

**VILLAGE OF WESTON
ORDINANCE 23-008**

**AN ORDINANCE TO AMEND PROCEDURAL REQUIREMENTS WITHIN THE PD
PLANNED DEVELOPMENT AND N NEIGHBORHOOD ZONING DISTRICTS.**

WHEREAS, the Village of Weston is authorized to prepare, adopt, and amend a zoning ordinance under Wis. Stats. §§ 62.23 and 61.35; and

WHEREAS, the Village recreated Chapter 94 in March 2015 to serve as the Village’s 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, the Village in May 2021 substantially amended Article 14 (Special Zoning Districts) of Chapter 94, amending standards and procedures for the N Neighborhood zoning district and establishing a PD Planned Development zoning district and associated standards and procedures; and

WHEREAS, the Village Plan Commission, through its experience with such special districts since May 2021, has advised procedural flexibility for proposed developments within the PD and N districts, particularly those that are of limited complexity; and

WHEREAS, the Joint Town and Village of Weston Extraterritorial Zoning Committee and the Village Plan Commission held a joint public hearing on this Ordinance, on April 10, 2023, in compliance with Wis. Stat. § 62.23; and

WHEREAS, following such hearing, the Village Plan Commission has recommended enactment of the zoning ordinance amendments contained herein for applicability within the Village limits; and

WHEREAS, following such hearing, the Joint Town and Village of Weston Extraterritorial Zoning Committee has recommended enactment of the zoning ordinance amendments contained herein for applicability within the extraterritorial zoning area; and

WHEREAS, following such hearing the Village Board considered public comments and the recommendations of said Commission and Committee; and

WHEREAS, the Village Board finds the proposed amendments contained herein are reasonable, consistent with the Village Comprehensive Plan, and in the public interest.

NOW THEREFORE, be it ordained by the Board of Trustees of the Village of Weston, in the State of Wisconsin, as follows:

SECTION 1: **AMENDMENT** “Sec 94.14.08 Procedural Requirements For Special Districts” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.14.08 Procedural Requirements For Special Districts

1. **Pre-application Conference.** Prior to the official submission of a petition for the approval of rezoning to a PD or N district, the owner or the owner's agent shall meet with the ~~Plan Commission~~ Zoning Administrator to discuss the scope and proposed nature of the contemplated development (i.e., concept review), who before allowing official submission may refer the concept to the Plan Commission for its preliminary review and comment.
2. **Petition for Rezoning Approval/General Development Plan.** Following the pre-application conference, the owner or the owner's agent may file a petition with the Zoning Administrator for approval of a rezoning to the PD or N district. Such petition shall be accompanied by payment of the required fee. per the Village fee Schedule The procedure for rezoning to a PD or N district shall be as required for any other zoning district change as set forth under Section 94.16.03, except that, in addition thereto, an easily reproducible electronic copy of a General Development Plan (GDP), along with hard copies in a quantity and size determined by the Zoning Administrator, shall be filed by the applicant along with the petition for rezoning, together including the following information except to any extent modified by the Zoning Administrator:
 - a. A written report that provides general information about the site including a location map; the project vision, objectives, themes, and images; its economic feasibility and financing; target markets; and relationship of the project to surrounding land uses, the Comprehensive Plan, and other applicable Village plans.
 - b. A completed site assessment per Section 74.2.03.
 - c. Overall conceptual development plan for the entire site, drawn to scale, and showing proposed general areas to be retained in open space, recreation, and stormwater management; existing and proposed public streets and paths; different land use areas by proposed type and density; residential density; number and type of dwelling units; projected population; projected non-residential development intensity; projected employment; availability of or requirements for municipal services; and relationship of the proposed improvements to surrounding properties.
 - d. A general outline of the organizational structure of a property owners' or management association, which may be proposed to be established for the purpose of providing any necessary private services.
 - e. A preliminary analysis and map showing the general locations of proposed public utility connections, and anticipated upgrades of public utilities to serve the project.
 - f. A conceptual landscape plan showing general locations and types of proposed landscaping, including maintenance of existing vegetation where appropriate.
 - g. A proposed schedule for the implementation of the project, including expected start and end dates and a conceptual phasing plan, if the applicant intends to phase construction of the project.
 - h. Schematic architectural plans showing the character of the proposed buildings,

along with a generalized program of proposed signage and lighting.

- i. A preliminary list of land uses that are proposed to be allowed within the PD and N district as permitted-by-right, conditional, and/or temporary uses, which may include reference to use lists normally applicable to one or more standard of zoning districts.
3. **Plan Commission Recommendation.** In considering the petition and GDP, the Plan Commission shall apply the criteria in Sections 94.14.09 and 94.16.03(7). Upon submission of a complete rezoning petition and the GDP, the Plan Commission shall hold a public hearing on the application and the GDP and thereafter recommend to the Village Board that the petition and plan be approved as submitted, approved with modifications and/or conditions, referred for further consideration, or denied approval.
4. **Village Board Action.** Upon receipt of the recommendation of the Plan Commission, the Village Board may take such action thereon as it deems reasonable and appropriate. If the petition and GDP are approved, said GDP shall establish the basic right for use of the lands in conformity with the plan as approved including any conditions of the GDP approval. Rezoning to the PD or N district and approval of such development shall be conditioned upon approval of a Specific Implementation Plan and shall not make permissible any of the uses as proposed until the events listed in Section 94.14.10(4) occur.
5. **Recording.** The GDP, if approved, shall be recorded with the Marathon County Register of Deed's office by the applicant following such approval. The recorded version shall include any changes to reflect applicable conditions of GDP approval, as approved by the Zoning Administrator prior to recording. Within 30 days of its recording, the applicant shall provide the Village with a digital PDF copy of the recorded GDP, a copy in an easily reproducible and editable format such as MS Word, and proof of GDP recording.
6. **Effect of GDP Approval and Recording.** Approval of the rezoning and GDP, and GDP recording, shall entitle ~~the applicant to prepare the~~ Specific Implementation Plan (SIP) in accord with ~~such the approved and recorded version of the~~ GDP, and ~~all~~ conditions of its approval, and all other applicable requirements of this Chapter. Such GDP approval shall become null and void if the SIP has not been submitted within five years of the date of Village Board approval of the GDP. The rezoning to PUD shall take effect only once the events listed in Section 94.19.10(4) have occurred.

SECTION 2: AMENDMENT “Sec 94.14.10 Specific Implementation Plan (SIP) Approval” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.14.10 Specific Implementation Plan (SIP) Approval

1. **Specific Implementation Plan Application.** ~~After approval and recording of the~~

~~GDP,~~†The applicant shall file with the Zoning Administrator one easily reproducible and editable copy of a Specific Implementation Plan (SIP), hard copies may be requested in a quantity and size determined by the Zoning Administrator, and the associated fee per the Village Fee Schedule. Normally, a SIP may be filed only after a GDP has been approved by the Village Board, modified as ay be required by such approval, and recorded. However, with prior authorization of the Zoning Administrator for developments of limited complexity, the applicant may submit a SIP concurrent with a GDP application associated with all or part of the same land. Regardless of sequence,†The SIP may be for all or part of the GDP area. Each SIP application shall include the following information except to any extent modified by the Zoning Administrator:

- a. A written report describing the proposed SIP, including specific project themes and images (e.g., drawings, photos, simulations), a specific list of permitted-by-right, conditional, and temporary land uses (including reference to such lists in standard zoning districts as desired), specific densities and dimensional standards for residential and nonresidential all uses and structures, the specific land area and treatment of open space areas, and an evaluation of the proposed SIP in relationship to the previously approved GDP and conditions of its approval (including an explanation if the SIP does not include the full area of the approved GDP).
- b. A location map and a legal description of the boundaries of the subject property included in the proposed SIP area and the approved GDP area (if different).
- c. A precise description of the type, number, and size of dwelling units; a description of the type and amount of square feet devoted to non-residential uses; the estimated population and number of employees; and projected character and volume of truck and automobile traffic generated by the project.
- d. Site summary data including gross site area, area and lineal feet of street rights-of- way, net area proposed for development and common open space uses, net subdivided area, total number of building sites, average or typical lot and building site sizes; and total acres expected to be devoted to each projected land use.
- e. A detailed neighborhood development plan showing the precise mix and locations of projected land uses; densities of use areas and development sites; building setbacks and massing; streets, paths, sidewalks, main driveways, and parking areas; parks, squares, and other common open spaces; and street trees and other natural elements.
- f. Intent to adhere to requirements in Sections 94.14.04 to 94.14.07 of this Article, and any proposed variations to such requirements where authorized under those sections.
- g. All proposed dimensional standards, paralleling the types of standards normally listed within standard zoning districts of the Village per Article 5.
- h. Whether and to what extent accessory buildings, fences, RV and firewood storage, and other ancillary features often allowed or anticipated in developments over time will be allowed within the SIP, with reference to applicable articles and sections of this Chapter and determined sufficient by

the Zoning Administrator to enable effective zoning administration over the SIP area in perpetuity.

- i. For all sites within the SIP where final plan approval is being sought, except for single- and two-family dwellings, detailed site and building plan(s) meeting the requirements of Section 94.16.09.
 - j. For single- and two-family dwellings, architectural design guidelines contained within a declaration of covenants, deed restrictions, or other similar document, in lieu of the Village reviewing a site and building plan for each individual dwelling.
 - k. Detailed signage plan and lighting plan, each demonstrating a unified or compatible sign and lighting theme throughout the SIP area, and including permitted areas, heights, quantities and other features of permanent and temporary signs as are included within Article 13.
 - l. As may be applicable, a final plat or certified survey map of the area included within the SIP that meets associated requirements in Chapter 74, with any requested waivers or exceptions to Chapter 74 requirements indicated.
 - m. Engineering and stormwater management, meeting all State, County, and Village requirements, including those in and authorized under Section 94.16.09 and Chapter 74.
 - n. If applicable, a demolition plan depicting any demolition to occur on the and site a environmental assessment or. remediation plan
 - o. A development schedule indicating the following:
 - i. The approximate date when construction of the project is expected to begin;
 - ii. The phases in which the project will be built and the approximate date when construction of each phase is expected to begin;
 - iii. The anticipated pace of development and types and quantities of development in each phase; and
 - iv. The approximate date when the development of each of the phases will be completed.
 - v. A phasing plan map.
 - p. Agreements, bylaws, provisions, or covenants that will govern the organizational structure, use, maintenance and continued protection of the PD or N district.
 - q. Any other plans, documents, or schedules required by the Village.
2. **Plan Commission Review and Approval.** Upon submission of the SIP the Plan Commission shall review the same to determine if the SIP is in compliance with the approved GDP and conditions of its approval, applicable provisions of this Article, and any other provisions of this Chapter that are applicable to the proposed development. The Plan Commission shall thereafter act to approve the SIP as submitted, approve with modifications and/or conditions, or deny approval. The Village Board will still be required to approve any plat associated with the SIP per Chapter 74, even though SIP approval rests with the Commission.
3. **Recording.** If the SIP is so approved it shall be recorded at the Marathon County

Register of Deeds office by the developer. The recorded version shall include any changes to reflect applicable conditions of SIP approval, as approved by the Zoning Administrator prior to recording. Within 30 days of its recording, the applicant shall provide the Village with a digital PDF copy of the recorded SIP, plus a copy in an easily reproducible and editable format such as MS Word.

4. **Effect of SIP Approval.** The Zoning Administrator shall cause the amendment of the Official Zoning Map to reflect the rezoning to PD or N and shall authorize construction in the SIP area only after the applicant has provided digital copies of the recorded SIP and any associated final plat or certified survey map. Upon the occurrence of these events, the SIP shall become part of this Chapter and shall be enforceable as part of this Chapter, as the SIP may from time to time be amended per Section 94.14.11. All requirements associated with overlay zoning districts in Articles 6 through 9 shall continue to apply with the SIP area. Where the SIP is silent to a particularly type of zoning requirement in this Chapter, the Zoning Administrator may utilize such requirement in this Chapter to the extent consistent with the SIP.
5. **Lapse of SIP Approval.** Final SIP approval shall terminate, and the SIP shall be deemed null and void for any undeveloped part of the SIP area in one or both of the following circumstances:
 - a. If an SIP is granted final approval and thereafter five years have lapsed without the applicant or owner applying for a building permit within the SIP area for an authorized use.
 - b. If the approved SIP includes a phased implementation program, and five years have lapsed between (i) the acceptance of public infrastructure or initial occupancy of a building in a phase preceding the final phase and (ii) commencement of construction of the next phase.

In the event the land affected by either such circumstance has been rezoned to the PD or N district per subsection (4), the Zoning Administrator shall initiate an application to rezone the undeveloped land in the area from the PD or N district back to the standard zoning district(s) over the land before PD or N was approved, or to the nearest comparable standard zoning district(s).

SECTION 3: SEVERABILITY CLAUSE 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 be in full force and effect from April 18, 2023 and after the required approval and publication on April 21, 2023 according to law.

SECTION 5: The amendments effectuated by this Ordinance shall apply within the municipal limits of the Village and within its extraterritorial zoning area in the Town of Weston.

PASSED AND ADOPTED BY THE VILLAGE OF WESTON BOARD OF TRUSTEES
APRIL 18, 2023.

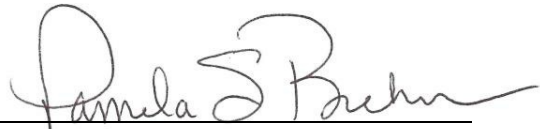
| | AYE | NAY | ABSENT | ABSTAIN |
|-------------------|------------|------------|---------------|----------------|
| Mark Maloney | <u>X</u> | _____ | _____ | _____ |
| Barbara Ermeling | <u>X</u> | _____ | _____ | _____ |
| Hooshang Zeyghami | <u>X</u> | _____ | _____ | _____ |
| Steve Cronin | <u>X</u> | _____ | _____ | _____ |
| Jamie Weiland | <u>X</u> | _____ | _____ | _____ |
| Jasper Hartinger | <u>X</u> | _____ | _____ | _____ |
| Jim Pinsonneault | <u>X</u> | _____ | _____ | _____ |

Presiding Officer

Attest



Mark Maloney, Village President,
Village of Weston



Pamela Brehm, Village Clerk, Village
of Weston

