

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

MTG/DATE: Plan Commission, June 12, 2017

FROM: Jennifer Higgins, Zoning Administrator

DESCRIPTION: Ordinance 17-020: to change the land use of Outdoor Display from a conditional use to a permitted use-by-right within the B-2 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 recommend the approval of Ordinance 17-020 to the Board of Trustees as written to change the land use of Outdoor Display from a conditional use to a permitted use-by-right within the B-2 zoning district.

BRIEF:

Since the Schofield Avenue Commercial Corridor was rezoned from B-3 to B-2 the use of Outdoor Display went from a permitted use-by-right to a conditional use. Staff is proposing that the use should change to a permitted use-by-right within the B-2, since this is where the use should be occurring within the Village.

FISCAL IMPACT: NONE

RECOMMEND: Zoning Administrator recommends approval.

REQUEST: Approve Ordinance 17-020

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- Amendment to Zoning Regulation (Text Amendment) Determination
 - Draft Ordinance Number 17-020



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

Ordinance No.: **17-020** Hearing Date: **June 12, 2017**

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

Title: **An amendment to Figure 3.05 in Section 94.3.05: to change the land use of Outdoor Display from a conditional use to a permitted use-by-right within the B-2 zoning district.**

Purpose: **Last summer the Village rezoned the Schofield Avenue Commercial Corridor from B-3 to B-2, which created properties that were operating outdoor display uses were legally non-conforming. The Highway Business district should have allowed the use of Outdoor Display permitted by right at that time.**

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 coincide with the objectives within 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 the intent of this chapter by ensuring that when variances are granted, they are acted upon in a timely manner.
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 land uses, intensities or resources in any of the zoning districts. It allows for an additional use-by-right.

BACKGROUND INFORMATION:

Staff found an inconsistency within the code that did not allow for outdoor display within the B-2 zoning district, which is a Highway Business zoning district. This use should be a permitted use-by-right, since this zoning district is along the commercial corridors, where these uses would occur.

Plan Commission Determination on 4/10/17:	Approve / Deny
ETZ Determination on 4/10/17:	Approve / Deny
Board of Trustees Determination on 4/17/17:	Approve / Deny



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 17-020

AN ORDINANCE TO AMEND FIGURE 3.05 IN SECTION 94.3.05 ALLOWABLE USES IN NON-RESIDENTIAL AND MIXED USE ZONING DISTRICTS TO CHANGE THE LAND USE OF OUTDOOR DISPLAY FROM A CONDITIONAL USE TO A PERMITTED USE-BY-RIGHT WITHIN THE B-2 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 outdoor display in the Village and Town; and

WHEREAS, Village Staff is proposing amendments to Chapter 94 Zoning to allow outdoor display as a permitted use-by-right within the B-2 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 June 12, 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
(10)	Community Living Arrangement (16+)	P	C	C		C			
Commercial Land Uses (see Section 94.4.05 for descriptions and standards for each land use)									
(1)	Office	C	P	P	P	P	P	P	C
(2)	Personal or Professional Service		P	P	P	P	P	P	
(3)	Artisan Studio		P	P	P	C	C		C
(4)	Group Day Care Center	P	P	P	P	C	C		C
(5)	Indoor Sales or Service		P	P	P	C	C		
(6)	Outdoor Display		C	CP	P		C	C	

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 19th day of June, 2017

WESTON VILLAGE BOARD

By: _____
Barbara Ermeling, its President

Attest:

Sherry Weinkauff, its Clerk

APPROVED: _____

PUBLISHED: _____