



Proposal:

An Ordinance Repealing Article XVI of the Zoning Code Relating To Comprehensive Plan and Creating a New Article XVI Of The Zoning Code Named XVI. Shoreland-Wetland Regulations and Provisions in its Place and Creating a New Article XVII of the Zoning Code Named Comprehensive Plan

Proposed By:

Jennifer Higgins, Director of Planning and Development

Committee Action:

Prior Consideration:

None. It was decided that in the zoning code update, the Shoreland Ordinance and Shoreland Wetland Ordinances would be broken into two separate Articles instead of one as our code currently is. Currently the DNR have separate model ordinances for each so it was decided we should transition to this also. Based on our current Article layout, we don't have room to do this without creating a new Article for the Comprehensive Plan ordinance. Staff has worked with the DNR on a new Shoreland-Wetland Ordinance, however, the DNR recently contacted us to let us know there were issues with their model ordinance for shoreland-wetland which needed to be worked out by their legal department. Since the hearing was already set and we wanted to move the Shoreland Ordinance along, we are asking the Plan Commission to approve an ordinance which will move the current shoreland-wetland ordinance language out of Article XV Shoreland and into a new Article XVI which would be renamed Shoreland-Wetland Regulations and Provisions. We are also asking the Plan Commission to move the Comprehensive Plan ordinance language that used to be in Article XVI Comprehensive Plan to a new Article we would create called XVII Comprehensive Plan.

Recommendation:

Staff recommends the Plan Commission approve as proposed and forward on to the Village Board for consideration and approvals at their 8/18/14.

**VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN
AN ORDINANCE REPEALING ARTICLE XVI OF THE ZONING CODE RELATING TO
COMPREHENSIVE PLAN AND CREATING A NEW ARTICLE XVI OF THE ZONING CODE
NAMED XVI. SHORELAND-WETLAND REGULATIONS AND PROVISIONS IN ITS PLACE
AND CREATING A NEW ARTICLE XVII OF THE ZONING CODE NAMED
COMPREHENSIVE PLAN**

The VILLAGE BOARD OF THE VILLAGE OF WESTON, Marathon County, Wisconsin, do ordain as follows:

SECTION 1: Article XVI of the Municipal Code of the Village of Weston relating to COMPREHENSIVE PLAN is hereby repealed, amended and recreated as a new Article XVI SHORELAND-WETLAND REGULATIONS AND PROVISIONS to provide as follows AND a new Article XVII COMPREHENSIVE PLAN of the Municipal Code of the Village of Weston is hereby created to provide as follows:

ARTICLE XVI SHORELAND-WETLAND REGULATIONS AND PROVISIONS

Sec. 94.300. Shoreland-wetland zoning provisions.

(a) *Statutory authorization.* This article is adopted pursuant to the authorization in Wis. Stats. §§ 61.35, 61.351, 87.30 and 281.31.

(b) *Finding of fact and purpose.* Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of the village would adversely affect the public health, safety, convenience and general welfare, and impair the tax base. The state legislature has delegated responsibility to all municipalities to:

- (1) Promote the public health, safety, convenience and general welfare;
- (2) Maintain the stormwater and floodwater storage capacity of wetlands;
- (3) Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (4) Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habits;
- (5) Prohibit certain uses detrimental to the shoreland-wetland area; and
- (6) Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earth-moving activities.

(Ord. No. 17-98-1, § 1(e), 11-16-1998)

Sec. 94.301. General shoreland-wetland provisions.

(a) *Compliance.* The use of wetlands and the alteration of wetlands within the shoreland area of the village shall be in full compliance with the terms of this article and other applicable local, state or federal regulations. (However, see section 94.302(f) for the standards applicable to nonconforming uses.) All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this article.

(b) *Municipalities and state agencies regulated.* Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this article and obtain all necessary permits. State agencies are required to comply if Wis. Stats. § 13.48(13) applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the state department of transportation are exempt when Wis. Stats. § 30.12(4) (a) applies.

(c) *Abrogation and greater restrictions.*

- (1) This article supersedes all the provisions of any municipal zoning ordinance enacted under Wis. Stats. §§ 61.35 or 87.30 which relate to floodplains and shoreland-wetlands, except that where another municipal zoning ordinance is more restrictive than this article, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

- (2) This article is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this article imposes greater restrictions, the provisions of this article shall prevail.

(d) *Interpretation.* In their interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the village and shall not be deemed a limitation or repeal of any other powers granted by the state statutes. Where a provision of this article is required by a standard in Wis. Admin. Code NR ch. 117, and where the article provision is unclear, such provision shall be interpreted in light of the Wis. Admin. Code NR ch. 117 standards in effect on the date of the adoption of this article or in effect on the date of the most recent text amendment to this article.

(e) *Annexed areas.* The county shoreland zoning provision in effect on the date of annexation remain in effect administered by the village for all areas annexed by the village after May 7, 1982. These annexed lands are described on the village's official zoning map. The county shoreland zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the village zoning administrator.

(Ord. No. 17-98-1, § 1(e), 11-16-1998)

Sec. 94.302. Shoreland-wetland zoning district.

(a) *Shoreland-wetland zoning maps.* The following maps are hereby adopted and made part of this article and are on file in the office of the municipal clerk:

- (1) State wetland inventory maps stamped "final" on August 25, 1989.
- (2) Floodplain zoning maps based on the FIS, Flood Insurance Rate Map (FIRM), panel numbers 55073C0411F, 55073C0412F, 55073C0413F, 55073C0416F, 55073C0417F, 55073C0418F, 55073C0419F, 55073C0438F, 55073C0652F, 55073C0660F, 55073C0700F of 1000, community panel number 550323, dated July 22, 2010; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated July 22, 2010, Volume number 55073CV000A..
- (3) Zoning map titled "Zoning District Map, Village of Weston, Marathon County, Wisconsin."

(b) *District boundaries.*

- (1) The shoreland-wetland zoning district includes all wetlands in the village which are five acres or more and are shown on the final wetland inventory map that has been adopted and made a part of this article and which are:
 - a. Within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the village shall be presumed to be navigable if they are

shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this article.

- b. Within 300 feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this article. Floodplain zoning maps adopted in section 94.302(a)(2) shall be used to determine the extent of floodplain areas.
- (2) Determinations of navigability and ordinary high-water mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate district office of the department for a final determination of navigability or ordinary high-water mark.
- (3) When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official zoning maps and actual field conditions at the time the maps were adopted, the zoning administrator shall contact the appropriate district office of the department to determine if the shoreland-wetland district boundary as mapped, is in error. If department staff concur with the zoning administrator that a particular area was incorrectly mapped as a wetland, the zoning administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors or acknowledge exempted wetlands designated in this section, the zoning administrator shall be responsible for initiating a map amendment within a reasonable period.

(c) *Filled wetlands; wetlands landward of a bulkhead line.* Wetlands which were filled prior to January 27, 1983, the date on which the village received final wetland inventory maps, in a manner which affects their wetland characteristics to the extent that the area can no longer be defined as wetland, are not subject to this article. Wetlands located between the original ordinary high-water mark and a bulkhead line established prior to May 7, 1982, under Wis. Stats. § 30.11, are not subject to this article.

(d) *Permitted uses.* The following uses are permitted subject to the provisions of Wis. Stats. chs. 30 and 31 and the provisions of other local, state and federal laws, if applicable:

- (1) Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:
 - a. Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating;
 - b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is no injurious to the natural reproduction of such crops;
 - c. The practice of silviculture, including the planting, thinning and harvesting of timber;

- d. The pasturing of livestock;
 - e. The cultivation of agriculture crops; and
 - f. The construction and maintenance of duck blinds.
- (2) Uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided as follows:
- a. The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
 - b. The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
 - c. The maintenance and repair of existing drainage systems to restore preexisting levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;
 - d. The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 - e. The construction and maintenance of piers, docks, walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary such construction or maintenance;
 - f. The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district, provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in this section; and
 - g. The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- (3) Uses which are allowed upon the issuance of a conditional use permit and which may include wetland alterations only to the extent specifically provided as follows:
- a. The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under this section, provided that:
 - 1. The road cannot, as a practical matter, be located outside the wetland;

2. The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in this section;
 3. The road is designed and constructed with the minimum cross sectional area practical to serve the intended use;
 4. Road construction activities are carried out in the immediate area of the roadbed only; and
 5. Any wetland alteration must be necessary for the construction or maintenance of the road.
- b. The construction and maintenance of nonresidential buildings, provided that:
1. The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;
 2. The building cannot, as a practical matter, be located outside the wetland;
 3. The building does not exceed 500 square feet in floor area; and
 4. Only limited filling and excavating necessary to provide structural support for the building is allowed.
- c. The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:
1. Any private development allowed under this subsection (d)(3)c of this section shall be used exclusively for the permitted purpose;
 2. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;
 3. The construction and maintenance of roads necessary for the uses permitted under this subsection (d)(3)c are allowed only where such construction and maintenance meets the criteria in this section; and
 4. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

d. The construction and maintenance of electric and telephone transmission lines, water, and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad liens, provided that:

1. The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
2. Only limited filling or excavating necessary for such construction or maintenance is allowed; and
3. Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in this article.

(e) *Prohibited uses.*

- (1) Any use not listed in subsection (d) of this section is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this article in accordance with subsection (g) of this section.
- (2) The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

(f) *Nonconforming structures and uses.* The lawful use of a building, structure or property which existed at the time the ordinance from which this article is derived, or an applicable amendment to this article, took effect and which is not in conformity with the provisions of this article, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:

- (1) The shoreland-wetland provisions of this article authorized by Wis. Stats. § 61.351 shall not limit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure or of any environmental control facility related to such a structure in existence on the effective date of the shoreland-wetland provisions. All other modifications to nonconforming structures are subject to Wis. Stats. §62.23(7)(h) which limits total lifetime structural repairs and alterations to 50 percent of current fair market value.
- (2) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, any future use of the building, structure or property shall conform to this article.
- (3) Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this article adopted under Wis. Stats. §§ 61.351 or 62.231 may be continued although such use does not conform to the provisions of this article. However, such nonconforming use may not be extended.

(4) The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of Wis. Stats. § 30.121.

(5) Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

(g) *Amending shoreland-wetland zoning regulations.*

(1) The board may alter, supplement or change the district boundaries and the regulations contained in this article in accordance with the requirements of Wis. Stats. §62.23(7)(d)2., Wis. Admin. Code NR ch. 117 and the following:

(2) A copy of each proposed text or map amendment shall be submitted to the appropriate regional office of the department within five days of the submission of the proposed amendment to the municipal planning agency;

(3) All proposed text and map amendments to the shoreland-wetland zoning regulations shall be referred to the municipal planning agency, and a public hearing shall be held after class 2 notice as required by Wis. Stats. § 62.23(7)(d)2. The appropriate regional office of the department shall be provided with written notice of the public hearing at least ten days prior to such hearing.

(4) In order to ensure that this article will remain consistent with the shoreland protection objectives of Wis. Stats. § 281.31, the board may not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:

a. Stormwater and floodwater storage capacity;

b. Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;

c. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

d. Shoreline protection against erosion;

e. Fish spawning, breeding, nursery or feeding grounds;

f. Wildlife habitat; or

g. Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.

- (5) Where the regional office of the department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in subsection (g)(4) of this section, the department shall so notify the village of its determination either prior to or during the public hearing held on the proposed amendment.
- (6) The appropriate district office of the department shall be provided with:
- a. A copy of the recommendation and report, if any, of the municipal planning agency on a proposed text or map amendment, within ten days after the submission of those recommendations to the board.
 - b. Written notice of the action on the proposed text or map amendment within ten days after the action is taken.
- (7) If the department notifies the municipal planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in subsection (g)(4) of this section that proposed amendment, if approved by the board, shall not become effective until more than 30 days have elapsed since written notice of the municipal approval was mailed to the department, as required by subsection (g)(6) of this section. If within the 30 day period, the department notifies the village that the department intends to adopt a superseding shoreland-wetland zoning article for the village as provided by Wis. Stats. §62.231(6) and 61.351(6), the proposed amendment shall not become effective until the article adoption procedure under Wis. Stats. § 62.231(6) or 61.351(6), is completed or otherwise terminated.

ARTICLE XVII COMPREHENSIVE PLAN

Sec. 94.400 Intent

The purpose of this ordinance is to establish the Village of Weston Comprehensive Plan as the Official Comprehensive Plan of the Village, as defined by Wisconsin Statutes. The Comprehensive Plan is intended to promote public health, safety, and welfare of the Village by effectively guiding long-range growth and development within the Village and its statutory extraterritorial planning jurisdiction. The Comprehensive Plan provides goals, objectives, policies, and recommendations for future land use, transportation, housing, economic development, utilities, community facilities, agricultural resources, natural resources, cultural resources, intergovernmental relations, and implementation. Implementation of the Comprehensive Plan is accomplished through other sections of the Village Code of Ordinances, more detailed plans, public investments, private development decisions, intergovernmental cooperation, and citizen involvement.

Sec. 94.401 Statutory authority.

The authority for the Village of Weston to prepare and adopt a Comprehensive Plan is established under ss. 62.23 and 66.1001, Wisconsin Statutes. Section 66.1001(2) specifies the required contents of a Comprehensive Plan.

Sec. 94.402 Adoption of plan.

The Village of Weston Comprehensive Plan, adopted by resolution of the Plan Commission on February 13, 2006, and by ordinance of the Village Board on April 3, 2006, is the official Comprehensive Plan of the Village of Weston. The above-mentioned Comprehensive Plan supersedes and replaces all Comprehensive Plans previously adopted by the Village, except as explicitly provided for in the Comprehensive Plan document or under Sec. 94.404 below. The text, maps, tables, graphics, goals, objectives, policies, and recommendations of the adopted Comprehensive Plan are intended to serve as a guide as the Village undertakes subsequent actions to implement the plan, except as otherwise provided for under Wisconsin Statutes.

Sec. 94.403 Distribution of plan.

Per s. 66.1001(4)(b) of the Wisconsin Statutes, following adoption of the Comprehensive Plan, the Village shall send a copy of the adopting ordinance and the adopted Comprehensive Plan document to all of the following:

- 1) Every governmental body that is located in whole or in part within the boundaries of the Village.
- 2) The clerk of every local governmental unit that is adjacent to the Village, including every town, city, village, county, and regional planning commission
- 3) The Wisconsin Department of Administration.
- 4) The Marathon County Public Library – Wausau Headquarters.

Sec. 94.404 Detailed components of and amendments to Comprehensive Plan.

Sections 62.23(2) and 66.1001(4) of Wisconsin Statutes provide that the Village may from time to time amend, extend or add to the Comprehensive (Master) Plan or carry out any part of the subject matter in greater detail. The following are more detailed components of and amendments to the Village Comprehensive Plan, which shall therefore have the same force and effect as the adopted Comprehensive Plan.

Sec. 94.405 Comprehensive Plan Amendment Procedures.

The purpose of this Section is to provide procedures and criteria for amending and updating the Village of Weston Comprehensive Plan. Comprehensive plan amendments may involve changes in the written text or policies of the plan, to the Future Land Use Map, or to supporting documents. Comprehensive plan amendments will be reviewed in accordance with this chapter, the state Comprehensive Planning Statutes §66.1001, the goals, objectives and policies of the Comprehensive Plan, intergovernmental agreements, official population growth forecasts and growth indicators. Nothing in this Section shall be construed to limit the legislative authority of the Village to consider and adopt amendments and revisions to the Village of Weston Comprehensive Plan or the Village's development regulations. Amendments may, for example, propose new or amend existing sections, elements, appendices, goals, objectives or policies of the plan; be site specific; correct errors; edit language or change the maps. Except in the event of an emergency, as determined by the Village Board by resolution, plan amendments will be considered only once per calendar year so that the cumulative effects of all proposed amendments can be analyzed for consistency and the overall effect on the remainder of the comprehensive plan.

Sec. 94.406 Applicability.

(a) The criteria and requirements of this Section shall apply to all applications or proposals for changes to the comprehensive plan text, policies, map designations, area-wide rezones or supporting documents unless specifically exempted. The following types of Comprehensive Plan amendments may be considered through the Comprehensive Plan amendment process:

- (1) Future Land Use map changes including land use, urban growth boundaries and mineral resources;
- (2) Minor technical Future Land Use map corrections;
- (3) Future Land Use or other text changes.

(b) The criteria of this Section shall apply to Comprehensive Plan amendments no more frequently than once a year except that amendments may be considered more frequently for special circumstances, per Village Board of Trustee authorization. These include:

- (1) Amendments necessary to address new requirements per state comprehensive planning statutes;
- (2) Amendments necessary to address an emergency situation, as determined by the Village Board;
- (3) Amendments required to resolve an appeal of a comprehensive plan or amendment filed with the court.
- (4) Amendments deemed necessary to address changing land use needs and circumstances.

Sec. 94.407 Procedures.

- (1) Applications for all Comprehensive Plan amendments shall be considered legislative actions and subject to the procedures in this section.
- (2) Applications shall be submitted in writing by July 15th, using Village provided applications, in order to be considered if amendments will be addressed in that year's process.
- (3) Site-specific Future Land Use map changes may be initiated by the property owner(s) through a fee-paid application process. The Plan Commission or Village staff shall docket all site-specific Future Land Use map amendment requests for further staff review and consideration if the amendment is appropriate as indicated in Section Sec. 94.406 (a) and (b).
- (4) All other map and text amendments shall be suggested by the Plan Commission and/or Village Board, including Village staff using the appropriate forms.
- (5) Village staff will submit all proposed amendments received during the period specified in Sec. 94.407 (2) of this chapter to the Planning Commission at their meetings in August. The Plan Commission shall make a recommendation to the Village Staff, which proposed amendments should be considered for further review. A suggested amendment will not be docketed for further processing if the Plan Commission and Plan Commission staff determines that an application is incomplete. The Plan Commission may modify a proposed amendment during the selection process. Depending upon the number and nature of the proposed amendments, the Plan Commission may hold a public hearing before it decides which proposed amendments should be recommended for consideration. Notice of the hearing shall be given by publication of a Class 1 Notice. In the case of a site-specific Future Land Use map change, written notification must also be served on all adjacent property owners within 100 feet of the site of application.
- (6) The Plan Commission shall provide an opportunity for public comment regarding the suggested text and Future Land Use map changes, and review them to determine whether

they should be recommended to the Village Board as part of the current year's amendment cycle.

- (7) Plan Commission review of proposed amendments will be held during the months of August and September.
- (8) After thorough consideration of the proposed amendments, the Plan Commission shall recommend the approval of any proposed amendment to the Village Board by the adoption of a resolution.
- (9) Following the notification of the proposed amendments to all required units of government outlined in §66.1001 (4) (b) and after the required 30 day review period the Village Board shall hold a public hearing for the purpose of receiving public comment regarding the merits of the proposed amendments that have been recommended by resolution by the Village Plan Commission.
- (10) All proposed amendments approved by the Village Board must be adopted by ordinance.

Sec. 94.408 Approval Criteria.

(a) The following criteria shall be considered in any review and approval of amendments to the Village of Weston Comprehensive Plan and Future Land Use map:

- (1) The change is consistent with the overall goals and objectives of the Village of Weston Comprehensive Plan.
- (2) The proposed amendment advances goals, policies and objectives of the Comprehensive Plan.
- (3) Consideration of the previous record if the amendment was reviewed and denied during a previous comprehensive plan review.
- (4) The change does not create an adverse impact on public facilities and services that cannot be mitigated.
- (5) Development resulting from the change does not create an undue or adverse impact on surrounding properties. Such development should be consistent with the physical character of the surrounding neighborhood or would upgrade and improve its viability.
- (6) The change allows a more viable transition to the planned uses on adjacent properties than the current land use.
- (7) The change does not have a significant adverse impact on the natural environment including trees, slopes and groundwater, or the impact could be mitigated by improvements on the site or in the same vicinity.
- (8) There is a change in Village actions or neighborhood characteristics that would justify a change.
- (9) The change corrects an error made in the original plan.
- (10) There is a community or regional need identified in the comprehensive plan for the proposed land use or service.
- (11) The proposed relationship of the proposed amendment to other village codes and regulations.
- (12) The change does not adversely impact any landmarks or other historically significant structures or properties unless mitigated through relocation, commemoration or dedication.

(b) To change a designation, the proposed Future Land Use map amendment must do one of the following:

- (1) Respond to a substantial change in conditions beyond the property owner's control applicable to the area within which the subject property lies; or

- (2) Better implement applicable comprehensive plan polices than the current map designation; or
- (3) Correct an obvious mapping error; or
- (4) Address an identified deficiency in the Comprehensive Plan.

(c) Comprehensive Plan amendment(s) shall be consistent with Village Planning Policies and the Village of Weston Comprehensive Plan goals, objectives and policies.

Sec. 94.409 Submittal Requirements.

All requests for Comprehensive Plan amendments shall be made in writing and shall include the following information. Applications not containing the required information will be returned to the applicant to be completed and resubmitted prior to the deadline of July 15th.

(a) Future Land Use map amendments:

- (1) Completed application form, provided by the Village, signed by the legal owner or by a representative authorized to do so by written instrument submitted with the form.
- (2) Parcel numbers and legal description(s) of the subject property.
- (3) Maps(s) of the subject property, which indicate existing buildings, roads, critical areas, and the land use of the adjacent properties, to be provided in 11” by 17” format to a standard engineering scale. (i.e.: 1:40)
- (4) Maps indicating the current and proposed land use designations, to be provided in 11” by 17” format to a standard engineering scale. (i.e.: 1:40)
- (5) Information regarding the property including existing land use, access to sewer and water, and availability of public facilities such as schools, fire and police services.
- (6) Written narrative stating the reasons for the request for the Comprehensive Plan amendment and how the proposed Comprehensive Plan amendment meets the criteria in 94.408.
- (7) Completed and signed checklist.

(b) Comprehensive Plan text amendments:

- (1) Completed and signed request form;
- (2) Suggested amendment indicating the Chapter and Section location;
- (3) Written narrative including the reasons for the suggested amendment and how the proposed amendment meets the criteria in 94.408, and;
- (4) Any supporting documentation.

Sec. 94.410 Distribution of plan amendments.

Per s. 66.1001(4)(b) of the Wisconsin Statutes, following adoption of any amendments to the Comprehensive Plan, the Village shall send a copy of the adopting ordinance and the adopted amendments to Comprehensive Plan document to all of the following:

- 1) Every governmental body that is located in whole or in part within the boundaries of the Village.
- 2) The clerk of every local governmental unit that is adjacent to the Village, including every town, city, village, county, and regional planning commission
- 3) The Wisconsin Department of Administration.
- 4) The Marathon County Public Library – Wausau Headquarters.

Sec. 94.411 Revocation.

The Comprehensive Plan amendment may be reversed by the Village Board outside the regular amendment period upon the findings of any of the following:

- 1) The approval was obtained by fraud or other intentional or misleading representations; or
- 2) The amendment is being implemented contrary to the intended purpose of the amendment or other provisions of the Comprehensive Plan and Village ordinances; or
- 3) The amendment is being implemented in a manner that is detrimental to the public health or safety.

SECTION 2: If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is found invalid or unconstitutional by a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 3: All Ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: This Ordinance shall be in full force and effect from and after its date of passage and publication as provided by law.

WESTON VILLAGE BOARD

By: _____
Loren White, its President

Attest:

Sherry Weinkauff, its Clerk

RECOMMENDED FOR APPROVAL BY THE PLAN COMMISSION: _____

APPROVED: _____

PUBLISHED: _____

Sec. 94.228300. Shoreland-wetland zoning provisions.

(a) *Statutory authorization.* This article is adopted pursuant to the authorization in Wis. Stats. §§ 61.35, 61.351, 87.30 and 281.31.

(b) *Finding of fact and purpose.* Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of the village would adversely affect the public health, safety, convenience and general welfare, and impair the tax base. The state legislature has delegated responsibility to all municipalities to:

- (1) Promote the public health, safety, convenience and general welfare;
- (2) Maintain the stormwater and floodwater storage capacity of wetlands;
- (3) Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (4) Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habits;
- (5) Prohibit certain uses detrimental to the shoreland-wetland area; and
- (6) Preserve shore cover and natural beauty by restricting the removal of natural shoreland
~~—_cover and controlling shoreland-wetland excavation, filling and other earth-moving~~
~~—activitiesmoving activities.~~

(Ord. No. 17-98-1, § 1(e), 11-16-1998)

Sec. 94.229301. General shoreland-wetland provisions.

(a) *Compliance.* The use of wetlands and the alteration of wetlands within the shoreland area of the village shall be in full compliance with the terms of this article and other applicable local, state or federal regulations. (However, see section 94.230302(f) for the standards applicable to nonconforming uses.) All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this article.

(b) *Municipalities and state agencies regulated.* Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this article and obtain all necessary permits. State agencies are required to comply if Wis. Stats. § 13.48(13) applies. The

construction, reconstruction, maintenance and repair of state highways and bridges by the state department of transportation are exempt when Wis. Stats. § 30.12(4) (a) applies.

(c) *Abrogation and greater restrictions.*

(1) This article supersedes all the provisions of any municipal zoning ordinance enacted ~~under Wis. Stats. §§ 61.35 or 87.30 which relate to floodplains and shoreland-wetlands,~~
~~except that where another municipal zoning ordinance is more restrictive than this article, that ordinance shall continue in full force and effect to the extent of the greater~~
~~restrictions, but not otherwise.~~

(2) This article is not intended to repeal, abrogate or impair any existing deed restrictions,
~~covenants or easements. However, where this article imposes greater restrictions, the~~
~~provisions of this article shall prevail.~~

(d) *Interpretation.* In their interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the village and shall not be deemed a limitation or repeal of any other powers granted by the state statutes. Where a provision of this article is required by a standard in Wis. Admin. Code NR ch. 117, and where the article provision is unclear, such provision shall be interpreted in light of the Wis. Admin. Code NR ch. 117 standards in effect on the date of the adoption of this article or in effect on the date of the most recent text amendment to this article.

(e) *Annexed areas.* The county shoreland zoning provision in effect on the date of annexation remain in effect administered by the village for all areas annexed by the village after May 7, 1982. These annexed lands are described on the village's official zoning map. The county shoreland zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the village zoning administrator.

(Ord. No. 17-98-1, § 1(e), 11-16-1998)

Sec. 94.230302. Shoreland-wetland zoning district.

(a) *Shoreland-wetland zoning maps.* The following maps are hereby adopted and made part of this article and are on file in the office of the municipal clerk:

(1) State wetland inventory maps stamped "final" on August 25, 1989.

(2) Floodplain zoning maps based on the FIS, Flood Insurance Rate Map (FIRM), panel numbers 55073C0411F, 55073C0412F, 55073C0413F, 55073C0416F, 55073C0417F, 55073C0418F, 55073C0419F, 55073C0438F, 55073C0652F, 55073C0660F, 55073C0700F of 1000, community panel number 550323, dated July 22, 2010; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated July 22, 2010, Volume number 55073CV000A..

(3) Zoning map titled "Zoning District Map, Village of Weston, Marathon County, Wisconsin."~~(2) Floodplain zoning maps titled "Federal Emergency Management Agency (FEMA) — Federal Insurance Rate Maps (FIRM)" and dated August 3, 1981.~~

~~(3) Zoning maps titled "Village of Weston Existing Zoning" and dated February, 1997.~~

(b) *District boundaries.*

(1) The shoreland-wetland zoning district includes all wetlands in the village which are five

—acres or more and are shown on the final wetland inventory map that has been adopted

—and made a part of this article and which are:

a. Within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds or

—flowages. Lakes, ponds or flowages in the village shall be presumed to be navigable if

—they are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this

—article.

b. Within 300 feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams

—shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of

—this article. Floodplain zoning maps adopted in section 94.~~230~~302(a)(2) shall be used to

—determine the extent of floodplain areas.

(2) Determinations of navigability and ordinary high-water mark location shall initially be

—made by the zoning administrator. When questions arise, the zoning administrator shall

—contact the appropriate district office of the department for a final determination of

—navigability or ordinary high-water mark.

(3) When an apparent discrepancy exists between the shoreland-wetland district boundary

—shown on the official zoning maps and actual field conditions at the time the maps were

—adopted, the zoning administrator shall contact the appropriate district office of the

—department to determine if the shoreland-wetland district boundary as mapped, is in

—error. If department staff concur with the zoning administrator that a particular area was

—incorrectly mapped as a wetland, the zoning administrator shall have the authority to

—immediately grant or deny a zoning permit in accordance with the regulations

—applicable to the correct zoning district. In order to correct wetland mapping errors or

—acknowledge exempted wetlands designated in this section, the zoning administrator

—shall be responsible for initiating a map amendment within a reasonable period.

(c) *Filled wetlands; wetlands landward of a bulkhead line.* Wetlands which were filled prior to January 27, 1983, the date on which the village received final wetland inventory maps, in a manner which affects their wetland characteristics to the extent that the area can no longer be defined as wetland, are not subject to this article. Wetlands located between the original ordinary high-water mark and a bulkhead line established prior to May 7, 1982, under Wis. Stats. § 30.11, are not subject to this article.

(d) *Permitted uses.* The following uses are permitted subject to the provisions of Wis. Stats. chs. 30 and 31 and the provisions of other local, state and federal laws, if applicable:

(1) Activities and uses which do not require the issuance of a zoning permit, provided that

—no wetland alteration occurs:

a. Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating;

b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree

—fruits and tree seeds, in a manner that is no injurious to the natural reproduction of

—such crops;

c. The practice of silviculture, including the planting, thinning and harvesting of timber;

d. The pasturing of livestock;

e. The cultivation of agriculture crops; and

f. The construction and maintenance of duck blinds.

(2) Uses which do not require the issuance of a zoning permit and which may involve

~~—~~wetland alterations only to the extent specifically provided as follows:

a. The practice of silviculture, including limited temporary water level stabilization
~~—~~measures which are necessary to alleviate abnormally wet or dry conditions that
~~—~~would have an adverse impact on the conduct of silvicultural activities if not
~~—~~corrected;

b. The cultivation of cranberries, including limited wetland alterations necessary for the
~~—~~purpose of growing and harvesting cranberries;

c. The maintenance and repair of existing drainage systems to restore preexisting levels
~~—~~of drainage, including the minimum amount of filling necessary to dispose of dredged
~~—~~spoil, provided that the filling is otherwise permissible and that dredged spoil is placed
~~—~~on existing spoil banks where possible;

d. The construction and maintenance of fences for the pasturing of livestock, including
~~—~~limited excavating and filling necessary for such construction or maintenance;

e. The construction and maintenance of piers, docks, walkways, observation decks and
~~—~~trail bridges built on pilings, including limited excavating and filling necessary ~~for~~
~~—~~such construction or maintenance;

f. The installation and maintenance of sealed tiles for the purpose of draining lands
~~—~~outside the shoreland-wetland zoning district, provided that such installation or
~~—~~maintenance is done in a manner designed to minimize adverse impacts upon the
~~—~~natural functions of the shoreland-wetland listed in this section; and

g. The maintenance, repair, replacement and reconstruction of existing highways and
~~—~~bridges, including limited excavating and filling necessary for such maintenance,
~~—~~repair, replacement or reconstruction.

(3) Uses which are allowed upon the issuance of a conditional use permit and which may
~~—~~include wetland alterations only to the extent specifically provided as follows:

a. The construction and maintenance of roads which are necessary for the continuity of
~~—~~the municipal street system, the provision of essential utility and emergency services
~~—~~or to provide access to uses permitted under this section, provided that:

1. The road cannot, as a practical matter, be located outside the wetland;

2. The road is designed and constructed to minimize adverse impacts upon the natural
~~—~~functions of the wetland listed in this section;

3. The road is designed and constructed with the minimum cross sectional area
~~—~~practical to serve the intended use;

4. Road construction activities are carried out in the immediate area of the roadbed
~~—~~only; and

5. Any wetland alteration must be necessary for the construction or maintenance of the
~~—~~road.

b. The construction and maintenance of nonresidential buildings, provided that:

1. The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic
~~—~~animals;

2. The building cannot, as a practical matter, be located outside the wetland;

3. The building does not exceed 500 square feet in floor area; and

4. Only limited filling and excavating necessary to provide structural support for the
~~—~~building is allowed.

c. The establishment and development of public and private parks and recreation areas,
~~—~~outdoor education areas, historic, natural and scientific areas, game refuges and closed
~~—~~areas, fish and wildlife habitat improvement projects, game bird and animal farms,
~~—~~wildlife preserves and public boat launching ramps, provided that:

1. Any private development allowed under this subsection (d)(3)c of this section shall
~~—~~be used exclusively for the permitted purpose;

2. Only limited filling and excavating necessary for the development of public boat
~~—~~launching ramps, swimming beaches or the construction of park shelters or similar
~~—~~structures is allowed;

3. The construction and maintenance of roads necessary for the uses permitted under

~~—this subsection (d)(3)c are allowed only where such construction and maintenance~~

~~—meets the criteria in this section; and~~

4. Wetland alterations in game refuges and closed areas, fish and wildlife habitat ~~—improvement projects, game bird and animal farms and wildlife preserves shall be~~

~~—for the purpose of improving wildlife habitat or to otherwise enhance wetland values.~~

d. The construction and maintenance of electric and telephone transmission lines, water,

~~—and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad liens, provided that:~~

1. The utility transmission and distribution facilities and railroad lines cannot, as a ~~—practical matter, be located outside the wetland;~~

2. Only limited filling or excavating necessary for such construction or maintenance is

~~—allowed; and~~

3. Such construction or maintenance is done in a manner designed to minimize ~~—adverse impacts upon the natural functions of the wetland listed in this article.~~

(e) *Prohibited uses.*

(1) Any use not listed in subsection (d) of this section is prohibited, unless the wetland or a

~~—portion of the wetland has been rezoned by amendment of this article in accordance with subsection (g) of this section.~~

(2) The use of a boathouse for human habitation and the construction or placement of a ~~—boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.~~

(f) *Nonconforming structures and uses.* The lawful use of a building, structure or property which existed at the time the ordinance from which this article is derived, or an applicable amendment to this article, took effect and which is not in conformity with the provisions of this article, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:

(1) The shoreland-wetland provisions of this article authorized by Wis. Stats. § 61.351 ~~—shall not limit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure or of any environmental control facility related to such a structure in existence on the effective date of the shoreland-wetland provisions. All~~

~~—~~other modifications to nonconforming structures are subject to Wis. Stats. § 62.23(7)(h) which limits total lifetime structural repairs and alterations to 50 percent of
~~—~~current fair market value.

(2) If a nonconforming use or the use of a nonconforming structure is discontinued for 12
~~—~~consecutive months, any future use of the building, structure or property shall conform
~~—~~to this article.

(3) Any legal nonconforming use of property which does not involve the use of a structure
~~—~~and which existed at the time of the adoption or subsequent amendment of this article
~~—~~adopted under Wis. Stats. §§ 61.351 or 62.231 may be continued although such use
~~—~~does not conform with the provisions of this article. However, such nonconforming use may not be extended.

(4) The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of Wis. Stats. § 30.121.

(5) Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

(g) *Amending shoreland-wetland zoning regulations.*

(1) The board may alter, supplement or change the district boundaries and the regulations contained in this article in accordance with the requirements of Wis. Stats. § 62.23(7)(d)2., Wis. Admin. Code NR ch. 117 and the following:

(2) A copy of each proposed text or map amendment shall be submitted to the appropriate regional office of the department within five days of the submission of the proposed amendment to the municipal planning agency;

(3) All proposed text and map amendments to the shoreland-wetland zoning regulations shall be referred to the municipal planning agency, and a public hearing shall be held after class 2 notice as required by Wis. Stats. § 62.23(7)(d)2. The appropriate regional office of the department shall be provided with written notice of the public hearing at least ten days prior to such hearing.

- (4) In order to ensure that this article will remain consistent with the shoreland protection objectives of Wis. Stats. § 281.31, the board may not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:
- a. Stormwater and floodwater storage capacity;
 - b. Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
 - c. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - d. Shoreline protection against erosion;
 - e. Fish spawning, breeding, nursery or feeding grounds;
 - f. Wildlife habitat; or
 - g. Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.
- (5) Where the regional office of the department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in subsection (g)(4) of this section, the department shall so notify the village of its determination either prior to or during the public hearing held on the proposed amendment.
- (6) The appropriate district office of the department shall be provided with:
- a. A copy of the recommendation and report, if any, of the municipal planning agency on a proposed text or map amendment, within ten days after the submission of those recommendations to the board.
 - b. Written notice of the action on the proposed text or map amendment within ten days after the action is taken.
- (7) If the department notifies the municipal planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in

subsection (g)(4) of this section that proposed amendment, if approved by the board, shall not become effective until more than 30 days have elapsed since written notice of the municipal approval was mailed to the department, as required by subsection (g)(6) of this section. If within the 30 day period, the department notifies the village that the department intends to adopt a superseding shoreland-wetland zoning article for the village as provided by Wis. Stats. §§ 62.231(6) and 61.351(6), the proposed amendment shall not become effective until the article adoption procedure under Wis. Stats. § 62.231(6) or 61.351(6), is completed or otherwise terminated.

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ARTICLE XVII. COMPREHENSIVE PLAN

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Sec. 94.27240034 Intent

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The purpose of this ordinance is to establish the Village of Weston Comprehensive Plan as the Official Comprehensive Plan of the Village, as defined by Wisconsin Statutes. The Comprehensive Plan is intended to promote public health, safety, and welfare of the Village by effectively guiding long-range growth and development within the Village and its statutory extraterritorial planning jurisdiction. The Comprehensive Plan provides goals, objectives, policies, and recommendations for future land use, transportation, housing, economic development, utilities, community facilities, agricultural resources, natural resources, cultural resources, intergovernmental relations, and implementation. Implementation of the Comprehensive Plan is accomplished through other sections of the Village Code of Ordinances, more detailed plans, public investments, private development decisions, intergovernmental cooperation, and citizen involvement.

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Sec. 94.27340132 Statutory authority.

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The authority for the Village of Weston to prepare and adopt a Comprehensive Plan is established under ss. 62.23 and 66.1001, Wisconsin Statutes. Section 66.1001(2) specifies the required contents of a Comprehensive Plan.

Sec. 94.27440233 Adoption of plan.

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The Village of Weston Comprehensive Plan, adopted by resolution of the Plan Commission on February 13, 2006, and by ordinance of the Village Board on April 3, 2006, is the official Comprehensive Plan of the Village of Weston. The above-mentioned Comprehensive Plan supersedes and replaces all Comprehensive Plans previously adopted by the Village, except as explicitly provided for in the Comprehensive Plan document or under Sec. 94.27640435 below. The text, maps, tables, graphics, goals, objectives, policies, and recommendations of the adopted Comprehensive Plan are intended to serve as a guide as the Village undertakes subsequent actions to implement the plan, except as otherwise provided for under Wisconsin Statutes.

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Sec. 94.27540334 Distribution of plan.

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Per s. 66.1001(4)(b) of the Wisconsin Statutes, following adoption of the Comprehensive Plan, the Village shall send a copy of the adopting ordinance and the adopted Comprehensive Plan document to all of the following:

- 1) Every governmental body that is located in whole or in part within the boundaries of the Village.
- 2) The clerk of every local governmental unit that is adjacent to the Village, including every town, city, village, county, and regional planning commission
- 3) The Wisconsin Department of Administration.
- 4) The Marathon County Public Library – Wausau Headquarters.

Sec. 94.27640435 Detailed components of and amendments to Comprehensive Plan.

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Sections 62.23(2) and 66.1001(4) of Wisconsin Statutes provide that the Village may from time to time amend, extend or add to the Comprehensive (Master) Plan or carry out any part of the subject matter in greater detail. The following are more detailed components of and amendments to the Village Comprehensive Plan, which shall therefore have the same force and effect as the adopted Comprehensive Plan.

Sec. 94.27740536 Comprehensive Plan Amendment Procedures.

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The purpose of this Section is to provide procedures and criteria for amending and updating the Village of Weston Comprehensive Plan. Comprehensive plan amendments may involve changes in the written text or polices of the plan, to the Future Land Use Map, or to supporting documents. Comprehensive plan amendments will be reviewed in accordance with this chapter, the state Comprehensive Planning Statutes §66.1001, the goals, objectives and policies of the Comprehensive Plan, intergovernmental agreements, official population growth forecasts and growth indicators. Nothing in this Section shall be construed to limit the legislative authority of the Village to consider and adopt amendments and revisions to the Village of Weston Comprehensive Plan or the Village's development regulations. Amendments may, for example, propose new or amend existing sections, elements, appendices, goals, objectives or policies of the plan; be site specific; correct errors; edit language or change the maps. Except in the event of an emergency, as determined by the Village Board by resolution, plan amendments will be considered only once per calendar year so that the cumulative effects of all proposed amendments can be analyzed for consistency and the overall effect on the remainder of the comprehensive plan.

Sec. 94.27840637 Applicability.

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(a) The criteria and requirements of this Section shall apply to all applications or proposals for changes to the comprehensive plan text, policies, map designations, area-wide rezones or supporting documents unless specifically exempted. The following types of Comprehensive Plan amendments may be considered through the Comprehensive Plan amendment process:

- (1) Future Land Use map changes including land use, urban growth boundaries and mineral resources;
- (2) Minor technical Future Land Use map corrections;
- (3) Future Land Use or other text changes.

(b) The criteria of this Section shall apply to Comprehensive Plan amendments no more frequently than once a year except that amendments may be considered more frequently for special circumstances, per Village Board of Trustee authorization. These include:

- (1) Amendments necessary to address new requirements per state comprehensive planning statues;
- (2) Amendments necessary to address an emergency situation, as determined by the Village Board;
- (3) Amendments required to resolve an appeal of a comprehensive plan or amendment filed with the court.
- (4) Amendments deemed necessary to address changing land use needs and circumstances.

Sec. 94.27940738 Procedures.

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- (1) Applications for all Comprehensive Plan amendments shall be considered legislative actions and subject to the procedures in this section.
- (2) Applications shall be submitted in writing by July 15th, using Village provided applications, in order to be considered if amendments will be addressed in that year's process.
- (3) Site-specific Future Land Use map changes may be initiated by the property owner(s) through a fee-paid application process. The Planning Commission or Village staff shall docket all site-specific Future Land Use map amendment requests for further staff review and consideration if the amendment is appropriate as indicated in Section Sec. 94.27840637 (a) and (b).

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- (4) All other map and text amendments shall be suggested by the Planning Commission and/or Village Board, including Village staff using the appropriate forms.
- (5) Village staff will submit all proposed amendments received during the period specified in Sec. 94.279407~~38~~ (2) of this chapter to the Planning Commission at their meetings in August. The Planning Commission shall make a recommendation to the Village Staff, which proposed amendments should be considered for further review. A suggested amendment will not be docketed for further processing if the Planning Commission and Planning Commission staff determines that an application is incomplete. The Planning Commission may modify a proposed amendment during the selection process. Depending upon the number and nature of the proposed amendments, the Planning Commission may hold a public hearing before it decides which proposed amendments should be recommended for consideration. Notice of the hearing shall be given by publication of a Class 1 Notice. In the case of a site-specific Future Land Use map change, written notification must also be served on all adjacent property owners within 100 feet of the site of application.
- (6) The Planning Commission shall provide an opportunity for public comment regarding the suggested text and Future Land Use map changes, and review them to determine whether they should be recommended to the Village Board as part of the current year's amendment cycle.
- (7) Planning Commission review of proposed amendments will be held during the months of August and September.
- (8) After thorough consideration of the proposed amendments, the Planning Commission shall recommend the approval of any proposed amendment to the Village Board by the adoption of a resolution.
- (9) Following the notification of the proposed amendments to all required units of government outlined in §66.1001 (4) (b) and after the required 30 day review period the Village Board shall hold a public hearing for the purpose of receiving public comment regarding the merits of the proposed amendments that have been recommended by resolution by the Village Planning Commission.
- (10) All proposed amendments approved by the Village Board must be adopted by ordinance.

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Sec. 94.280408~~39~~ Approval Criteria.

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- (a) The following criteria shall be considered in any review and approval of amendments to the Village of Weston Comprehensive Plan and Future Land Use map:
- (1) The change is consistent with the overall goals and objectives of the Village of Weston Comprehensive Plan.
 - (2) The proposed amendment advances goals, policies and objectives of the Comprehensive Plan.
 - (3) Consideration of the previous record if the amendment was reviewed and denied during a previous comprehensive plan review.
 - (4) The change does not create an adverse impact on public facilities and services that cannot be mitigated.
 - (5) Development resulting from the change does not create an undue or adverse impact on surrounding properties. Such development should be consistent with the physical character of the surrounding neighborhood or would upgrade and improve its viability.
 - (6) The change allows a more viable transition to the planned uses on adjacent properties than the current land use.
 - (7) The change does not have a significant adverse impact on the natural environment including trees, slopes and groundwater, or the impact could be mitigated by improvements on the site or in the same vicinity.
 - (8) There is a change in Village actions or neighborhood characteristics that would justify a change.
 - (9) The change corrects an error made in the original plan.

- (10) There is a community or regional need identified in the comprehensive plan for the proposed land use or service.
- (11) The proposed relationship of the proposed amendment to other village codes and regulations.
- (12) The change does not adversely impact any landmarks or other historically significant structures or properties unless mitigated through relocation, commemoration or dedication.

(b) To change a designation, the proposed Future Land Use map amendment must do one of the following:

- (1) Respond to a substantial change in conditions beyond the property owner's control applicable to the area within which the subject property lies; or
- (2) Better implement applicable comprehensive plan polices than the current map designation; or
- (3) Correct an obvious mapping error; or
- (4) Address an identified deficiency in the Comprehensive Plan.

(c) Comprehensive Plan amendment(s) shall be consistent with Village Planning Policies and the Village of Weston Comprehensive Plan goals, objectives and policies.

Sec. 94.28140940 Submittal Requirements.

All requests for Comprehensive Plan amendments shall be made in writing and shall include the following information. Applications not containing the required information will be returned to the applicant to be completed and resubmitted prior to the deadline of July 15th.

(a) Future Land Use map amendments:

- (1) Completed application form, provided by the Village, signed by the legal owner or by a representative authorized to do so by written instrument submitted with the form.
- (2) Parcel numbers and legal description(s) of the subject property.
- (3) Maps(s) of the subject property, which indicate existing buildings, roads, critical areas, and the land use of the adjacent properties, to be provided in 11" by 17" format to a standard engineering scale. (i.e.: 1:40)
- (4) Maps indicating the current and proposed land use designations, to be provided in 11" by 17" format to a standard engineering scale. (i.e.: 1:40)
- (5) Information regarding the property including existing land use, access to sewer and water, and availability of public facilities such as schools, fire and police services.
- (6) Written narrative stating the reasons for the request for the Comprehensive Plan amendment and how the proposed Comprehensive Plan amendment meets the criteria in 94.28040839.
- (7) Completed and signed checklist.

(b) Comprehensive Plan text amendments:

- (1) Completed and signed request form;
- (2) Suggested amendment indicating the Chapter and Section location;
- (3) Written narrative including the reasons for the suggested amendment and how the proposed amendment meets the criteria in 94.28040839, and;
- (4) Any supporting documentation.

Sec. 94.28241041 Distribution of plan amendments.

Per s. 66.1001(4)(b) of the Wisconsin Statutes, following adoption of any amendments to the Comprehensive Plan, the Village shall send a copy of the adopting ordinance and the adopted amendments to Comprehensive Plan document to all of the following:

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- 1) Every governmental body that is located in whole or in part within the boundaries of the Village.
- 2) The clerk of every local governmental unit that is adjacent to the Village, including every town, city, village, county, and regional planning commission
- 3) The Wisconsin Department of Administration.
- 4) The Marathon County Public Library – Wausau Headquarters.

Sec. 94.28341142 Revocation.

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The Comprehensive Plan amendment may be reversed by the Village Board outside the regular amendment period upon the findings of any of the following:

- 1) The approval was obtained by fraud or other intentional or misleading representations; or
- 2) The amendment is being implemented contrary to the intended purpose of the amendment or other provisions of the Comprehensive Plan and Village ordinances; or
- 3) The amendment is being implemented in a manner that is detrimental to the public health or safety.

(Ord. of 6-22-06)