

**VILLAGE OF WESTON
ORDINANCE 22-017**

**AN ORDINANCE TO AMEND CHAPTERS 74 (SUBDIVISION REGULATIONS)
AND 94 (ZONING ORDINANCE) TO MAKE TECHNICAL CHANGES AND
RESPOND TO STATE LAW CHANGES, INCLUDING TO ADJUST THE PARK
RECREATION IMPACT FEE FOR NEW RESIDENTIAL DEVELOPMENT
WITHIN THE VILLAGE LIMITS.**

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 74.3.05 Subdividers Statement” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 74.~~3~~2.05 Subdividers Statement

SECTION 2: AMENDMENT “Sec 74.1.02 Authority” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 74.1.02 Authority

This Chapter is enacted pursuant to the authority granted by Wisconsin Statutes, including but not limited to Chapters 61, 62.23, 66, 80.08, 236, and 703. Specific statutory references are provided within the body of this Chapter solely as a means of assisting the reader. Such references are not to be considered as all inclusive, may not always be up to date, and shall in no manner be construed so as to limit the application or interpretation of this Chapter.

SECTION 3: AMENDMENT “Sec 74.1.04 Jurisdiction And Applicability” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 74.1.04 Jurisdiction And Applicability

1. Jurisdiction.

- a. No person, firm, or corporation shall divide or develop any land located

within the corporate limits of the Village of Weston or within its extraterritorial area which shall result in subdivision, land division, or condominium development, as these terms are defined in this Chapter, without first filing and receiving Village approval of a subdivision plat, certified survey map, or condominium plat respectively, and subsequently recording said plat or map with the county register of deeds, all as provided in this Chapter.

- b. This Chapter shall not apply to condominium developments that existed as of May ~~18~~16, 2016, except to the extent that such condominium developments are expandable pursuant to Wis. Stat. § 703.26, and except that the provisions in subsection (5) to all condominium developments regardless of when they were first established.
2. **Compliance.** No subdivision, land division, replat, or condominium development within the jurisdiction of this Chapter shall be entitled to be approved or recorded without compliance with all requirements of this Chapter that are in effect when a subdivider submits a preliminary plat, certified survey map, or condominium plat, and the following:
- a. The provisions of Wis. Stats. Chapters 703, 80.08, and 236, including §236.45(2)(ac)
 - b. All other Village ordinances that are in effect when a subdivider submits a preliminary plat, certified survey map, or condominium plat, including but not limited to the zoning ordinance and any official map ordinance.
 - c. The Comprehensive Plan in place when a subdivider submits a preliminary plat, certified survey map, or condominium plat.
 - d. All other master plans, comprehensive plans, and components of such plans prepared by state, regional, county or municipal agencies, when such plans have been duly adopted by the Village Board when a subdivider submits a preliminary plat, certified survey map, or condominium plat.
 - e. The provisions of Wis. Admin. Code Chapter SPS 385 for subdivisions, land divisions, or replats not served by public sanitary sewer.
 - f. All other applicable state statutes, state administrative rules, and county ordinances.
3. **Exemptions.** Unless the subdivider elects to prepare a certified survey map, the provisions of this Chapter as it applies to divisions, combinations, or lot line adjustments of tracts of land resulting in fewer than 5 lots shall not apply to:
- a. Transfers of interests in land by will or pursuant to court orders.
 - b. Leases for a term not to exceed 10 years, mortgages, or easements.
 - c. Combinations of two or more lots into fewer lots, or sale or exchange of parcels of land between owners of adjoining property, if a Plat of Survey showing the parcel to be transferred has been submitted to the Zoning Administrator, including a signature certificate and indicating the location for monuments placed at all new lot corners, and the Zoning Administrator approves such Plat of Survey based on the following criteria:
 - i. Additional lots are not created.
 - ii. Lots resulting are not reduced below the minimum dimensions and area required by these regulations, the zoning ordinance, and other applicable laws or ordinances.

- iii. Such lot combination or parcel exchange is not contrary to any prior Village approval over the land, either under this Chapter, Section 94.15.02 of the zoning ordinance, or otherwise.
- iv. The submitter of the Plat of Survey provides reasonable assurance that the Plat of Survey will be recorded with the county register of deeds, and provides the Zoning Administrator a recorded copy.

Use of a Plat of Survey or Certified Survey Map are the only acceptable means of describing combinations of two or more lots into fewer lots, or the sale or exchange of parcels of land between owners of adjoining property. Metes and bounds descriptions are not acceptable.

4. Replats, Vacations, and Corrections of Previously Platted Land.

- a. When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider shall vacate and alter the recorded plat as specified in Wis. Stats. §§ 236.36 through 236.44. The subdivider shall also complete the platting process as specified in Articles 3 and 4 of this Chapter, and meet other applicable standards in this Chapter.
- b. Vacations of an approved plat or certified survey map that do not also involve a replat shall be made in accordance with Wis. Stats. §§ 236.40 through 236.44.
- c. Corrections to an approved plat or certified survey map shall be done in accordance with and subject to the limitations of Wis. Stat. § 236.295.

5. Additional Requirements Applicable to Condominium Developments. All condominium developments shall include the following provisions within condominium documents, which such provisions shall include Village Board consent prior to modification or termination:

- a. A mechanism for dispute resolution among unit members concerning the upkeep, repair, maintenance, and replacement of common elements and limited common elements.
- b. Establishment of a mandatory escrow account with sufficient funding for the upkeep, repair, maintenance, and replacement of common elements and limited common elements.
- c. A voluntary termination provision.
- d. A Declaration of Easements, Restrictions, Covenants and Conditions for the operation and maintenance of the condominium development and its units, which shall be subject to Village Board approval and subsequently recorded by the condominium developer.

SECTION 4: **AMENDMENT** “Sec 74.3.04 Required Preliminary Plat Submittal Materials” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 74.3.04 Required Preliminary Plat Submittal Materials

1. **Generally.** A complete preliminary plat application shall include all the contents and materials described in this section. The Zoning Administrator may waive or modify one or more of the requirements in this section upon written request from the subdivider, and for condominium developments. The request shall state the reasons for the waiver or modification. The Zoning Administrator shall make a determination on the request against the exception and waiver criteria in Section 74.12.02.
2. **Technical Requirements for Preliminary Plat.** The preliminary plat itself shall include all required contents under Wis. Stat. Chapter 236, and the following information:
 - a. **Description.**
 - i. Name of the proposed subdivision or condominium development.
 - ii. Name, address, telephone number, and email address of the owner, subdivider, engineer, land surveyor, and land planner.
 - iii. Date, graphic scale (not more than 100 feet to one inch), and north arrow.
 - iv. Location of the proposed subdivision or condominium development by government lot, quarter section, township, range, municipality, and county.
 - v. Proposed number of lots, number of dwelling units if different, and land use types.
 - vi. A vicinity sketch or small scale drawing of the section and government subdivision in which the subdivision or condominium development lies, with its approximate location indicated.
 - b. **Existing Conditions.**
 - i. Municipal and county boundaries.
 - ii. Existing contours at verticals of not more than one foot, with two foot contours acceptable only if approved in advance by the Director of Public Works.
 - iii. A scaled drawing of the exterior boundaries of the proposed subdivision or condominium development referenced to a corner established by the U.S. Public Land Survey, and the total acreage encompassed thereby.
 - iv. Location of existing property lines, buildings, drives, paths, mature trees, streams and watercourses, drainageways, dry runs, lakes, ponds, wetlands, floodplains (by type), shoreland zoning areas and setbacks, rock outcrops, environmental corridors per the Comprehensive Plan, historical structures, and other similar significant features within the parcel being subdivided. The location and boundaries of all wetlands on the property shall be delineated by a licensed professional and certified by the Wisconsin Department of Natural Resources and/or the United States Army Corps of Engineers.
 - v. Location, right-of-way width and names of any easements or rights-of-way for existing streets, alleys or other public ways, railroads, and utilities within or adjacent to the proposed subdivision or condominium development.

- vi. Type, width, and established centerline elevations of any adjacent existing street pavements.
- vii. Locations and ordinary high water marks of adjoining or encompassed navigable waterway and drainageways.
- viii. Subsurface soil, rock and water conditions including depth to bedrock and average depth to ground water table, based on the Marathon County Soil Survey or more detailed sources where available. Where the Marathon County Soil Survey indicates potential for groundwater less than 5 feet from the existing ground surface, the subdivider or condominium developer shall so note on the face of the preliminary plat and indicate the lots affected.
- ix. Location, size and invert elevation of any existing sanitary and storm sewers, culverts or drain pipes and the location and size of any existing water and gas mains on or adjacent to the plat and proposed for use. If sewers and water mains are not present on or adjacent to the preliminary plat, the distance to, and the size of those nearest and the invert elevations of sewers shall be indicated.
- x. Locations and names of adjacent subdivisions and condominium developments, parks, and cemeteries, and existing land use, zoning, and owner names/addresses of all adjacent properties.
- xi. Citation of any existing legal rights-of-way or easements affecting the property and existing covenants on the property, if any.

c. Proposed Improvements.

- i. Layout and scale dimensions of all lots and proposed lot and block numbers.
- ii. Location, approximate dimensions, and proposed future ownership of any sites to be reserved or dedicated for parks, drainageways, environmental corridors, or other public and/or permanent open space uses.
- iii. Location and approximate dimensions of any sites reserved for the private use of future residents.
- iv. Location and approximate dimensions of any sites that are to be used for group housing, shopping centers, church sites, or other non-public uses.
- v. Proposed locations, dimensions, and names (as applicable) for streets, paths, utilities, drainageways, and associated easements, including extensions for reasonable distance beyond the limits of the proposed subdivision or condominium development when requested.
- vi. Any proposed building setback lines, buildable areas, or “build-to” lines under the zoning ordinance or otherwise, and in consideration of proposed zoning if different.
- vii. Vision clearance triangles per Section 71.6.01(2) of the Weston Municipal Code.
- viii. Highway access control limitations per Chapter 71 of the Weston Municipal Code.

3. **Preliminary Engineering Plans.** The subdivider shall submit preliminary engineering plans with the preliminary plat application, including the following, except where the Director of Public Works determines that the associated public improvements are not required:
 - a. Preliminary street profiles showing existing and proposed centerline elevations. Profiles shall be shown for a minimum distance of 300 feet beyond the plat boundaries where future street extensions may be planned.
 - b. Preliminary utility layouts, including sanitary sewer, water main, and storm sewer, and indication of any expected need for improvements to existing facilities to provide for such utility needs.
 - c. Proposed locations and dimensions of sidewalks and paths.
 - d. Proposed street tree type and general locations.
 - e. Preliminary stormwater calculations, in order to demonstrate that adequately sized and positioned areas have been reserved for stormwater management on the preliminary plat, per Chapter 86, Article 5 of the Weston Municipal Code.
 - f. A preliminary engineering plan map at least covering the area of the preliminary plat and showing the features described in this subsection, along with property lines, contours, and applicable environmental features such as wetlands and floodplains.
 - g. Any other data deemed necessary by the Director of Public Works to determine the adequacy of public facilities and services required under Section 74.9.01.

4. **Preliminary Covenants.** The subdivider shall submit a model or draft of protective covenants to be recorded against the affected land with the preliminary plat application, including the following provisions:
 - a. Methods for the proper maintenance and management of any common open space, stormwater management facility, drainageway, private road, or other required improvement intended for private ownership, maintenance, and/or protection. A separate stormwater management maintenance agreement may substitute for including such provisions in the general protective covenants for the subdivision, if approved or required by the Director of Public Works.
 - b. A method to effectively minimize monotony in the design of single-family and two-family residences, as required under Section 94.10.02(2) of the zoning ordinance.
 - c. Methods to ensure the construction and maintenance of any noise mitigation measures if the subdivision is adjacent to an arterial street.
 - d. In all cases where the Village requires that provisions of this Chapter or other Village ordinance shall be satisfied or guaranteed by private covenants or restrictions, provisions making such covenants enforceable by the Village and prohibiting the repeal or amendment of such covenants or restrictions without the written approval of the Village Board. In all other cases, it is not the Village's responsibility to enforce protective covenants.
 - e. In any other case as determined necessary by the Village to satisfy the requirements of this Chapter.

5. **Other Required Information.** The subdivider shall submit the following additional

information with the preliminary plat application:

- a. The required preliminary plat application fee as indicated in the Village's Fee Schedule.
- b. A signed agreement to reimburse the Village for any required consultant expenses in the review of the plat, if included with the application form.
- c. Any amendments to the initial submittal documents required under Article 2 to reflect changes to the subdivision.
- ~~d. Whenever a subdivider proposes that any common open space, stormwater management facility, drainageway, private road or other required development component is to be privately managed by a property owners' association, a draft of the legal instruments and rules for the proposed property owners' association.~~
- ~~e. d.~~ For residential subdivisions adjacent to an arterial street, a preliminary plan to mitigate noise from such street. Such plan may involve landscaping, berms, fencing, and/or extra lot depths adjacent to the arterial street, and/or configuration of the division in such a manner to minimize noise impacts on residences.
- ~~f. e.~~ In any case where the Director of Public Works determines that the proposed subdivision is likely to cause a significant impact on traffic on streets or highways beyond the proposed subdivision, the applicant shall pay the fees of a traffic engineer to be retained by the Village to complete and present a Traffic Impact Analysis following Wisconsin Department of Transportation guidelines. Where the report of the analysis concludes that the proposed subdivision will cause off-site public roads, intersections, or interchanges to function below Level of Service C, as defined by the Institute of Transportation Engineers, the Village may deny the application, require a size reduction in the proposed subdivision, or require that the developer construct and/or pay for required off-site improvements.
- ~~g. f.~~ Other information required by the Zoning Administrator, Plan Commission, or Extraterritorial Zoning Committee that is reasonably related to a determination of compliance with the provisions of this Chapter or other applicable ordinance.

SECTION 5: AMENDMENT "Sec 74.4.02 Final Plat Review Procedure" of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 74.4.02 Final Plat Review Procedure

1. **Final Plat Submittal to Village.** Following the submittal of the preliminary plat, the subdivider may submit to the Zoning Administrator an application for final plat approval. The submittal shall include hard copies in quantities specified on the

application form and a digital PDF copy of the completed application, the final plat, and all supplemental materials under Section 74.4.04. A complete final plat application shall be required at least ~~42~~21 days prior to the date of the Plan Commission or Extraterritorial Zoning Committee meeting at which a recommendation is expected. Upon the submittal of a final plat for lands within the Village or requiring Village infrastructure, the subdivider and Village shall begin negotiations on a development agreement specifying responsibilities of both parties, as described in greater detail in Section 74.7.03.

2. **Final Plat Submittal to Other Agencies.** The subdivider shall be responsible for providing each final plat to State, County, Town, and other agencies as may be required by Wis. Stat. Chapter 236 and other applicable law.
3. **Staff Review of Final Plat.** The Zoning Administrator shall provide copies of the final plat and supplemental materials to applicable staff within the Planning & Development; Public Works & Utilities; Parks, Forestry, and Recreation; Police and Fire Departments for comment and recommendation. Such recommendations shall be provided in a timeframe to allow consideration by the Plan Commission or Joint Extraterritorial Committee. The Zoning Administrator or designee shall provide required review bodies with his or her opinion whether the final plat conforms to the preliminary plat, applicable Village ordinances, and to Statutes, and shall provide a recommendation for action on the plat. The opinion and recommendation shall be part of the record of the final plat review proceedings.
4. **Village Plan Commission Recommendation.** Except as provided under subsection (4), the Plan Commission shall review the final plat for conformance with the approved preliminary plat, conditions of its approval, and all applicable ordinances and statutes, and shall forward its recommendation to the Village Board. The Commission's recommendation shall be to approve, approve with conditions, or reject the plat and shall include the reasons for rejection or conditions associated with any recommendation for approval.
5. **Final Plat Review Within Extraterritorial Area.** The Extraterritorial Zoning Committee shall function in lieu of the Plan Commission under subsection (3) with respect to final plats within parts of the Town of Weston ETZ Area.
6. **Village Board Action.** The Village Board shall, within 60 days of a complete final plat submittal, approve, conditionally approve, or reject such plat, unless the time is extended by mutual agreement with the subdivider. Village Board approval of the final plat shall be conditioned upon the execution of the development agreement under Section 74.7.03, if the plat is in the Village or is to be served by Village infrastructure. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. Upon failure of the Village Board to act within 60 days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.
7. **Recordation of Final Plat.** The plat shall be submitted for recording with the county Register of Deeds within 12 months from the date of the last approval and within 36 months from the date of the first approval, or the Village approval shall be deemed void. No plat shall be submitted for recording until the Village Clerk has inscribed his or her certification of Village approval on the plat. The Village Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and

the plat returned to the subdivider for recording, upon verification of the following:

- a. Final plat approval by the Village Board.
 - b. Satisfaction of all conditions imposed by that approval to the extent possible.
 - c. Director of Public Works approval of final engineering plans.
 - d. A development agreement under Section 74.7.03 has been signed by the subdivider and Village, if the plat area is within the Village or served by Village infrastructure.
 - e. Payment of all required fees under this Chapter and other chapters of the Weston Municipal Code.
8. **Recordation of Other Documents.** All required deed restrictions, protective covenants, property owners' association organizational documents, and development agreement shall be recorded prior to, or concurrently with, the final plat.
9. **Copies of Recorded Plat and Other Documents.** Within one month of the final plat being recorded by the county Register of Deeds, the subdivider shall provide a hard copy of the plat and a digital version of the plat referenced to the Marathon County Coordinate System in an AutoCAD compatible format, to the Zoning Administrator and Director of Public Works. The subdivider shall also provide verification of recordation of the plat and the other documents required under subsection (7) before the Village will issue building permits or zoning permits within the plat area.

SECTION 6: AMENDMENT “Sec 74.4.04 Required Final Plat Submittal Materials” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 74.4.04 Required Final Plat Submittal Materials

1. **Generally.** A complete final plat application shall include all the contents and materials described in this section. The Zoning Administrator may waive or modify one or more of the requirements in this section upon written request from the subdivider. The request shall state the reasons for the waiver or modification. The Zoning Administrator shall make a determination on the request against the exception and waiver criteria in Section 74.12.02.
2. **Technical Requirements for Final Plat.** The final plat itself shall include all required contents under Wis. Stat. Chapter 236, and the following information:
 - a. All the certificates required by Wis. Stat. § 236.21; and certification that the plat fully complies with all of the provisions of this Chapter.
 - b. Location of existing property lines, buildings, drives, paths, streams and watercourses, dry runs, lakes, ponds, wetlands, floodplains (by type), shoreland zoning areas and setbacks, rock outcrops, environmental corridors per the Comprehensive Plan, and other similar significant features within the parcel being subdivided.
 - c. Location, ~~approximate~~ dimensions, and proposed ownership of any sites to be

reserved or dedicated for parks, playgrounds, drainageways, environmental corridors, or other public and/or permanent open space uses.

- d. Any unique building setback lines, buildable areas, “build-to” lines, or similar areas, not including those generally applicable in the associated zoning district.
- e. Vision clearance triangles per Section 71.6.01(2) of the Weston Municipal

Code.

- f. Highway access control limitations per Chapter 71 of the Weston Municipal Code.
- g. All required access, drainage/stormwater, utility, and other easements. All utility and drainage/stormwater easements for plats within the Village shall be indicated as being provided to the Village of Weston and its assigns, except where otherwise approved by the Director of Public Works.
- h. If the final plat or condominium plat contains private road(s), the following note: “Notice of Possible Limitation of Public Services: This plat contains private roads. Certain public services including but not limited to road maintenance (including plowing) and garbage collection may be limited.”

3. Other Required Information. The subdivider shall submit the following additional information with the final plat application:

- a. The required final plat application fee as indicated in the Village’s Fee Schedule.
- b. A signed agreement to reimburse the Village for any required consultant expenses in the review of the plat, if included with the application form.
- c. Any amendments to the initial submittal documents required under Article 2 or any amendments to the approved preliminary plat layout to reflect changes to the subdivision.
- d. Confirmation that the subdivider submitted the preliminary plat to utility providers as required under Section 74.3.02(2), their comments, and the subdivider’s efforts to address their comments.
- e. Final engineering plans meeting the requirements of Section 74.8.04, and including the public improvements required under Section 74.7.04.
- f. Revised covenants addressing matters covered in Section 74.3.04(4).
- g. Whenever a subdivider proposes that any common open space, stormwater management facility, drainageway, private road or other required development component is to be privately managed by a property owners’ association, ~~revised~~ legal instruments and rules for the property owners’ association.
- h. Where required, a park master plan for improvements within proposed public park, recreation, and open space within the subdivision, per Section 74.9.03.
- i. For residential land divisions adjacent to an arterial street, detailed plans to mitigate noise from such street. Such detailed plans should include locations and specifications for landscaping (including street trees), berms, fencing, and/or extra lot depths adjacent to the arterial street, and/or configuration of the division in such a manner to minimize noise impacts on residences.
- j. Other information required by the Zoning Administrator, Plan Commission, or Extraterritorial Zoning Committee that is reasonably related to a determination of compliance with the provisions of this Chapter or other applicable

ordinance.

SECTION 7: AMENDMENT “Sec 74.5.04 Required CSM Submittal Materials” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 74.5.04 Required CSM Submittal Materials

1. **Generally.** A complete CSM application shall include all the contents and materials described in this section. The Zoning Administrator may waive or modify one or more of the requirements in this section upon written request from the subdivider. The request shall state the reasons for the waiver or modification. The Zoning Administrator shall make a determination on the request against the exception and waiver criteria in Section 74.12.02.
2. **Technical Requirements for CSM.** The CSM shall include all required contents under Wis. Stat. Chapter 236 and the following information:
 - a. All the certificates required by Wis. Stat. § 236.21; and certification that the CSM fully complies with all of the provisions of this Chapter.
 - b. Location of existing property lines, buildings, drives, paths, streams and watercourses, dry runs, lakes, ponds, wetlands, floodplains (by type), shoreland zoning areas and setbacks, rock outcrops, environmental corridors per the Comprehensive Plan, and other similar significant features within the parcel being subdivided.
 - c. Location, ~~approximate~~ dimensions, and proposed ownership of any sites to be reserved or dedicated for parks, playgrounds, drainageways, environmental corridors, or other public and/or permanent open space uses.
 - d. Location of all required access, stormwater, utility, and other easements, which shall be described in separate recorded document(s) referenced on the face of the CSM. All utility and stormwater/drainage easements within the Village shall be indicated as being provided to the Village of Weston and its assigns, except where otherwise approved by the Director of Public Works.
 - e. Any unique building setback lines, buildable areas, “build-to” lines, or similar areas, not including those required by zoning.
 - f. Vision clearance triangles per Section 71.6.01(2) of the Weston Municipal Code.
 - g. Highway access limitations per Chapter 71 of the Weston Municipal Code
 - h. If the CSM contains private road(s), the following note: “Notice of Possible Limitation of Public Services: This CSM contains private roads. As a result, certain public services including but not limited to road maintenance, snow plowing, and garbage collection may be limited.”
3. **Other Required Information.** The subdivider shall submit the following additional information with the CSM application:
 - a. The required CSM application fee as indicated in the Village’s Fee Schedule.
 - b. A signed agreement to reimburse the Village for any consultant expenses in

- the review of the CSM, if included as part of the application form.
- c. Any amendments to the initial submittal documents required under Article 2.
 - d. Preliminary engineering plans meeting the requirements of Section 74.3.04(3), if the CSM requires new or extended Village infrastructure or stormwater management improvements required under Chapter 86, Article 5 of the Weston Municipal Code.
 - e. Covenants addressing matters covered in Section 74.3.04(4), if applicable.
 - f. Whenever a subdivider proposes that any common open space, stormwater management facility, drainageway, private road or other required development component is to be privately managed by a property owners' association, legal instruments and rules for the proposed property owners' association.
 - g. Where required under Section 74.2.01(1), a completed site assessment checklist on a form provided by the Village, meeting the requirements of Section 74.2.03.
 - h. If within the Village, a subdivider's statement per Section 74.2.05.
 - i. For residential land divisions adjacent to an arterial street, a plan to mitigate noise from such street. Such plan may involve landscaping, berms, fencing, and/or extra lot depths adjacent to the arterial street, and/or configuration of the division in such a manner to minimize noise impacts on residences.
 - j. Other information required by the Zoning Administrator, Plan Commission, or Extraterritorial Zoning Committee that is reasonably related to a determination of compliance with the provisions of this Chapter or other applicable ordinance.

SECTION 8: **AMENDMENT** “Sec 74.6.03 Street Extensions” of the Weston Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 74.6.03 Street and Utility Extensions

Proposed street rights-of-way and streets and associated utilities actually constructed by the subdivider

shall extend to the boundary lines of the tract being subdivided or developed unless prevented by topography or other physical conditions or unless, in the opinion of the appropriate Village approval authority, such extension is not necessary or desirable for the coordination of the layout of the subdivision, land division, or condominium development or for the advantageous development of the adjacent tracts.

SECTION 9: **AMENDMENT** “Sec 74.6.06 Street Dimensional Standards” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 74.6.06 Street Dimensional Standards

1. **Base Dimensional Standards.** The minimum right-of-way width, roadway width, sidewalk requirements, and parking requirements for proposed public streets are as specified in Figure 6.06(1).
2. **Additional and Alternative Standards.**
 - a. If the Village's official map or Comprehensive Plan provides for alternative requirements, such as different right-of-way width or an on-street bicycle lane, the Director of Public Works may substitute the alternative requirements for those listed in Figure 6.06(1).
 - b. Extension of existing streets that exceed the standards in Figure 6.06(1) shall be developed to conform to the existing street dimension or taper to the dimensions noted in that figure, as determined by the Director of Public Works.
 - c. Cross-sections for freeways, expressways, parkways, and boulevard streets shall be based upon detailed engineering studies submitted with the subdivision plat.
 - d. The Village may require on-street bike lanes on arterial streets and on collector streets with current or expected heavy traffic volumes, and/or where advised within the Comprehensive Plan. Where on-street bike lanes are required, the width of each bike lane shall not be less than 4 feet, not including the gutter section. Such width shall be in addition to the width required by Figure 6.06(1). Placement of bike lanes shall be in accordance with the AASHTO Guide for the Development of Bicycle Facilities.
 - e. Cul-de-sac streets designated to have one end permanently closed shall not be permitted within the Village. Within the extraterritorial area and where streets are temporarily ended at the edges of a plat, cul-de-sac streets shall not exceed 1,000 feet in length measured from the centerline of the intersecting street up to, but not including, the cul-de-sac bulb. Such cul-de-sac bulb shall be of a design approved by the Director of Public Works.
 - f. Roundabout intersections shall be designed in accordance with WisDOT's Facilities Development Manual (FDM) or the FHWA Guide (NCHRP Report 672), as determined by the Director of Public Works.

Figure 6.06(1): Minimum Public Street Design Requirements ¹				
Type of Street¹	Right-of-way width (feet)	Street Width (feet)²	Sidewalks Required³	On-Street Parking?²
Arterial	100 ⁴	46-52 ⁵	Yes, both sides	No
Collector	80 ⁴	33-41 ⁵	Yes, both sides ⁷	Determined on a case-by-case basis
Local	60-66 ^{4 5}	24-33 ⁵	Yes, both sides ^{7,8,9}	Yes, on at least one side ⁶
Alley	17	16	No	No

NOTES: ¹ See Article 14 in Chapter 94 for alternative requirements within the PD Planned Development and N Neighborhood zoning districts.

² Street width includes pavement width, plus the width of the gutter section of the curb where curbing is present or proposed. The Village may require extra street width and/or off-street parking where adjacent land uses are expected to generate significant on-street parking demand, such as schools, parks, and other public and institutional uses.

³ All sidewalks shall be concrete and five feet in width. The Village may substitute a single 10-foot wide asphalt multiuse path for a sidewalk on both sides of the street where consistent with Village plans, safe pedestrian access, and best practices for multiuse path placement.

⁴ Or as indicated on the Village's Official Map.

⁵ Upon recommendation of the Director of Public Works, the Plan Commission shall establish the exact right-of-way or pavement width on each street within the ranges specified in this figure.

⁶ One-sided parking shall be located on the north and east sides of streets unless otherwise determined by the Director of Public Works.

⁷ In rural areas (defined as adjacent zoning being primarily SF-L, RR-2, RR-5, or AR) The Village may substitute paved shoulders for a sidewalk on both sides. Total pavement width shall be a minimum of 28-ft to accommodate a 10-ft travel lane and 4-ft paved shoulder in each direction. Pavement striping shall delineate the boundary between the paved shoulders and vehicle lanes.

⁸ The requirement for sidewalks on both sides of a street may be waived on short dead end streets (less than 400 ft in length) with fewer than 100 vehicle trips per day (based on the Institute of Transportation Engineers (ITE) Manual) and with no prospect of connection to other pedestrian facilities, as determined by the Village Board.

⁹ Sidewalk requirements for existing streets being reconstructed may be determined based on the most recent sidewalk and trail map.

SECTION 10: AMENDMENT “Sec 74.6.13 Lots” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 74.6.13 Lots

1. **Generally.** The size, shape, and orientation of lots or condominium building sites shall be appropriate for the location of the land division, subdivision, or condominium development and for the type and intensity of development and use contemplated in the Comprehensive Plan and zoning ordinance. ~~The~~Each lots shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building(s) contemplated.
2. **Regular Lots.** Side lot lines shall be at or near right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines and zoning district boundaries rather than cross them.
3. **Double Frontage Lots.** Double frontage and reverse frontage lots shall be prohibited, except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
4. **Frontage on Public Street.** Every lot of record shall front or abut for a distance of at least 40 feet to a public street to which it may legally take access.
5. **Conformance with Zoning Dimensional Requirements.** Area and width of lots shall conform to zoning ordinance requirements set forth in Article 5 of Chapter 94, where applicable. Whenever a tract is subdivided into large parcels, such parcels shall be arranged and dimensioned as to allow further division of any such parcels into smaller lots.
6. **Lot Depth.** Lots shall have a minimum average depth of 100 feet. Excessive depth in relation to width shall be avoided and a proportion of 2 to 1 shall be considered a desirable ratio under normal conditions. Depth of lots reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and zoning.
7. **Waterfront Lots.** Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed land division, subdivision, or condominium development and the water's edge shall be included as part of lots,

outlots or public dedications in any plat abutting a lake, river, or stream.

8. **Flag Lots.** Flag lots, as defined in Article 13, shall be prohibited within the Village limits, except where pre-existing lot or development patterns necessitates use of a flag lot.

SECTION 11: AMENDMENT “Sec 74.7.02 Determination Of Adequacy Of Public Facilities And Services” of the Weston Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 74.7.02 Determination Of Adequacy Of Public Facilities And Services

1. **Generally.** The appropriate Village approval authority shall not approve a certified survey map, preliminary plat, final plat, or condominium plat unless adequate public facilities and public services are available to meet the needs of the future inhabitants of the proposed land division, subdivision, or condominium development.
2. **Required Data from Subdivider.** With or following the submittal of any preliminary plat, condominium plat, final plat, or certified survey map, the subdivider shall furnish any data requested by the Director of Public Works related to the adequacy of public facilities and public services.
. The Director of Public Works shall work with the Zoning Administrator to transmit this information to appropriate Village staff, commissions, committees, and boards for review. The Zoning Administrator shall act as coordinator for their reports to the appropriate Village approval authority on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space, recreation facilities, and transportation facilities. Failure to submit such data as requested may be grounds for denial of the preliminary plat, condominium plat, final plat, or certified survey map.
3. **Determination Criteria.** Public facilities and public services for a proposed land division, subdivision, or condominium development shall be found to be adequate by the Village approval authority when all of the following conditions exist:
 - a. Where the proposed land division, subdivision, or condominium development is located within a designated Sewer Service Area; main line interceptor sewer service is presently available to the area or is designated for extension; and the land division, subdivision, or condominium development is proposed to connect with such service. The appropriate Village approval authority shall also consider the recommendations of the Director of Public Works on the capacity of interceptor lines and of sewerage treatment facilities.
 - b. Where the proposed land division, subdivision, or condominium development is not located within a designated Sewer Service Area, other acceptable means

- of sanitary waste disposal are provided which will protect the public health, safety, and welfare and meet other applicable ordinance requirements.
- c. Where the proposed land division, subdivision, or condominium development will be serviced by public water service with adequate capacity for the proposed land division, subdivision, or condominium development; and the land division, subdivision or condominium development is proposed to connect with such water service. The appropriate Village approval authority shall consider the recommendations of the Director of Public Works or water utility on water line capacities, water sources, and storage facilities.
 - d. Where the proposed land division, subdivision, or condominium development is not located within an area serviced by public water service with adequate capacity, other acceptable means of water service are provided which adequately protect the public health, safety, and welfare and meet applicable ordinance requirements.
 - e. Adequate facilities are available to insure proper stormwater management, in accordance with Chapter 86, Article 5 of the Weston Municipal Code where applicable.
 - f. Future residents of the proposed land division, subdivision, or condominium development can be assured park, recreation and open space areas, facilities and services which meet the standards of the Comprehensive Plan where applicable.
 - g. Timely and adequate fire, emergency medical, and police protective services can be provided to the future residents and buildings.
 - h. The proposed land division, subdivision, or condominium development is accessible by existing publicly maintained, all weather roads that are adequate to accommodate both existing traffic and new traffic to be generated, or necessary additional roads and road improvements are proposed by the subdivider or otherwise budgeted for construction. The appropriate Village approval authority shall consider recommendations of other consenting agencies and jurisdictions, and such factors as levels of service and average peak use.
4. **Partial Determination of Adequacy.** Where the appropriate Village approval authority determines that one or more public facilities or services are not adequate for the proposed land division, subdivision or condominium development, but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public services being adequate, conditional approval may include only such portions or may specify phasing of the development.

SECTION 12: AMENDMENT “Sec 74.7.03 Development Agreement” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 74.7.03 Development Agreement

1. **Generally.** The subdivider and the Village shall enter into a development agreement which identifies all public improvements the subdivider is required to complete and the timeline for completion. Said agreement shall be in a form and content approved by the Village Administrator and shall bind the subdivider to comply with the requirements of this Chapter and any specification, plans or conditions imposed or approved pursuant thereto. ~~As a condition of the approval of any final plat and (where applicable) certified survey map or condominium plat located within the Village or served by Village infrastructure, the subdivider shall install 100% of the public improvements required by the development agreement or provide a letter of credit in an amount equal to 120% of the cost of the public improvements required by the development agreement.~~
2. **Performance Guarantee.** The subdivider or condominium developer shall file with said development agreement, a letter of credit or performance bond, at the option of the developer, or other surety approved by the Zoning Administrator or Director of Public Works, in an amount equal to 120% of the estimated total to complete the public improvements required by the development agreement. The cost shall be calculated per the procedure in Wis. Stat. § 236.13(2)(am)1d ~~estimated or approved by the Director of Public Works.~~ When a letter of credit is posted as security, the Village must be the beneficiary. When a performance bond is posted, the requirements of Wis. Stat. § 236.13(2)(am)1m., apply.
Such surety shall have a term not exceeding 14 months after substantial completion of the public improvements. For purposes of this Section, substantial completion occurs at the time the binder coat is installed on the roads to be dedicated or, if the required public improvements do not include a road to be dedicated, at the time that 90% of the public improvements by cost are completed. Upon substantial completion of the public improvements, the amount of security the subdivider is required to provide shall be equal to the total cost to complete any uncompleted public improvements plus 10% of the total cost of the completed public improvements. The subdivider may construct the project in such phases as the Village Board approves. If the subdivider's project will be constructed in phases, the amount of any surety required shall be limited to 120% of the cost of the phase of the project that is currently being constructed and any remaining surety obligations from previous phases.
3. **Required Development Agreement Contents.** Each development agreement shall:
 - a. Specify the public improvements required for the land division, subdivision, or condominium plat, and require their construction according to approved engineering plans and specifications.
 - b. Provide that all required improvements shall be completed by the subdivider or condominium developer or his contractors no later than 18 months from the date of Village approval of the engineering plans and specifications for the land division, subdivision, or condominium development, unless otherwise specified in the development agreement or extended by the Village Board. This shall include all required park, recreational, and multiuse path improvements.

- c. Provide for guarantees by the subdivider of all public improvements for not less than one year following final acceptance by the Village, and an additional one year after each replacement of any guaranteed work.
- d. Provide adequate supervision, inspection, testing and regulation of construction schedules and methods.
- e. Outline requirements for acceptance of public improvements by the Village.
- f. Require that contractors engaged in work on public improvements be adequately insured for liability, including workers' compensation liability.
- g. Assure that the subdivider and all contractors agree to indemnify the Village and its professional consultants for any liability arising out of the construction of public improvements.
- h. Provide for the payment of required fees and the dedication of required lands and improvements.
- i. Provide for the reimbursement of the Village for staff time, professional consultant's fees, and other costs incurred in connection with the development of the property.
- j. Provide for the surety to guarantee completion of the public improvements and the other obligations of the subdivider under the agreement ~~or~~ and this Chapter.
- k. Require the subdivider to submit ~~second~~ record drawings in a digital format specified by the Director of Public Works following the completion and acceptance of all public improvements.
- l. Require the subdivider to control weeds and all growth of natural vegetation in a manner consistent with Village ordinances on each lot, outlot, or publicly dedicated parcel until such time as that land is transferred to another entity.
- m. Require that the subdivider be responsible for clearing all soil, vegetation, gravel, and similar construction site debris that is tracked onto public streets during the day on which such tracking occurs.
- n. Require the construction and maintenance of street trees, landscaped buffer yard landscaping and arterial street noise mitigation measures as approved to meet any applicable requirements under this Chapter.
- o. Require the subdivider's compliance with all other Village ordinances, including Chapter 70 (Streets, Sidewalks, and Other Public Places), Chapter 71 (Street Access Controls), and Chapter 86 (Utilities), conditions of approval, and other applicable regulations.
- p. Provide for all required easements, restriction, and other encumbrances to be properly prepared, recorded and maintained.
- q. Include such other provisions as deemed necessary or appropriate by the Zoning Administrator to carry out the intent of this Chapter and other provisions of the Weston Municipal Code applicable to the development. Nothing in this section shall be construed to limit the authority of the Zoning Administrator to require additional or alternative provisions to meet the approval standards contained therein.

SECTION 13: AMENDMENT “Sec 74.7.04 Required Public And Private

Improvements” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 74.7.04 Required Public And Private Improvements

1. **Generally.** To the extent applicable, each subdivider shall construct or provide for public and private infrastructure improvements to the specifications provided in this Section and available from the Director of Public Works within land divisions, subdivisions, and condominium developments in the Village and in the extraterritorial area to the extent allowed by law.
2. **Plans and Specifications.** The improvements listed in this Section shall be constructed in accordance with engineering plans prepared by the subdivider and approved by the Director of Public Works. Such plans and the associated improvements shall comply with applicable ordinances and as specified by the Director of Public Works. The Director of Public Works shall reference the most recent editions and addenda of the following publications: State of Wisconsin Department of Transportation (WisDOT) Standard Specifications for Highway and Structure Construction, WisDOT approved version of the USDOT Federal Highway Administration Manual on Uniform Traffic Control Devices, Standard Specifications for Sewer and Water Construction in Wisconsin (prepared by the Public Works Industry Improvement Program), AASHTO Guide for the Development of Bicycle Facilities, the Village’s Erosion Control and Stormwater Management Requirements, and other appropriate engineering publications when making specifications other than those in Village ordinance. Water supply and sanitary sewer extensions must also comply with applicable sections of Wisconsin Administrative Code
3. **Responsibility.** Except as indicated in this Section or otherwise required by development agreement, the subdivider shall be responsible for all costs for installation of all public infrastructure necessary to serve the land division, subdivision, or condominium development, including the bringing of such infrastructure from where it exists to the division in question as well as providing all infrastructure within the division.
4. **Required Improvements.**
 - a. Survey Monuments. The subdivider shall install survey monuments placed in accordance with the requirements of Wis. Stat. § 236.15, and as the Director of Public Works may require.
 - b. Public Sanitary Sewerage Service. Within a designated Sewer Service Area, the subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the land division, subdivision, or condominium development, except where otherwise approved by the Director of Public Works. The size, type, depth, minimum grade, and installation of all sanitary sewers shall be specified and consistent with design requirements available from the Director of Public Works. Proposed sanitary sewer lines shall extend to the boundary lines of the tract being divided unless prevented by topography or other physical conditions or unless, in the opinion of the Director of Public Works, such extension is not

necessary or desirable for the coordination of the layout of the land division, subdivision, or condominium development or for the advantageous development of the adjacent tracts. The subdivider shall install and complete the installation of sewer laterals to the street lot line prior to any street paving, curbing, or sidewalk construction.

- c. Private On-Site Wastewater Treatment Systems (POWTS). Outside of a designated Sewer Service Area or where public sanitary sewer service is not available in the determination of the Director of Public Works, the subdivider shall make adequate private sewage treatment systems available to each lot within the land division, subdivision, or condominium development as specified or allowed in applicable ordinances, statutes, or regulations, including but not limited to Wis. Admin. Code SPS 383. Private holding tanks

are not permitted within the Village, except under the circumstances described in Section 94.3.03(13) of the zoning ordinance. If a public sanitary sewer project serving the area of the proposed land division is included in the Village's capital improvement program, the subdivider shall install sanitary sewer mains and laterals to the street lot line and shall cap all laterals.

- d. Public Water Supply Service. All new lots within the Village must be connected to public water service where the Director of Public Works determines that it is available in the area of the subdivision, land division, or condominium development. In such cases, the subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the land division, subdivision, or condominium development. The size, type, depth, and installation of all water mains shall be specified and consistent with design requirements available from the Director of Public Works. Proposed water supply mains shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Director of Public Works, such extension is not necessary or desirable for the coordination of the layout of the land division, subdivision, or condominium development or for the advantageous development of the adjacent tracts. The subdivider shall install and complete the installation of water service laterals to the street lot line prior to any street paving, curbing, or sidewalk construction.
- e. Private Water Systems. Where public sanitary sewer service is not available in the determination of the Director of Public Works, the subdivider shall make provision for adequate private water systems as specified by the Village, state, county and/or town. If a public water main project serving the area of the proposed land division is included in the Village's capital improvement program, the subdivider shall install public water mains and laterals to the street lot line and shall cap all laterals.
- f. Stormwater Management Facilities. For land divisions, subdivisions, and condominium plats within the Village, the subdivider shall construct stormwater management facilities in accordance with Chapter 86, Article 5 of the Weston Municipal Code.
- g. Other Utilities. The subdivider shall cause gas, electrical power, telephone,

cable, broadband/fiber optic and other telecommunications facilities to be installed in such a manner as to provide adequate service to each lot in the land division, subdivision, or condominium development. No utilities shall be located on overhead poles, except where underground installation is impossible due to exceptional topography, vegetative conflicts, other physical barrier, or by Village Board approval. Joint trenching for electrical and fiber optic lines is permitted and may be desirable to facilitate transmission.

- h. Street Grading. After the installation of temporary block corner monuments and the above improvements, the subdivider shall grade all streets proposed to be dedicated to the public, including the grading of roadbeds in the street rights-of-way to subgrade.
- i. Curb and Gutter. After the installation of the above improvements, the subdivider shall construct concrete curb and/or gutter at pavement edges in accordance with Village ordinance and design requirements available from the Director of Public Works. This requirement may be waived at the discretion of the Director of Public Works in areas designated for permanent rural use as reflected in the Comprehensive Plan and any Village-adopted stormwater management plan. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts in accordance with Chapter 71. The breaking or cutting of curbs will only be allowed for driveway aprons.
- j. Street Surfacing. After installation of the above utilities, the subdivider shall install base course and surface all roadways in streets proposed to be dedicated to the widths prescribed in Figure 6.06(1) and in accordance with design requirements available from the Director of Public Works. No breaking of new pavement for utility installation or otherwise will be allowed for a period of 5 years from initial placement, unless approved by the Director of Public Works in an emergency.
- k. Sidewalks and Multiuse Paths. Sidewalks and/or multiuse paths shall be constructed in accordance with the requirements of Section 70.108 of the Weston Municipal Code and Section 74.6.11 of this Chapter. Design requirements are available from the Director of Public Works.
- l. Street Lights. The subdivider shall install LED streetlights, or other similar energy efficient lighting as approved by the Director of Public Works, along all streets proposed to be dedicated to the public. Street light design and placement shall be compatible with the neighborhood, the type of development proposed, electric utility requirements, and public maintenance costs. Such lights shall be placed at each street intersection, at each street curve greater than 45 degrees, and at such interior block locations as required by the Director of Public Works.
- m. Street Signs; Regulatory Signs and Pavement Markings. The subdivider shall install at the intersection of all streets proposed to be dedicated a street name sign of a design specified by the Village. The subdivider shall also install regulatory signs and regulatory pavement markings, such as for traffic lanes, bicycle lanes, restricted parking areas, "road closed" signs/barriers, and crosswalks, as determined necessary by the Director of Public Works. The subdivider may propose, and the Village may approve, group development

signs (e.g., subdivision entrance signs) in accordance with Article 9 of the zoning ordinance.

- n. Street Trees. The subdivider shall install at least one street tree at a rate of per lot or one tree per 100 feet ~~for every 50 lineal feet, or fraction thereof,~~ of frontage a property has on a public street right-of-way, whichever is greater. Trees shall be located within the terrace area wherever possible, midway between the sidewalk and curb. Street trees shall be installed in accordance with Section 94.11.02(3)(a) of the zoning ordinance, and placed so as to not conflict with utility installation or traffic visibility. The development agreement may alternatively specify that the subdivider pay a fee to the Village, which in such case the Village shall be responsible for street tree installation.
- o. Driveways. Where driveways are to be provided, the subdivider shall install a hard surfaced driveway from all property lines to the pavement edge of adjacent streets and shall otherwise comply with the applicable requirements of Section 71.5.01 of the Weston Municipal Code and design requirements available from the Director of Public Works. Concrete approaches are required where there is existing curb and gutter and sidewalk or where sidewalk is proposed in the future. In the absence of curb and gutter, concrete approaches are prohibited.
- p. Off-site Improvements. Where the extension of streets and/or utilities from off-site locations is necessary to serve the proposed land division, subdivision, or condominium development, the subdivider shall be required to install such necessary extensions, including providing for perpetual Village access to the extended facilities and obtaining easements, rights-of-ways, and permits necessary for the extended facilities.
- q. Park Improvements. Per Section 74.9.03, where a public park is included in the development.

SECTION 14: AMENDMENT “Sec 74.8.02 Commencement” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 74.8.02 Commencement

Initial site preparation shall meet the applicable provisions of this Article and Chapter 86, Article 5, Division 3 of the Weston Municipal Code. Except for initial site preparation, no construction or installation of improvements shall commence in a proposed land division, subdivision, or condominium development until (a) the certified survey map, final plat, or condominium plat has been approved and recorded, ~~and~~ (b) the Director of Public Works has approved associated engineering plans and given written authorization, and (c) where required, a development agreement has been executed.

SECTION 15: AMENDMENT “Sec 74.8.03 Relationship To Building Permits” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 74.8.03 Relationship To Building Permits

No Village building or zoning permit associated with a land division, subdivision, or condominium development shall be issued until the associated plat or certified survey map is recorded. No Village building permit within the Village shall be issued within a land division, subdivision, or condominium development before the construction and Village acceptance of curb and gutter, binder street pavement, and sidewalks, or other improvement ~~if~~ specified in the development agreement, unless otherwise provided within the development agreement or approved by the Village Board.

SECTION 16: AMENDMENT “Sec 74.9.01 General Provisions” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 74.9.01 General Provisions

1. **Purpose.** The purpose of this Section is to ensure that adequate parks and other recreational sites are properly sized, located, preserved, and improved. This Section has also been established to ensure that the cost of providing the park and recreation sites and facilities necessary to serve the additional people brought into the community by land division and subdivision may be equitably apportioned on the basis of additional needs created by such divisions.
2. **Applicability.** This Section shall apply to all lands divided for new residential dwelling units within the Village. Within the extraterritorial area, if public park and recreation site dedication is not required for residential divisions by another jurisdiction with authority, proposed public parks and recreation sites shall be reserved for acquisition by the applicable town, county, or Village at undeveloped land costs for a period not exceeding 2 years, unless extended by mutual agreement between the subdivider and the local government(s) with potential interest in acquiring the land. The amount of land to be reserved shall be based on the park dedication area requirement in Section 74.9.02.
3. **Park Dedication and Fees, Generally.** The need and location of park and recreation sites to be dedicated shall be determined by the appropriate Village approval authority, following a recommendation from the Parks & Recreation Committee if the division is in the Village. Where park and recreation site dedication is required, the subdivider shall be responsible for improving the park and recreation site under the terms of Section 74.9.03(2). Park and recreation impact fees shall be as specified in Section 74.9.04. ~~Where such authority determines that park and recreation site dedication is not compatible with the Comprehensive Plan or official map, or for other reasons is not~~

~~advised by the Village, the subdivider shall, in lieu thereof, pay a fee to the Village to meet this requirement in whole or on a pro-rata basis. Where park and recreational site dedication is not required, the subdivider shall be responsible for paying a fee to acquire other public park and recreational lands that will benefit the future residents of the division.~~

SECTION 17:AMENDMENT “Sec 74.9.02 Park And Recreational Site Dedication” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 74.9.02 Park And Recreational Site Dedication

1. **Park Dedication Ratio.** Where the dedication of park and recreation sites is required under this Article, the normal amount of park and recreation site dedication shall be based on the type and number of family units to be established in the subdivision times the number of persons per unit, divided by 100 persons per 1.2 acres. The type and number of units authorized shall be determined by applicable zoning ordinance standards for the intended zoning district of the lots, and/or via the development agreement. The following number of persons per unit shall be utilized in such calculations:
 - a. For each single family residence, 3.4 persons per unit
 - b. For each duplex housing unit, 3.1 persons per unit
 - c. For each 1-bedroom multiple family housing unit, 1.9 persons per unit
 - d. For each 2-bedroom multiple family housing unit, 2.8 persons per unit
 - e. For each 3 or more bedroom multiple family housing unit, 3.4 persons per unit
2. **Relationship to Comprehensive Plan and Official Map.** Whenever a public park or recreation site proposed in the Comprehensive Plan, Comprehensive Outdoor Recreation Plan, or official map is embraced, in whole or in part, in a tract of land to be divided, that proposed public park or recreation site shall be dedicated and credited toward the requirements of subsection (1). Where a public park and recreation site as shown on ~~the Comprehensive Plan~~ one or both of these plans or official map within the tract is greater in area than required by dedication under subsection (1), the Village Board may require that the subdivider reserve for acquisition by the Village, through agreement, purchase, or condemnation, the remaining greater park area for a period of 2 years of plat or certified survey map approval unless extended by mutual agreement. Such reserved lands shall be kept in one or more outlots to be held by the subdivider. Over that period, the Village shall have the ability to negotiate the purchase of said land at undeveloped land prices.
3. **Other Locational Criteria.** The dedicated site shall be located so as to serve the recreation and open space needs of the division or condominium development from which the dedication was made. Consideration shall be given in the location of existing natural and cultural features as documented on the preliminary plat, as required by Section 74.3.01(2)(b). All lands proposed to be dedicated for park

purposes shall be demonstrated to present no environmental hazard, and that they will not require environmental mitigation or remediation measures, through a phase one environmental assessment provided by the subdivider or as otherwise may be approved by the Director of Public Works.

4. **Access.** Public access to all park and recreation sites shall be provided by street frontage of sufficient width to assure safe, convenient access to the dedicated land, with a minimum public street frontage of no less than 15% of the perimeter of the park. In unique situations, the Village approval authority may permit access via public access easement to the dedicated site. The easement shall be sufficiently wide so that the public and maintenance equipment will have convenient access to the site.
5. **Usability.** The dedicated land for recreation shall be usable, as defined in Article 13. Lands dedicated for stormwater management shall not be credited towards the park and recreation site dedication requirement. Wetlands or sloped areas may be considered usable for recreational purposes at the discretion of the approval authority. The shape of the dedicated parcel of land shall be sufficiently square or round to be usable for recreational activities planned for the area or the type of park intended. If the Village Board determines that a proposed dedication meets some but not all of the usability criteria in this subsection, it may approve acceptance of that land with partial credit to the parkland dedication requirement in subsection (1) in proportion to the extent of usability.
6. **Settlement by Land Dedication or Deed.** If the Village Board accepts land, which is included within the area of the plat or CSM, such land shall be identified as a dedication to the public and the recording of any such plat or map shall be deemed a sufficient conveyance to vest fee simple title of all lands so marked or noted to the Village as set forth in Wis. Stats. §§ 236.29 and 236.34. If the Board accepts land which is outside the boundary of either a subdivision plat or certified survey map, such land shall be deeded to the Village prior to the recording of the associated plat or CSM. Where deemed appropriate by the Village Board, parcels of land dedicated or deeded under this Section may be traded or sold to facilitate the acquisition of more suitable tracts of parkland.

SECTION 18: **AMENDMENT** “Sec 74.9.03 Improvement Of Dedicated Park And Recreational Sites” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 74.9.03 Improvement Of Dedicated Park And Recreational Sites

1. **Generally.** Where a public park or recreational site is to be dedicated within a plat or certified survey map, it shall be the responsibility of the subdivider to improve the park or recreational site in accordance with this Section.
2. **Improvement Standards.** When public park and recreation lands are dedicated to the Village, prior to final Village acceptance of such lands, the subdivider may be required

to:

- a. Properly grade and contour for proper drainage.
 - b. Provide surface contour suitable for anticipated use of area.
 - c. Cover areas to be seeded with a minimum of 6 inches of quality topsoil, seed ~~as specified by the Director of Public Works~~, fertilizer ~~with 16-6-6 at a rate of 7 pounds per one 1,000 square feet~~, and mulched, as specified in the “Standard Specifications for Highway and Structure Construction, Sections 627 and 629.” or by the Director of Public Works. The topsoil furnished for the park or recreational site shall consist of the natural loam, sandy loam, silt loam, silty clay loam, or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline. Fine grading and seeding must occur within 18 months following execution of the development agreement, unless otherwise authorized by the Village Board. The improved area shall not be deemed officially accepted until a uniform groundcover to a minimum 2-inch height has been established.
 - d. For natural areas included within a dedicated park or recreational site, restore the land to a natural state to the extent practicable and necessary.
 - e. For each neighborhood park, provide a standard residential water service of a size specified by the Director of Public Works and provide a standard 4-inch diameter residential sewer service. For each community park, provide a minimum 6-inch water service and at least 1 fire hydrant, and at least one 4-inch sanitary sewer lateral, all located at the street property line.
 - f. In cases where private lots adjoin the public park and recreational site, grade, sign, and/or landscape the area along such property lines to clearly demarcate the borders between private lots and the public site.
3. **Maintenance.** The subdivider shall maintain the park or recreational site until the Village accepts its dedication, which shall include all watering, mowing, and other maintenance to maintain a neat, clean, and living appearance. It shall be the responsibility of the Village to maintain the dedicated areas upon their dedication and acceptance by the Village.
4. **Failure to Complete.** If the subdivider fails to satisfy the requirements of this Section in a timeframe specified by the development agreement, the Village Board may contract said completion and bill such costs to the subdivider, following a public hearing and written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of building permits within the division until such costs are paid.

SECTION 19: **AMENDMENT** “Sec 74.9.04: Fee In Lieu Of Park Dedication And Recreation Fees” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 74.9.04: ~~Fee In Lieu Of Park Dedication And Recreation Fees~~ Park and Recreation Impact Fee

1. ~~Fee Amount.~~ Purpose. This section is intended to impose a park and recreation impact fee for new dwelling units constructed within the Village limits. Such fee is intended to finance the acquisition and improvement of park and recreational facilities, the demand for which is generated by new dwelling units. Collected fees shall be used to finance capital costs for new, enlarged, or improved capital improvements that substantially benefit those dwelling units that pay the fees. The park and recreation improvement impact fee described in this section has been imposed under, and are authorized by, Wis. Stat. § 66.0617, which is Wisconsin's authorizing legislation for development impact fees.
2. Timing. The impact fee described in this section shall be paid at the time of issuance of each building permit, except where a development agreement specifies fee payment at an earlier date. As used in this subsection, the term "building permit" shall not include permits required for remodeling, rehabilitation, or other improvements to an existing structure, or for rebuilding or replacing a removed, damaged, or destroyed structure, where no increase in the number of dwelling units results.
3. Fee Amounts. The park and recreation impact fee shall be \$300 per single family residential unit and \$250 per duplex or multiple family unit.
4. Basis. The fee amounts in subsection (3) are within the maximum allowable amounts calculated in a public facility needs assessment adopted pursuant to Resolution 2022-015 and on file with the Village Clerk. The adopted needs assessment shall also be used as the basis for expenditure of collected impact fees pursuant to this section. At the time the Village collects the impact fee, it shall provide to the applicant from which it received the fee an accounting of how the fee will be spent, which may consist of the needs assessment or a summary thereof.
~~Settlement by Fee Payment. If fees are accepted, they are to be paid in a lump sum prior to the recording of a final plat or CSM.~~
5. Accounting. The Village Treasurer shall place all collected impact fees in a segregated interest-bearing account, which shall be accounted for separately from other Village funds. Each collected fee shall be identified by parcel number and date paid within the fund. Impact fee revenues and interest earned on impact fee revenues may be expended only for the particular capital costs for which the impact fee was imposed, unless the fee is refunded under subsection (8).
6. Potential Waiver or Reduction. Apart from the waiver process in Article 12, the fee amounts under subsection (3) may be waived or reduced by the Zoning Administrator, following authorization from the Village Board, in one or more of the following circumstances:
 - a. Where the development that includes the dwelling unit improved public park land pursuant to the requirement in Sections 74.9.02 and 74.9.03, with the reduction proportionate to the extent that the full park and recreation impact fee requirement was met by such improvements.
 - b. Where the development within which the dwelling unit is located provided

private recreational improvements as described in Section 74.9.05, to any extent the Village Board approved a park and recreation impact fee credit for such provision.

For any waiver or reduction associated with a development approved after September 1, 2022, the Village Board shall have first entered into a development agreement with the developer, which shall specify the recreation improvements to be provided, the cost thereof, and the amount of credit granted against the total impact fee. In no event shall the Village provide a credit that is greater than either the total impact fee otherwise due
7. or the value of the improvements provided. Any decision to allow a developer to provide recreation improvements in lieu of or to reduce the impact fee shall rest in the sole discretion of the Village Board.

8. Refunds. Any collected impact fee that is not used within 8 years after it is collected to pay the capital costs for which it was imposed shall be refunded to the payer of such fee, along with any interest that has accumulated.
9. Appeals. A developer or an applicant for a building permit may appeal the amount, collection, or use of the impact fee, and any property owner may appeal a decision on a claim for refund of unexpended impact fees, under the provisions of Wis. Stats. Chapter 68. If the notice of appeal challenges the imposition of an impact fee, or the amount imposed, the developer or applicant may pay the fees imposed under protest and the building inspector shall issue any building permits withheld solely due to the nonpayment of the fees. If the applicant prevails on appeal, the Village Treasurer shall refund that portion of the fees so paid as finally determined in the appeal process.
~~Use of Fees. Revenues received from any person shall be deposited in a special account for parks and recreation facilities and shall be used exclusively for such purposes in the Village.~~

SECTION 20: **AMENDMENT** “Sec 94.16.18 Fees” of the Weston Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 94.16.18 Fees

1. **Payment of Fees for Procedures.** The fees for the procedures and permits established by this Chapter are established per a fee schedule approved by the Village Board, as amended from time to time, or under other related sections of the Municipal Code.
2. **Fees for Procedures Requested by the Village.** There shall be no fee in the case of applications filed in the public interest by the Village Board, Plan Commission, Extraterritorial Zoning Committee, or other agency or official of the Village.
3. **Payment of Fees.** Fees shall be payable at the time applications are filed with the appropriate officer of the Village (per the requirements of this Chapter) and are not refundable.
4. **Reimbursable Costs.** The Zoning Administrator, Village Engineer, Public Works Director, Village Attorney, Village Administrator, Building Inspector, and other Village staff and consultants may expend time in the investigation and processing of procedures regulated by this Chapter. The Village may also retain the services of other professional consultants including but not limited to landscape architects, planners, engineers, architects, environmental specialists, and recreation specialists in the administration, investigation, and processing of such matters. Any person, firm, or corporation requesting action by the Village on matters under this Chapter may be required to reimburse the Village for staff time expended in the administration, investigation, and processing of applications for such permits or amendments and the

cost to the Village charged by any professional consultant retained by the Village on any such matter.

5. **Park and Recreation Impact Land Fees.** Where the appropriate Village approval authority determines that park and recreation impact fee shall be paid, such fee shall be determined and paid pursuant to Section 74.9.04 of this Code.

~~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. **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. **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. **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: $A \times B = \text{Park Fee}$ 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. **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. **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 21: 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 22: EFFECTIVE DATE EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.


SECTION 23: Dated this 15th day of August 2022.

PASSED AND ADOPTED BY THE VILLAGE OF WESTON BOARD OF TRUSTEES
AUGUST 18, 2022.

	AYE	NAY	ABSENT	ABSTAIN
Mark Maloney	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Barbara Ermeling	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Nathan Fiene	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Hooshang Zeyghami	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Steve Cronin	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Jamie Weiland	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Jasper Hartinger	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



Mark Maloney, Village President,
Village of Weston



Pamela Brehm, Village Clerk, Village
of Weston

