hearing. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this Section.

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 April, 2016

WESTON VILLAGE BOARD

By: Barbara Ermeling
Barbara Ermeling, its President

Attest:

Sherry Weinlauf
Sherry Weinlauf, its Clerk

APPROVED: 4/19/16

PUBLISHED: 4/20/16

Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted on April 18, 2016, the following Ordinances:

- Ordinance No. 16-003 An Ordinance Amending Section 94.3.02 of the Zoning Ordinance Entitled Treatment of Allowable Uses by Zoning District.
- Ordinance No. 16-004 An Ordinance Amending Section 94.4.02(4)7. of the Zoning Ordinance Entitled Residential Land Use Types – Manufactured Home Community – Performance Standards.
- Ordinance No. 16-005 An Ordinance Amending Section 94.6.03(4), Figure 6.03 of the Zoning Ordinance Entitled Conditional (C), Prohibited (R), And Permitted (P) Uses in WHP Overlay Districts.
- Ordinance No. 16-006 An Ordinance Amending Section 94.13.08 of the Zoning Ordinance Entitled One-Time Event Signs.
- Ordinance No. 16-007 An Ordinance Amending Section 94.16.02(4) of the Zoning Ordinance Entitled Zoning Administrator Review and Recommendation, Section 94.16.02(5) of the Zoning Ordinance Entitled Notice of Public Hearing, Section 94.16.03 (4) of the Zoning Ordinance Entitled Zoning Administrator Review and Recommendation, Section 94.16.03(5) of the Zoning Ordinance Entitled Notice of Public Hearing, and Section 94.16.03(7) of the Zoning Ordinance Entitled Review Criteria for Amendments to the Official Zoning Map.
- Ordinance No. 16-008 An Ordinance Amending Section 94.16.06(2), (3) and (4) of the Zoning Ordinance Relating to the Conditional Use Permit Approval Process.
- Ordinance No. 16-009 An Ordinance Amending Section 94.16.11(4) and (5) of the Zoning Ordinance Relating to Variance Procedures.
- Ordinance No. 16-010 An Ordinance Amending Section 94.16.13(4) of the Zoning Ordinance Relating to Concurring Vote and Decision of an Appeal of a Zoning Interpretation.
- Ordinance No. 16-011 An Ordinance Amending Section 94.16.15(2) of the Zoning Ordinance Relating to Zoning Administrator Duties.
- Ordinance No. 16-012 An Ordinance Amending Section 94.3.03(13) of the Zoning Ordinance Entitled Utility Connections to Principal Building for Human Habitation.
- Ordinance No. 16-013 An Ordinance Amending Section 94.16.19(1) of the Zoning Ordinance Entitled Violations, and Section 94.16.19(3) of the Zoning Ordinance Entitled Penalties.
- Ordinance No. 16-014 An Ordinance Amending Figure 5.01 (1) of the Village Zoning Ordinance Entitled Rural, Open Space and Residential District Lot Dimension and Intensity Standards.
- Ordinance No. 16-015 An Ordinance Amending Section 94.5.08(1)(b) and (d) of the Zoning Ordinance Relating to Calculating Maximum Permitted Density in the AR District.
- Ordinance No. 16-016 An Ordinance Amending Section 94.16.09(4) of the Zoning Ordinance Relating to Site Plan Procedures Application Contents.

- Ordinance No. 16-021 An Ordinance Creating Section 94.4.10(13) of the Zoning Ordinance Entitled Temporary Sales by Mobile Food Vendors and Adding This New Temporary Land Use to the Temporary Land Use Category Within the Charts Displayed in Figures 3.04 And 3.05 of the Village Zoning Ordinance and Amending Section 94.17.04 Definitions of the Zoning Code to Create Definitions Related to This New Use.

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 April, 2016
Sherry Weinkauff, Village Clerk

Published: 4/20/16

DAILY HERALD media

A GANNETT COMPANY

STATE OF WISCONSIN
BROWN COUNTY

WESTON VILLAGE OF
5500 SCHOFIELD AVE
WESTON

WI 544764333

VOUCHER APPROVAL

Account Number:

10-00-56910 -321-000

Description: PC Notice of newly enacted

ordinances 2016-003 to 016 + 021 \$38.80

Approved by

[Signature]
Initials

4/29/16
Date

10-06-56925-321-000

ETZ Notice of Newly enacted
ordinances \$38.79

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: 0001210466
No. of Affidavits: 1
Total Ad Cost: \$77.59
Published Dates: 04/20/16

(Signed)

[Signature: Kristi Ambrosius]

(Date)

4-22-16

Legal Clerk

Signed and sworn before me

[Signature: Kristi Feldman]

My commission expires

12-7-19



WESTON VILLAGE OF
Re: Ord 16-003, etc

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- Ordinance No. 16-005 An Ordinance Amending Section 94.6.03(4), Figure 6.03 of the Zoning Ordinance Entitled Conditional (C), Prohibited (R), And Permitted (P) Uses in WHP Overlay Districts.
- Ordinance No. 16-006 An Ordinance Amending Section 94.13.08 of the Zoning Ordinance Entitled One-Time Event Signs.
- Ordinance No. 16-007 An Ordinance Amending Section 94.16.02(4) of the Zoning Ordinance Entitled Zoning Administrator Review and Recommendation, Section 94.16.02(5) of the Zoning Ordinance Entitled Notice of Public Hearing, Section 94.16.03 (4) of the Zoning Ordinance Entitled Zoning Administrator Review and Recommendation, Section 94.16.03(5) of the Zoning Ordinance Entitled Notice of Public Hearing, and Section 94.16.03(7) of the Zoning Ordinance Entitled Review Criteria for Amendments to the Official Zoning Map.
- Ordinance No. 16-008 An Ordinance Amending Section 94.16.06(2), (3) and (4) of the Zoning Ordinance Relating to the Conditional Use Permit Approval Process.
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Dated this 19th day of April, 2016
Sherry Weinkauff, Village Clerk
RUN: April 20, 2016 WNAXLP



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, April 11, 2016, at 6:00 p.m.**, at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476 to take testimony relative to the following:

1. Ordinance No. 16-003 An Ordinance Amending Section 94.3.02 of the Zoning Ordinance Entitled *Treatment of Allowable Uses by Zoning District*.
2. Ordinance No. 16-004 An Ordinance Amending Section 94.4.02(4)7. of the Zoning Ordinance Entitled *Residential Land Use Types – Manufactured Home Community – Performance Standards*.
3. Ordinance No. 16-005 An Ordinance Amending Section 94.6.03(4), Figure 6.03 of the Zoning Ordinance Entitled *Conditional (C), Prohibited (R), And Permitted (P) Uses in WHP Overlay Districts*.
4. Ordinance No. 16-006 An Ordinance Amending Section 94.13.08 of the Zoning Ordinance Entitled *One-Time Event Signs*.
5. Ordinance No. 16-007 An Ordinance Amending Section 94.16.02(4) of the Zoning Ordinance Entitled *Zoning Administrator Review and Recommendation*, Section 94.16.02(5) of the Zoning Ordinance Entitled *Notice of Public Hearing*, Section 94.16.03 (4) of the Zoning Ordinance Entitled *Zoning Administrator Review and Recommendation*, Section 94.16.03(5) of the Zoning Ordinance Entitled *Notice of Public Hearing*, and Section 94.16.03(7) of the Zoning Ordinance Entitled *Review Criteria for Amendments to the Official Zoning Map*.
6. Ordinance No. 16-008 An Ordinance Amending Section 94.16.06(2), (3) and (4) of the Zoning Ordinance Relating to the Conditional Use Permit Approval Process.
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The hearing notice and applicable application materials are 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 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, Administrative Specialist, Planning and Development Department, at 715-241-2607.

Dated this 24th day of March, 2016

Valerie Parker
Plan Commission and ETZ Committee Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, March 28, 2016 and Monday, April 4, 2016.

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: hearing notice Ord No

16-003 to 16-016, 16-021 - Village

Approved by

[Signature]
Initials

4/18/16
Date

\$87.42 10-06-56925-321-000

ET2 hearing notice Ord No

16-003 to 16-016, 16-021

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: 0001150944
No. of Affidavits: 1
Total Ad Cost: \$174.84
Published Dates: 03/28/16, 04/04/16

(Signed)

[Signature]

(Date)

4-5-16

Legal Clerk

Signed and sworn before me

[Signature]

My commission expires

12-7-19



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11. Ordinance No. 16-013 An Ordinance

WESTON VILLAGE OF

Re: PH Zoning Code Amendments

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435 EAST WALNUT ST.
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