



**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, August 8, 2016, at 6:00 p.m.**, or as soon thereafter as possible, in the Board Room of 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. 16-034 An Ordinance Amending Section 94.4.09(2) of the Zoning Ordinance Entitled Detached Accessory Structure (For Residential Use).
2. Ordinance No. 16-035 An Ordinance Amending Figure 5.01(1) of the Village Zoning Ordinance Entitled Rural, Open Space and Residential District Lot Dimension and Intensity Standards.
3. Ordinance No. 16-036 An Ordinance Amending Section 94.3.05: Figure 3.05 of the Village Zoning Ordinance Entitled *Allowable Uses in Non-Residential and Mixed Use Zoning Districts*.
4. Ordinance No. 16-037 An Ordinance Creating Section 94.16.18(5) of the Zoning Ordinance Entitled *Parkland Fees*.

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, Planning Technician, Planning and Development Department, at 715-241-2607.

Dated this 21st day of July, 2016

Valerie Parker
Plan Commission and ETZ Committee Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, July 25, 2016 and Monday, August 1, 2016.



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 16-037

**AN ORDINANCE CREATING SECTION 94.16.18(5) OF THE ZONING ORDINANCE
ENTITLED *PARKLAND FEES*.**

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 the municipal ordinances do not adequately address the ability to collect parkland dedication fees for developments not requiring a land division per Chapter 74 *Subdivision Regulations* and have proposed an amendment to address this need; 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 August 8, 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: Chapter 94 Zoning Ordinance is hereby amended to provide as follows:

Section 94.16.18: Fees

(5) Parkland Fees.

- (a) **Authority.** Wis. Stat. § 62.23(7), confers upon the Village the authority to regulate and restrict by ordinance, land uses in the manner provided for therein, for the purposes of, among other

things, “. . . to facilitate schools, parks and other public requirements . . .” and that any such ordinance so executed shall be liberally construed in favor of the Village.

- (b) **Purpose and Intent.** The development of lands within the Village for residential uses creates demands upon the Village to provide, among other things, adequate provision for parks. As the resident population of the Village increases due to such development, the need to acquire and equip parks must be addressed. Accordingly, the following provisions are established to preserve and provide properly located public sites and open spaces as the Village develops, and to insure that such public sites and open spaces are provided and developed to serve the need for parks generated by the additional persons brought into the areas by such development, in accordance with standards for such as adopted in the Village’s comprehensive outdoor recreation plan, as approved from time to time. These provisions are intended to apply to all lands proposed to be rezoned or subject to a conditional use permit or site plan approval for any residential purpose on or after August 1, 2016.
- (c) **Implementation.** The Village intends to implement the public policies contained herein, through the provisions of this Section or Chapter 74 *Subdivision Regulations* of this Code of Ordinances, whichever is applicable. In the event that land dedication pursuant to Chapter 74 *Subdivision Regulations* would result in sites too small to be usable or if the Village’s comprehensive outdoor recreation plan calls for such public sites or open spaces to be located elsewhere, or if such sites would not otherwise be suitable for park purposes as determined by the Plan Commission or the Village Board, a payment of a park fee in lieu of land dedication shall be required, as hereinafter set forth. Payment of such fee shall be a condition precedent to the approval of the rezoning of any lands for the residential uses described in (b) above.
- (d) **Fee Calculation.** Whenever a park fee is imposed by the site plan approval authority as a condition of rezoning, conditional use permit, or site plan approval, the park fees shall be computed on the basis of the maximum residential use of each lot or residential building site approved or permitted in the particular zoning district under this Zoning Code. The amount of the park fee shall be determined by application of the following formula:
- A x B = Park Fee
- Where:
- A = the maximum number of residential units in the applicable residential zoning district that may be located on the land area in question, or the specific number of housing units authorized by the conditional use permit or site plan approval.
- B = the Zoning Fee as stated in the Schedule of Fees per residential unit.
- (e) **Payment.** Payment of the park fee shall be due and payable at the time of the issuance of a building permit for the construction of any improvement on the real estate subject to the site plan approval. Such fee shall be deposited into a special account for parks and recreation facilities and shall be used exclusively for such purposes in the Village.
- (f) **Partial Dedication.** Where the Village Board, in its sole discretion, permits a developer of land to satisfy the requirements of Chapter 74 *Subdivision Regulations* of this Code by dedicating a portion of the land that would otherwise be required to be dedicated under that section, then in such event, the Village Board may reduce the park fee provided for in this Section, in recognition of the partial dedication that has in fact occurred. Such reduction shall be in proportion to the percent of total required park land dedication.

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 15th day of August, 2016

WESTON VILLAGE BOARD

By: _____
Barbara Ermeling, its President

Attest:

Sherry Weinkauff, its Clerk

APPROVED: _____

PUBLISHED: _____