



Village of Weston, Wisconsin

Special Meeting of the PLAN COMMISSION

**During the 24th legislative session of the elected Board
of Trustees (2020 – 2021)**

Monday, October 5, 2020 @ 6:00 P.M.

**Packet Prepared By:
Emily Wheaton, Assistant Planner**



Village of Weston, Wisconsin MEETING NOTICE

- Meeting of: **PLAN COMMISSION – SPECIAL WORKING SESSION**
- Commissioners: **Maloney {c}, Cronin, Gau, Guerndt, Jordan, Meinel, White**
- Staff: **Jennifer Higgins, Director of Planning & Development
Emily Wheaton, Assistant Planner**
- Date/Time: **Monday, October 5, 2020, 6 pm.**
- Location: **Weston Municipal Center (5500 Schofield Ave) – Board Room**
- Agenda: **The agenda packet will be sent out at least 3 days prior to the meeting.**
- Attendance: **All Village officials are encouraged to attend. Commissioners, Department Directors, and guests, please indicate if you will, or will not, be attending so we may determine in advance if there will be a quorum by sending an RSVP to the assigned Administrative Support person:**
- RSVP: **Valerie Parker, Plan Commission Secretary
(715) 241-2613
vparker@westonwi.gov**
- Questions: **Jennifer Higgins, Director of Planning & Development
(715) 241-2638
jhiggins@westonwi.gov**

This notice was posted at the Municipal Center and was e-mailed to local media outlets (Print, TV, and Radio) on 09/29/2020.

A quorum of members from other Village governmental bodies (boards, commissions, and committees) may attend the above-noticed meeting in order to gather information. No actions will be taken by any other board, commission, or committee of the Village, aside from the Village Plan Commission. Should a quorum of other government bodies be present, this would constitute a meeting pursuant to State ex rel. Badke v. Greendale Village Bd., 173 Wis.2d 553,494 N.W.2d 408 (1993).

Wisconsin State Statutes require all agendas for Committee, Commission, or Board meetings be posted in final form, 24 hours prior to the meeting. Any posted agenda is subject to change up until 24 hours prior to the date and time of the meeting.

Any person who has a qualifying disability as defined by the Americans with Disabilities Act requires that meeting or material to be in accessible location or format must contact the Weston Municipal Center, by 12 noon, the Friday prior to the meeting, so any necessary arrangements can be made to accommodate each request.



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN
OFFICIAL MEETING AGENDA OF THE PLAN COMMISSION
SPECIAL WORKING SESSION

TO THE HONORABLE PRESIDENT MALONEY, TRUSTEES MEINEL AND WHITE AND THE FOUR (4) APPOINTED MEMBERS OF THE PLAN COMMISSION: The following items were listed on the agenda in the Village Clerk's Office, in accordance with Chapter 2 & Chapter 62 of the Village's Municipal Code and will be ready for your consideration at the special working session of the Plan Commission which has been scheduled for **Monday, October 5, 2020, at 6:00 p.m.**, in the Board Room, at the Weston Municipal Center, 5500 Schofield Avenue, Weston.

A quorum of members from other Village governmental bodies (boards, commissions, and committees) may/might attend the above-noticed meeting to gather information. Should a quorum of other government bodies be present, this would constitute a meeting pursuant to State ex rel. Badke v. Greendale Village Bd., 173 Wis.2d 553,494 N.W.2d 408 (1993). No official actions other than those of the Plan Commission shall take place.

Wisconsin State Statutes require all agendas for Committee, Commission, or Board meetings be posted in final form, 24 hours prior to the meeting. Any posted agenda is subject to change up until 24 hours prior to the date and time of the meeting.

1. Meeting called to order by Plan Commission Chair & Village President Maloney.
2. Roll Call and declaration of a quorum by Secretary Parker of Plan Commission – MARK MALONEY {C}, STEVEN CRONIN, DUANE GAU, GARY GUERNDT, JOE JORDAN, STEVE MEINEL, LOREN WHITE.

COMMUNICATIONS

3. Opportunity for citizens to be heard. (*Please limit your comments to no more than 5 minutes*)

Join Zoom Meeting by Computer (audio only meeting to make comments):

<https://zoom.us/j/2379255777>

Join Zoom Meeting by Phone (audio only meeting to make comments):

+1 312 626 6799 US (Chicago)

Meeting ID: 237 925 5777

*In person meeting attendance is limited to observe physical distancing of 6 feet at all times. This may require the Chair to limit in person participation to those most directly impacted by the agenda items. **Masks are required for those in attendance.** It is suggested to use the zoom option if at all possible.*

4. Written communications received.

PLAN COMMISSION WORKING SESSION TOPICS

5. Chapter 94 Zoning Ordinance
 - a. Philosophy of areas we would consider discretionary judgement be used on.
 - b. Sign Permits



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN
OFFICIAL MEETING AGENDA OF THE PLAN COMMISSION.

- i. Special Exemption Sign Permits
- c. Multi-family Performance Standards.
- d. Other sections of the Zoning Ordinance?
- 6. Residential Development**
 - a. Utility Extension Policy
 - b. Special Assessment Option for on-site improvements – Main extension tariff.
 - c. Other topics with residential development?
- 7. Other Topics of Concern to Address?**

MISCELLANEOUS

- 8. Next meeting date**
 - a. Monday, October 12, 2020 @ 5 p.m. – Special Joint Meeting with Public Works & Utility Committee re: Weston Avenue Corridor Plan.
 - b. Monday, October 12, 2020 @ 6 p.m. – Regular Meeting.
- 9. Remarks from Staff and Commission Members.**

ADJOURNMENT

- 10. Adjournment of PC.**

1. Lean towards liberal interpretation of the standard wherever practical. This would not require an ordinance change.
2. Remove or significantly water down the standard. For example, one small village I work for found, after a few years, they did not want to implement a point-based landscape planting requirement.

“Landscape plans shall be designed and implemented to present an attractive street and community appearance (particularly in highly visible and traveled areas), complement existing uses and site development on nearby lands, and buffer lower density and/or residential uses nearby.”

3. Create standard-specific means for relief. This has largely been the approach used for Weston thus far. In other words, there may be a handful of standards that the municipality thinks are generally good, but for whatever reason does not want to make the standard binding. This approach works best when there are just a handful of issues, and less well when there are many standards from which the opportunity for relief outside of the standard variance process through the Board of Zoning Appeals.
4. Create article-specific means for relief. This “works” where a municipality has hesitation applying most or all of an entire category or article of standards in a zoning ordinance. For example, I included the following at the end of a “Building, Site, and Landscape Design” article of a small city zoning ordinance:

Section X.XX: Waiver or Modification of Standards

The Plan Commission may waive or modify any of the standards within this Article X, utilizing the site and building plan approval process in Section Y provided that that it first finds that at least one of the following criteria are met:

1. Supplemental design elements or improvements are incorporated into the project to compensate for the waiver or modification of the particular standard.
 2. Where pre-existing buildings, site improvements, and/or site area render full compliance with the standard impractical or disproportionate to the extent of an addition, expansion, exterior remodeling, or redevelopment project.
 3. Where, due to unique circumstances associated with the site or project, the strict application of the standard would negatively affect the safety or functionality of the site or project.
5. Use or expand special exception process. Weston already has a special exception process to allow relief from several number sign regulations, requiring a public hearing, and Plan Commission approval following comparison to pre-set standards. This approach could be broadened to apply to other sections or even entire articles of the ordinance, such as Building and Site Design or Driveways and Access. Here’s a section I recently placed in a small city’s ordinance, with other references in different sections of the code for relief “by special exception per Section XX”:

Section XX: Special Exceptions

1. **Initiation of Special Exception.** Any person, firm, corporation, or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest

that may become a freehold interest or an exclusive possessory interest, and that is specifically enforceable on the land for which a special exception is sought, may file an application for a special exception to use the land as such land in a manner that may be allowed by special exception under this chapter.

1. **Applicability and Procedure.** The procedure for noticing, hearing, recommending, granting or denying, recording, and terminating a special exception shall be the same as those for conditional use permits under Section YY, with the exception of the review criteria in Section YY(6).
2. **Review Criteria for Special Exceptions.** No special exception shall be granted unless the Plan Commission (or City Council on appeal) finds that the exception(s) authorized thereby, as limited by any enforceable conditions, will meet all of the following criteria:
 1. Will be consistent with the purpose and intent of this Chapter and this Section.
 2. Will be consistent with the Comprehensive Plan including any applicable guidelines therein.
 3. Will not negatively affect the reasonable use and development of nearby properties or the community.
 4. Will be compatible with existing uses, structures, and other improvements visible from the subject site.
 5. Will not be hazardous, harmful, or otherwise adverse to the natural environment and aesthetic value of the site, nearby properties, and the community.
 6. Will not negatively affect the safe and efficient installation, use, and maintenance of public facilities serving the area, including but not limited to roadways, sidewalks and paths, and utilities.
 7. Is supported by evidence that normally applicable requirements do not sufficiently provide for the function of the proposed improvements, such as a highway visibility study for freestanding signage that exceeds normally applicable height or area requirements.

Article 13: SIGNS

Section 94.13.01: Purpose

The purpose of this Article is to establish standards for signage that protect public health and safety, advance aesthetic and community character objectives; promote compatible business development and activity; and ensure the effective and flexible use of signage for commercial, community, and individual expression.

Section 94.13.02: Sign Permitting and Approval Procedures

- (1) **General Requirements.** Except as otherwise provided in Section 94.13.02(8), no sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a sign permit.
 - (a) A sign permit shall be required for a change of copy on any sign, but not for repainting or exact replacement of a sign face with the same sign copy, cleaning, repair, or other normal maintenance.
 - (b) No new sign permit is required for signs that are in place as of March 18, 2015, and such signs may remain as legal nonconforming structures if legally established under applicable sign regulations at time of installation and are subject to Section 94.13.11.
 - (c) Any sign permit granted hereunder may not be assigned or transferred to any other sign.
 - (d) The applicant may include all signs at one premise under one permit, if applied for at the same time.
- (2) **Application Procedure.** Each application for a sign permit shall be filed with the Zoning Administrator on a form provided by that office prior to sign installation or modification. Each complete application shall include the following:
 - (a) The name and address of the permit applicant.
 - (b) A site plan for the property showing, at a minimum, the location of the proposed sign; the location of all existing signs on the property; all property lines and buildings on the property; and parking areas, driveways, public roads, and buildings within 50 feet of the proposed sign.
 - (c) A diagram of the proposed sign, drawn to a recognized scale, and listing and depicting the type, height, width, total sign square footage, square footage of each sign component, method of attachment, structural support, method of illumination, and sign materials.
 - (d) For wall mounted signs, the lineal footage and square footage of the wall on which the sign is proposed.
 - (e) The property's zoning district designation.
 - (f) A summary of existing signage on the property, including quantity, location, type, and area of all signs on the property both before and after the installation of the proposed sign.
 - (g) Evidence that the structural design requirements of Section 94.13.09 will be met. The footing and related supporting structure of each freestanding sign including bolts, flanges, and brackets shall be concealed by the sign exterior or shall be surrounded by landscaping, included on a landscape plan submitted with the application.
 - (h) Proof of payment of the appropriate sign permit fee, per the Village's fee schedule.
 - (i) A line marking a distance equal to 660 feet from the nearest right-of-way from any U.S. Highway, State Highway, or Interstate. Any sign on property within a U.S. or State Highway right-of-way or setback jurisdiction may also require approval from the Wisconsin Department of Transportation.

(3) **Granting and Issuance.**

- (a) Upon the receipt of a complete application, in cases where the requested sign does not require an approval or recommendation from another body under this Chapter, the Zoning Administrator shall review said application and shall, in writing, approve or deny a sign permit within 10 working days of acceptance of the complete application.
- (b) Upon the receipt of a complete application, and in cases where the requested sign requires an approval or recommendation from another body under this Chapter, such as a special exception permit, the Zoning Administrator shall within 10 working days of the acceptance of the complete application notify the applicant of such additional action and schedule the item on the appropriate meeting agenda(s). Following all necessary approvals, the Zoning Administrator shall then, in writing, approve or deny a sign permit based on the submitted application and such additional body's action within 10 working days of action by the body with final approval authority.
- (c) Denial of a sign permit shall not result in total or partial reimbursement of permit fees paid.

[Amended via Ord. 19-001; 1/23/2019]

- (4) **Basis for Granting.** In deciding whether or not to grant a sign permit, the Zoning Administrator shall determine whether the proposed sign is in compliance with the provisions of this Article; whether the sign is in compliance with all provisions of this Chapter, including those related to traffic safety, traffic visibility, sign setbacks, and structural integrity; and whether a special exception permit or other required Village approval has or has not been granted for the sign.

[Amended via Ord. 19-001; 1/23/2019]

(5) **Enforcement and Revocation.**

- (a) Any sign permit may be revoked by the Zoning Administrator in the event that the applicant has failed to comply with the provisions of this Chapter, the submitted sign permit application, or any conditions that may have accompanied the permit at the time of granting.
- (b) Any sign permit granted by the Zoning Administrator shall be null and void and automatically revoked in the event that construction, installation, or manufacture of the sign has not been commenced within 180 days from the date of the issuance of such permit. If work authorized by such permit is suspended or abandoned for a period of 90 days any time after the work is commenced, the original permit shall become null and void. A new permit shall first be obtained to complete the work, and a new permit fee shall be required.
- (c) The sign(s) subject to any revoked permits shall be removed by the licensee, sign owner, or property owner within 10 working days of such revocation, or shall be subject to enforcement under Section 94.16.19.
- (d) Revocation shall not result in total or partial reimbursement of permit fees paid.

- (6) **Appeals.** Any person affected by a decision of the Zoning Administrator may petition for a hearing before the Zoning Board of Appeals under the provisions of Section 94.16.14. The filing of such petition automatically stays removal of any sign involved and already legally erected until the Zoning Board of Appeals decides whether to sustain, modify, or withdraw the notice.

(7) **Removal of Defective, Dangerous, or Abandoned Signs.**

- (a) If the Zoning Administrator determines that any sign is defective, dangerous, abandoned, in poor repair, or other exists in violation of this Article, then the Zoning Administrator shall notify the sign permit holder or the owner of the property on which the sign is located that such violation must be corrected within 10 working days of receipt of such notice on penalty of automatic revocation of any sign permit previously granted.

- (b) If the Zoning Administrator causes such notice to be sent and the violation is not corrected within 10 working days, the Zoning Administrator shall revoke any sign permit for the defective or dangerous sign. Any failure to remove such sign shall be a violation of this Chapter and shall be subject to enforcement under Section 94.16.19.
 - (c) Any sign illegally placed in a public right-of-way shall be subject to immediate removal and confiscation without notice by the Zoning Administrator, and without any payment or return of the sign to its installer or owner.
- (8) **Signs Allowed without Permit.** The following signs are permitted without the need for a sign permit, in cases where they are beneath any size limitations provided herein. Such signs shall not count as part of the maximum permitted sign area in the zoning district in which they are located per Section 94.13.05 or 94.13.07 below, unless they are above any size limitations provided herein and therefore requiring a sign permit.
- (a) **Addresses.** Address numerals and other sign information required to identify a location by law or governmental order, rule, or regulation, provided that such sign does not exceed one square foot in area per address; or the size required by any law, order, rule or regulation; whichever is greater.
 - (b) **Architectural Elements.** Integral decorative or architectural elements of buildings or works of art, so long as there is no commercial message, trademark, moving parts, or moving lights.
 - (c) **Auxiliary Signs.** Auxiliary signs less than one square foot placed in store windows regarding hours of operation, accepted charge cards, warnings, or similar information.
 - (d) **Bulletin Boards.** Bulletin boards, not exceeding 12 square feet in sign area and 8 feet in height, for public, philanthropic, or religious institutions located on the premises of said institutions.
 - (e) **Business Nameplates.** A single non-illuminated nameplate, not exceeding two square feet mounted on the building face, denoting the name of a business legally conducted on the premises.
 - (f) **Commemorative Signs.** Plaques, tablets, cornerstones, or lettering inlaid into the architectural materials of a building or structure denoting the name of that structure or its date of erection.
 - (g) **Construction or Project Identification Signs.** Per one-time event sign requirements of Section 94.13.08.
 - (h) **Farm Field Signs.** Freestanding signs located in a farm field that identify the crop or product used in the field, provided that no such sign exceeds 12 square feet in area and 8 feet in height.
 - (i) **Flags.** Flags, standards, emblems, and insignia of governmental, civic, philanthropic, religious, or educational organizations, when not displayed in connection with a commercial promotion or as an advertising device.
 - (j) **Garage, Yard, Estate, and In-Home Sale Signs.** Per the one-time event sign requirements of Section 94.13.08.
 - (k) **Historical Markers.** Commemorative plaques, memorial tablets, or emblems of historical bodies, not exceeding two square feet, placed flat against a building, monument, or other permanent surface.
 - (l) **Holiday Decorations.** Temporary displays of a primarily decorative nature, in connection with traditionally accepted civic, patriotic, or religious holidays.
 - (m) **Interior Signs.** Signs that are located on the interior of a premise and that are primarily oriented to persons within that premises.
 - (n) **Management Signs.** Signs not exceeding four square feet that designate the real estate management agent for the premises on which they are located.

- (o) **Menu Board Signs.** One menu board sign for a drive-in or drive-through restaurant exclusive of any two-way microphone/speaker devices, provided that the sign does not exceed 40 square feet in area or 8 feet in height.
 - (p) **Model Home Signs.** Per the one-time event sign requirements of Section 94.13.08.
 - (q) **“Open” Signs.** Signs that advertise a premise as open for business or inspection, with no more than one sign per street on which the property has frontage and no more than 4 square feet per sign.
 - (r) **Political/Election Signs.** Per the one-time event sign requirements of Section 94.13.08.
 - (s) **Real Estate Signs.** Per the one-time event sign requirements of Section 94.13.08.
 - (t) **Regulatory and Government Information Signs.** Signs erected by or on behalf of a duly constituted governmental body and for regulatory and other basic government informational purposes, including but not limited to legal notices; handicap parking signs; and traffic signs or other regulatory, directional, or warning signs. Any other sign for broader governmental purposes shall require a permit.
 - (u) **Residential Signs.** Signs customarily associated with residential use and not of a commercial nature that do not exceed a total of 4 square feet in residential and N zoning districts and 12 square feet in all other zoning districts. Such signs include property identification names and numbers, names of occupants, signs relating to private parking, signs warning the public against trespass or danger of animals, signs indicating a particular farm, and Neighborhood Crime Watch signs.
 - (v) **Required Signs.** Signs required by State or Federal statute or regulation that do not exceed 110 percent of the minimum legal size requirements.
 - (w) **Site Information Signs.** Signs of no more than 4 square feet that, without including advertising of any kind, provide direction or instruction to facilities intended to serve the public, such as rest rooms, public telephones, walkways, parking, and similar facilities.
 - (x) **Certain One-time Event Signs.** Per the one-time event sign requirements of Section 94.13.08.
 - (y) **Window Signs.** Per the associated requirements in Section 94.13.05(5).
- (9) **Special Exceptions.**
- (a) **Applicability and Procedure.** Following submittal of a complete special exception application, the Plan Commission (or Extraterritorial Zoning Committee if in the ETZ Area) may grant a special exception to one or more requirements in Sections 94.13.04(2)-(6), 94.13.05, 94.13.06, and 94.13.07. The application requirements and procedure for, and other requirements associated with, a special exception shall be the same as those for a conditional use permit under Section 94.16.06, except as follows:
 - 1. The application for special exception shall also include materials required to obtain a sign permit under Section 94.13.02(2).
 - 2. The criteria for consideration of a special exception shall be those in subsection (b) below.
 - (b) **Criteria.** No special exception shall be granted unless the Commission or Committee finds that the sign(s) authorized thereby, as limited by any enforceable conditions, will meet all of the following criteria:
 - 1. Consistent with the purpose and intent of this Chapter and this Section.
 - 2. Consistent with the Comprehensive Plan including any applicable aesthetic signage guidelines therein.
 - 3. Not negatively affecting the reasonable use and development of nearby properties or the community.

4. Compatible with existing signage on and visible from the subject site and not significantly exceeding the height, area, or quantity of such existing signage.
5. Proportional with the scale of the subject site and the building(s) and use(s) on the subject site to which the sign relates or advertises.
6. Not hazardous, harmful, or otherwise adverse to the natural environment and aesthetic value of the site, nearby properties, and the community.
7. Not negatively affecting the safe and efficient installation, use, and maintenance of public facilities serving the area, including but not limited to roadways, sidewalks and paths, and utilities.
8. Supported by evidence that normally applicable requirements do not provide for sufficient visibility for the proposed signage or use(s) it advertises, such as a highway visibility study for freestanding signage that exceeds normally applicable height or area requirements.

[Amended via Ord. 15-021, 10/21/2015; Ord. 19-001; 1/23/2019]

Section 94.13.03: General Signage Standards

- (1) **Sign Purposes.** The following are definitions of the different purposes that signs regulated under this Article may have:
 - (a) **Advertising sign, off-premise.** A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered on a premise other than the premise where the sign is displayed. Off-premise advertising signs include off-premise “billboards,” but do not include community information signs described below.
 - (b) **Auxiliary sign.** A sign that provides special information such as price, hours of operation, parking rules, or warnings, and that does not include brand names or information regarding product lines. Examples of such signs include directories of tenants in buildings, “no trespassing” signs, menu boards, drive-through ordering stations, and signs that list prices of gasoline, up to one price listing sign per type of fuel, which must all be displayed on a single structure.
 - (c) **Business sign, on-premise.** A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured on the premises where the sign is located.
 - (d) **Community information sign.** A sign that displays information of interest to the general community regarding scheduled public events, public activities, and public facilities and is located either on-premise or off-premise; serves as an identification, entrance, or wayfinding sign for the community; or is located on public lands and advertises sponsors of public events, activities, or facilities thereon.
 - (e) **Directional sign, on-premise.** A sign that indicates only the name (or logo or symbol) of a specific business/department/use area/destination within a development or premises, and a directional arrow or symbol to that destination. For purposes of an on-premise directional sign, the premises shall include all lots that are contiguous, either under unified single ownership and intended to remain so, or within a unified business park or group development.
 - (f) **Group development sign.** An on-premise sign displaying the collective name of a group of uses (such as an industrial park or multitenant retail center) and/or the names and/or logos of the individual occupants of a group of uses. For purposes of a group development sign, the premises shall include all lots that are contiguous, either under unified single ownership and intended to remain so, or within a unified business park or group development.
 - (g) **Identification sign.** A sign indicating the name and/or address of the tenant of the unit or manager of the property located upon the residential premises where the sign is displayed.

(h) **Parking area sign, on-premise.** A sign used to state parking restrictions and/or conditions, not including handicap parking signs.

(i) **One-time Event sign.** A sign or advertising display (including festoons, pennants, banners, flags, and similar devices) intended to be displayed for a certain limited period of time. Included in the definition of “one-time event signs” are retailers’ signs temporarily displayed for the purpose of informing the public of a “sale” or special offer, and personal greeting or congratulatory signs. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be considered temporary, but instead shall be considered permanent.



Example of arm/post sign

(2) **Sign Configurations.** The following are definitions of the different configurations (methods of placement or mounting) that signs regulated under this Article may have:

(a) **Advertising vehicle sign.** A vehicle or truck trailer parked so as to be seen from a public right-of-way, which attached to or located on is any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity or event. Not considered advertising vehicle signs are mobile signs or business vehicles that contain typical business signage; are actively used for business purposes; and are parked in an approved parking space that either serves the advertised business or another property where actively receiving or providing goods or services.



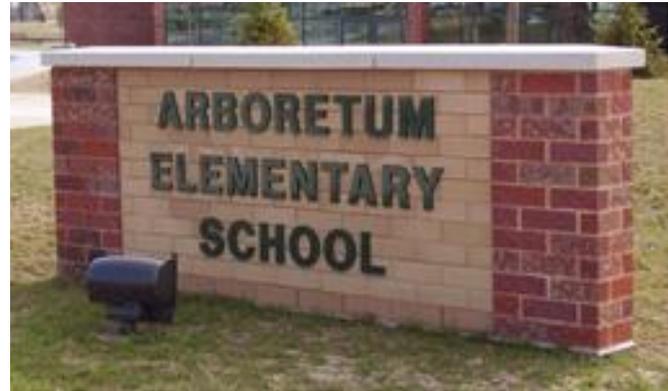
Example of awning sign

(b) **Arm/post sign.** A type of small-scale freestanding sign mounted on a post or posts, either with a bracket arm extending outward to support a hanging sign, with the sign attached directly to the side of the post, or with the sign mounted between two posts.

(c) **Awning sign.** A sign that is directly affixed via sewing, painting, or similar method to a non-rigid removable awning or canopy that is legally mounted to the facade of a building. Text and/or logos shall not project below or above the canopy surface and shall not exceed 50 percent of the awning/canopy area.

(d) **Freestanding sign.** A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground. This type of sign includes arm/post signs, monument signs, and pylon signs.

(e) **Marquee sign.** A sign mounted to a permanent roof-like structure that projects out from the exterior wall of a structure and shelters the entrance and/or entrance approaches to a building, such as traditional movie theater signs. Marquee signs shall be mounted parallel to the vertical surface of the marquee and not project more than 18 inches beyond the vertical surface of the marquee. No part of a marquee sign shall extend beyond the top, bottom, or side edges of the vertical face of the marquee surface.



Example of monument sign

(f) **Mobile sign.** A sign mounted on a frame or chassis designed to be easily relocated, including vehicles and/or trailers whose principal commercial use is for signage, including portable message board signs. Does not include any advertising vehicle signs.

(g) **Monument sign.** A type of freestanding sign with a bottom edge located within one foot of a ground-mounted pedestal or the ground surface.



Examples of projecting signs

(h) **On-building sign.** A type of sign permanently affixed to an outside wall of a building. This type of sign includes, awning signs, marquee signs, projecting signs, and wall signs, but not window signs.

(i) **Projecting sign.** A type of on-building sign that is mounted at any angle other than parallel to the wall on which it is mounted and/or extends beyond 18 inches from the wall. No projecting sign shall project more than 5 feet from the wall on which it is mounted. No portion of a projecting sign shall have less than 8 feet of ground clearance or extend higher than 20 feet above the ground, measured from the grade immediately below the sign.

(j) **Pylon sign.** A type of freestanding sign erected upon one or more pylons, poles, or posts, generally of a scale that is larger than an arm/post sign.

(k) **Sandwich board/pedestal sign.** A movable, on-premise sign placed by hand outside the building while the business is open; removed at the time the business closes each day; self-supporting and stable even on windy days because of its design; and meeting all applicable size, placement, and other requirements of Section 94.13.04(6). Does not include “mobile signs” as described above.



Example of sandwich board sign

(l) **Wall sign.** A type of on-building sign mounted parallel to and directly on a building facade or other vertical building surface. Wall signs shall not project more than 18 inches beyond the edge of any wall or other surface to which they are mounted. The top of the sign shall not extend above the top edge of the vertical wall or above the lowest edge of a roof line of the portion of the building to which it is mounted.

(m) **Window sign.** A type of sign mounted on or within an exterior window with a primary intent to advertise a business or product within the premises.

(n) **Variable message sign (VMS).** An on-building or freestanding sign that displays words, lines, logos, graphic images, or symbols that can automatically or by computer program change to provide different information, including computer signs, electronic reader boards with changeable letters, LCD and other video display signs, and time and temperature signs.



Examples of wall and window signs

(3) **Sign Measurement.**

(a) **Sign height.** The height of a freestanding sign shall be measured from the average ground level adjacent to the sign to the top of the sign. The average ground level is defined as the average elevation of the ground upon which the sign supports are placed, except when the sign supports rest upon a berm or other area elevated above the surrounding ground. In such cases, the average elevation of the base of such berm or other area shall be considered as the ground level.

(b) **Sign area.** Sign area shall be measured in the following manner:

1. In the case of an on-building sign placed within a frame, a marquee sign, or other structure, sign area consists of the entire surface area of the sign on which sign copy, could feasibly be placed.

2. In the case of an on-building sign on which the message is fabricated together with the background that borders or frames that message, sign area shall be the total area of the entire background.
3. In the case of an on-building sign on which a message is applied to a background that provides no border or frame (such as individual letters applied to a building face or awning), sign area shall be the combined areas of the smallest rectangle that can encompass the complete message (e.g. business name, business logo, etc.) of the subject sign.
4. In the case of a freestanding sign, sign area shall consist of the total area of the smallest rectangle that can enclose all structural elements of the sign, including the area in which copy can be placed, and all surrounding borders, decorative frames, etc. Where a freestanding sign has two or more display faces, the total area of all of the display faces that can be viewed from any single vantage point shall be considered the sign area. Freestanding sign area shall exclude any elements of the sign structure designed solely for support of the sign structure and located below or to the side of the sign elements listed above. Examples of supporting structures excluded from freestanding sign area calculations include the masonry base of a monument sign, the supporting post(s) to the side of or below an arm/post sign, or supporting pole(s) or pylons of a pylon sign.

[Amended via Ord. 15-021, 10/21/2015]

Section 94.13.04: General Signage Regulations Applicable to All Zoning Districts

(1) Sign Prohibitions and Limitations.

- (a) No sign shall be erected at any location where it may, by reason of its position, shape, color, or design, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, nor shall such sign make use of words such as “stop,” “look,” “drive-in,” “danger,” or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse users of streets or highways.
- (b) No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, fire lane, or fire escape, and no sign shall be attached to a standpipe or fire escape.
- (c) No sign shall be erected that violates the visibility and clearance requirements of Section 94.12.08(12).
- (d) No private sign shall be attached to or painted on any public utility pole, public light pole, or traffic regulatory structure.
- (e) No fluttering, undulating, swinging, rotating, or otherwise moving signs, pennants, feather flags, feather banners, or other moving decorations shall be permitted.
- (f) No illuminated flashing or animated signs shall be permitted. Variable message signs meeting the definition and requirements of this Article shall not be considered illuminated flashing or animated signs.
- (g) No illuminated sign/bulb shall be permitted unless the illumination of the sign is so designed that the lighting element (except for neon signs) is not visible from any property within any residential or RR zoning district.
- (h) No sign other than a regulatory or government information sign shall be permitted within or extend into a public right-of-way, except where otherwise specifically allowed in this Article.
- (i) No sign shall be mounted or displayed on, or extend above the top edge of a roof or extend above the top-most edge of an exterior wall or parapet.

- (j) Mobile or portable signs shall be permitted only as a type of one-time event signage for events of public interest or as a type of one-time event business sign or banner, both as described under Section 94.13.08, but shall be prohibited for any other purpose. Sandwich board/pedestal signs as defined and regulated in this Article shall not be considered mobile or portable signs.
- (k) No inflatable signs shall be permitted.
- (l) No advertising vehicle signs as defined in Section 94.13.03(2)(a) shall be permitted.
- (m) No off-premise advertising signs or structure supporting such sign(s) shall be permitted to be installed or expanded in area or number of signs after March 18, 2015. This provision does not prohibit the use of community information signs under Section 94.13.04(3) or on-premise business signs allowed in Section 94.13.07 that are accessory to established on-premise principal uses for constitutionally protected free speech, provided all messages are in accordance with the time, place, and manner requirements of this Article and other provisions of this Chapter, other chapters of the Village Municipal Code, and other applicable laws. Off-premise advertising signs legally installed before March 18, 2015 but made nonconforming by this Article shall be permitted to continue as legal, nonconforming structures, subject to the requirements of Section 94.15.04, except that:
 - 1. Billboards legally installed before March 18, 2015 that are directed to and on parcels adjacent to State Highway 29 may be upgraded and/or replaced as new technologies become available, provided that the sign area, number, and height at each installation are not increased and other applicable provisions of this Chapter are satisfied.
 - 2. Billboards adjacent to State Highway 29, Business Highway 51, Schofield Avenue, or other locations in the Village that fail to meet the maintenance requirements in Section 94.13.10 may be subject to removal under Section 94.13.02(7). Said sign cannot be replaced once removed.

[Amended via Ord. 15-021, 10/21/2015]

(2) **Sign Location Requirements.**

- (a) Relationship to Regulatory and Government Information Signs. No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal, or device. Freestanding signs may not locate within required vision clearance areas under Section 94.12.08(12), nor otherwise impede traffic or pedestrian visibility.
- (b) Setbacks. The permitted locations and setbacks of all freestanding signs shall be as stated in this Article. Sign setback shall be the shortest distance between the vertical plane extending from the property line (or other specified basis for the setback point) to the nearest structural element of the sign, whether said sign element is attached to the ground or suspended above ground.
- (c) Minimum Ground Clearance. All pylon signs, projecting, marquee, and awning signs shall have a minimum clearance from grade of 8 feet to the bottom of the sign and shall not project into any vehicle circulation area, beyond a public street curb line, or beyond any public street surface edge if no curb is present.
- (d) Spacing Between Freestanding Signs. No permanent freestanding signs shall be placed any closer than 100 feet from another permanent freestanding sign, except where lot sizes, lot frontages, or other condition beyond the reasonable control of the applicant prevent such spacing in the determination of the Zoning Administrator.

- (3) **Community Information Signs.** On-premise and off-premise community information signs shall be allowed subject to the following regulations:

- (a) Is a permanent or seasonal sign that shall only display information in accordance with Section 94.13.03(1)(d). One-time event signs serving similar functions are listed and regulated under Section 94.13.08.
- (b) May be located on public property or rights-of-way if approved by the Zoning Administrator.
- (c) May have changeable copy.
- (d) Shall conform to the visibility requirements of this Article and of Section 94.12.08(12).
- (e) Shall not be counted as adding to the area of signage on the property on which it is placed for the purposes of regulating sign area.
- (f) Shall not exceed 16 square feet in sign area per business or other destination, up to a maximum of 32 square feet if two or more businesses or other destinations are included on the same sign or if the sign is placed in public parkland (such as on an outfield fence).
- (g) Shall not exceed 10 feet in height, except where the sign is installed by a unit of government such as the Village or WisDOT.
- (h) If off-premise, may total not more than one per business, except where the sign is installed by a unit of government such as the Village or WisDOT.
- (i) If advertising or providing directions to a product or business, shall not be located within any residential or RR zoning district, except where such copy is associated with public event, public facility, or public activity sponsors or where such copy is integral to a community entrance or wayfinding sign.
- (j) May be subject to restrictions on lighting, color, duration of placement (e.g., seasonal limitations) as part of sign permit approval, provided that such restrictions are consistent with the purposes of this Article and Chapter.

[Amended via Ord. 15-021, 10/21/2015]

(4) Variable Message Signs (VMS).

- (a) Allowable Districts and Land Uses. No VMS shall be allowed within any agricultural, rural, open space, residential, RM or N district, or for any residential use regardless of district.
- (b) Length of Cycle. Messages and non-text images shall not change appearance more than once every six (6) seconds and transitions between messages shall be via instantaneous change. Use of variable message signs for images, text, or lighting that change appearance in a manner not permitted above shall be considered prohibited flashing or animated signs. No scrolling messages are permitted.
- (c) Brightness Adjustment. All VMS shall be equipped with photosensitive equipment that automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination. Light output shall not exceed that allowed under Section 94.12.11.
- (d) Dimensions. The illuminated or message display area of the VMS is subject to the same height and area requirements as other on-premise business signs in the zoning district. All variable message signs shall be included in the calculation of total permitted sign area for the type of on-premise business sign (wall or freestanding) and the zoning district in which the sign is located.
- (e) Maintenance. Each VMS shall be maintained so as to be able to display messages in a complete and legible manner.
- (f) Location. In addition to standard setback requirements for the applicable sign type, no VMS shall be positioned to be visible from any permitted residential use unless the sign is located at least 100 feet from said use.

[Amended via Ord. 16-046, 12/21/2016; Ord. 18-011, 4/18/2018]

(5) Window Signs.

- (a) Installation. Window signs shall be confined within the transparent area of the window and shall not encroach upon the frame, mullions, or other supporting features of the glass. All permanent window signs that have their lettering or graphic elements directly on the surface of the glass shall be painted, metal leafed, vinyl transferred, or in some other manner permanently applied to the building window or door.
- (b) Area and Quantity. Window signage that advertise commercial situations relating to goods or services sold on premises shall be allowed without restriction on quantity or coverage, provided that they do not interfere with other State and Federal code requirements or public, health, safety, or welfare.
- (c) Structural Design and Maintenance. All window signs shall be designed and maintained so as to be able to display messages in a complete and legible manner, and otherwise in accordance with Sections 94.13.09 and 94.13.10.

(6) Sandwich Board/Pedestal Signs.

- (a) There shall be a maximum of one sandwich board/pedestal sign per business.
- (b) Height shall not exceed 6 feet (as measured when such sign is properly placed directly on the ground or sidewalk surface), width shall not exceed 3 feet, and sign area shall not exceed 6 square feet per side.
- (c) All sandwich board/pedestal signs shall be designed to be self-supporting and in such a manner to withstand the elements, including the ability to remain upright on windy days.
- (d) No sandwich board/pedestal sign shall be illuminated in any manner (except via cordless power for not more than 30 days in any calendar year), have more than two sides, be placed off-premise (except where allowed on a sidewalk immediately adjacent to the business lot to which it relates), or be designed to resemble a public regulatory sign (such as a stop sign).
- (e) All sandwich board/pedestal signs shall be placed directly on a hard-surfaced walkway.
- (f) No sandwich board/pedestal sign shall be placed on a public sidewalk or shall otherwise extend onto or into a public right-of-way.
- (g) Placement of all sandwich board/pedestal signs shall meet all vision clearance requirements in Section 94.12.08(12), and shall otherwise not impede traffic visibility in the determination of the Zoning Administrator.
- (h) All sandwich board/pedestal signs must be kept in good condition, as determined by the Zoning Administrator and per the maintenance requirements of Section 94.13.10.
- (i) Sandwich board/pedestal signs shall not count against the maximum area or number of business signs allowed per Section 94.13.07.

Section 94.13.05: Regulations for Residential and RR Zoning Districts

In all residential and RR zoning districts, signage shall be permitted per the following and all other applicable requirements of this Article:

(1) Identification Sign.

- (a) For each single-family and two-family residential principal use:
 - 1. Permitted Sign Types: Wall Signs, Arm/post signs.

2. Maximum Permitted Number per Lot: One sign
 3. Maximum Permitted Area per Sign: Two square feet.
 4. Minimum Setback from All Property Lines: Three feet.
- (b) For a multi-family residential structure containing three or more dwelling units:
1. Permitted Sign Types: Wall Signs, Monument Signs, Arm/post signs.
 2. Maximum Permitted Number per Lot: One Wall Sign or one Monument Sign.
 3. Maximum Permitted Area per Sign: 12 square feet.
 4. Minimum Setback from All Property Lines: Three feet.
- (c) For each multi-structure residential group development, residential subdivision, institutional use, or “Community Garden” land use:
1. Permitted Sign Type: Wall Sign, Monument Sign, or Arm/post Sign.
 2. Maximum Permitted Number: One per public street or driveway entrance, up to a maximum of three per lot.
 3. Maximum Permitted Area per Sign: 32 square feet.
 4. Minimum Setback from All Property Lines: Three feet.
- (2) **Auxiliary Sign.** (such as “Beware of Dog” or “No Trespassing”):
- (a) Permitted Sign Types: Wall Signs, Freestanding Signs.
 - (b) Maximum Permitted Number of Freestanding Signs per Lot: Two, or more if allowed by site plan approval.
 - (c) Maximum Permitted Area per Sign: Two square feet.
 - (d) Minimum Setback from All Property Lines: Three feet.
- (3) **On-Premise Parking Area and Directional Sign.** (for multi-family residential use, multi-building development, or institutional use):
- (a) Permitted Sign Types: Wall Signs, Monument Signs, and Arm/post Signs.
 - (b) Maximum Permitted Number per Lot: One directional sign for each vehicular entrance and each vehicular exit, and one parking restrictions/conditions sign for each parking area.
 - (c) Maximum Permitted Area per Sign: Nine square feet.
 - (d) Minimum Setback from All Property Lines: Three feet.
- (4) **One-time Event Sign.** One-time event signs are allowed per the requirements of Section 94.13.08.
- (5) **On-Premise Home Occupation, Residential Business, Intermediate Day Care Home, or Bed and Breakfast Sign.** These shall be in lieu of the allowances in subsection (1)(a) above.
- (a) Permitted Sign Types: Wall Signs and Arm/Post Signs.
 - (b) Maximum Permitted Number per Lot: One Wall Sign or one Arm/Post Sign.
 - (c) Maximum Permitted Area per Sign: Six square feet.
 - (d) Minimum Setback from All Property Lines: Three feet.
- (6) **On-Premise Business Sign.** For legal, non-conforming businesses only, signs shall comply with the provisions for signs applicable to the B-3 Neighborhood Commercial district.

- (7) **Community Information Sign.** Shall comply with the provisions of Section 94.13.04(3), except that no Community Information Sign advertising or providing directions to a business shall be located within a residential or RR zoning district.

[Amended via Ord. 15-021, 10/21/2015]

Section 94.13.06: Signage for Residential Uses in Non-Residential Districts

Regardless of zoning district, signage for all principal residential land uses within non-residential zoning districts shall comply with provisions of Section 94.13.05 and all other applicable provisions of this Article.

Section 94.13.07: Regulations for Non-Residential, Agricultural, PR, and N Zoning Districts

Except for residential uses within non-residential zoning districts (instead see Section 94.13.06), signage within non-residential, agricultural, and PR zoning districts shall be permitted per the following and all other applicable provisions of this Article. Signage standards for the N district are exclusively encompassed in subsection (8).

- (1) **Auxiliary Sign.** (such as “open”, business hours, "no trespassing", and required gas pump price signs):
- (a) Permitted Sign Types: Wall Signs, Freestanding Signs.
 - (b) Maximum Permitted Number per Lot: Per approved sign plan.
 - (c) Maximum Permitted Area per Sign: Combined area of all auxiliary signs on any lot shall not exceed 50 percent of the permitted freestanding or on-building sign area for the lot, whichever is greater.
 - (d) Minimum Setback from All Property Lines: For freestanding auxiliary sign, same as for all other freestanding signs in district.
- (2) **On-Premise Parking Area and On-Premise Directional Signs.**
- (a) Permitted Sign Types: Wall Signs, Monument Signs, and Arm/post Signs.
 - (b) Maximum Permitted Number per Lot: One directional sign for each vehicular entrance/exit, and one parking restrictions/conditions sign for each parking area.
 - (c) Maximum Permitted Area per Sign: Nine square feet
 - (d) Minimum Setbacks from All Property Lines: Three feet or the height of the sign, whichever is greater.
- (3) **On-Premise Group Directional Signs.** Within non-residential developments in which two or more separate establishments, agencies, and/or use areas occupy different buildings or occupy the same building but are accessed from different driveways, parking areas, and/or sides of a building, on-premise directional signage may be combined on a monument sign in accordance with subsections (a) through (e) below. Examples of eligible uses include multi-agency institutional buildings with separate building entrances and parking areas; hospitals with separate entrances or vehicle accommodation areas for distinctive functions (emergency rooms, visitor parking, clinics) or campuses with multiple buildings; sites or business parks with multiple, individual businesses; and large business or industrial principal structures with separate use area entrances (e.g. customer, employees, and/or shipping). Content of such signs shall be limited to destination name/logo and directional arrows or words.
- (a) Permitted Sign Types: Wall Signs, Monument Signs, and Arm/Post Signs.
 - (b) Maximum Permitted Number per Lot: One, or as otherwise specified on an approved site plan.
 - (c) Maximum Permitted Area per Sign: Five square feet per establishment, agency, or entrance. Area allowance shall not be combined and allotted in a manner that allows the directional sign for a

specific destination to exceed five square feet in area. Maximum total area per freestanding Group Directional Sign shall be 50 square feet.

- (d) Maximum Height: Eight feet.
- (e) Minimum Setback from All Property Lines: Three feet or the height of the sign, whichever is greater.
- (4) **Sandwich Board/Pedestal Signs.** Per the requirements of Section 94.13.04(6).
- (5) **One-time Event Signs.** Per the requirements of Section 94.13.08.
- (6) **Community Information Signs.** Per the provisions of Section 94.13.04(3).
- (7) **On-Premise Business Signs.** (also see summary in Figure 13.07)
 - (a) **For the FP Farmland Preservation, AR Agricultural Residential, PR Parks and Recreation, and RM Rural Mix Zoning Districts.**
 - 1. Permitted Sign Type: Wall Sign
 - a. Maximum Permitted Number per Lot: One sign.
 - b. Maximum Permitted Area per Sign: 48 square feet.
 - 2. Permitted Sign Type: Freestanding Sign (Monument Sign or Arm/Post Sign only)
 - a. Maximum Permitted Number per Lot: One sign.
 - b. Maximum Permitted Area per Sign: 32 square feet for all combined sign faces seen from a single vantage point.
 - c. Maximum Permitted Sign Height: Eight feet.
 - d. Minimum Permitted Sign Setback from All Property Lines: The greater of actual sign height or three feet.
 - (b) **For the INT Institutional and B-1 Neighborhood Business Districts.**
 - 1. Permitted Sign Type: On-Building Sign (Wall, Awning, Marquee, or Projecting sign)
 - a. Maximum Permitted Area: 1 square foot of on-building sign area per 1 linear foot of exterior length of each signable wall. For buildings with multiple tenants, the building owner(s) shall be responsible for assignment of allowable sign area to individual businesses within the building.
 - b. Maximum Permitted Number. 1 on-building sign per signable wall per business.
 - c. Permitted Location: On any signable wall visible from a public street, except signable walls which are adjacent to a residentially zoned property. On-building signs shall not be located on any portion of upper stories. Sign placement shall be integrated with, and not cover, architectural elements and details.
 - 2. Permitted Sign Type: Freestanding Sign (Monument, Pylon, or Arm/Post)
 - a. Maximum Permitted Number per Lot: 1 per lot.
 - b. Maximum Permitted Area Per Sign: 48 square feet for all combined sign faces seen at one time, or up to 64 square feet by conditional use permit.
 - c. Maximum Permitted Sign Height: 8 feet, or up to 20 feet by conditional use permit.
 - d. Minimum Permitted Sign Setback from All Property Lines: The greater of actual sign height or 3 feet.
 - (c) **For the B-2 Highway Business, B-3 General Business, BP Business Park, and I Industrial Districts.**
 - 1. Permitted Sign Type: On-Building Sign (Wall, Marquee, or Awning sign).

- a. Maximum Permitted Area per Sign: One square foot of on-building sign area for every one linear foot of signable wall length (for the subject wall). For buildings with multiple tenants, the owner(s) shall be responsible for assignment of allowable sign area to individual businesses within the building.
 - b. Maximum Permitted Number: Two on-building sign per signable wall per individual business or establishment on the lot.
 - c. Permitted Location: On any signable wall that is visible from a public street, except signable walls that are adjacent to a residentially zoned property.
2. Permitted Sign Types Freestanding Sign (Monument or Pylon Sign).
- a. Maximum Permitted Area per Sign: 200 square feet for each sign located within 660 feet of the Interstate or State Highway 29 right-of-way, 64 square feet in other locations. Sign area shall be for all combined sign faces seen at one time.
 - b. Maximum Permitted Number per Lot: One per public street frontage per lot.
 - c. Maximum Permitted Sign Height: 40 feet for each sign located within 660 feet of the Interstate or State Highway 29 right-of-way, 20 feet in other locations.
 - d. Minimum Permitted Sign Setback from All Property Lines: A distance equal to sign height. The Zoning Administrator may approve a lesser setback in the following instances: sign at least 10 feet from any vehicular, bicycle, or pedestrian travel way; safe relationship to pedestrian and vehicular traffic movement and safety; sign designed and installed to prevent or make extremely unlikely its collapse; lesser setback does not conflict with Village's adopted aesthetic standards for the area (including any design overlay district); and lesser setback does not conflict with Village and utility use and operations.
3. Permitted Sign Type: Freestanding Group Development Sign
- a. Except within 660 feet of any Interstate or Highway 29, freestanding Group Development Signs shall be allowed only in lieu of and not in addition to freestanding signs for individual establishments allowed under subsection 2. above, and any existing or subsequent freestanding sign shall count against the maximum number of freestanding Group Development Signs allowed for the property or site.
 - b. Maximum Permitted Area per Sign: 50 square feet per individual business or establishment on the Group Development site, to a maximum area of 200 square feet per freestanding Group Development Sign regardless of the number of business establishments located within the development (400 square feet if located within 660 feet of the Interstate or State Highway 29 right-of-way). The property owner(s) shall be responsible for apportionment of allowable freestanding business sign area to individual businesses or establishments within the Group Development.
 - c. Maximum Permitted Number per Group Development: One per group development of 5 acres or less; two per each larger group development.
 - d. Maximum Permitted Sign Height: 50 feet for each sign located within 660 feet of the Interstate or State Highway 29 right-of-way, 25 feet in other locations.
 - e. Minimum Permitted Sign Setback from All Property Lines: A distance equal to sign height. The Zoning Administrator may approve a lesser setback in the following instances: sign at least 10 feet from any vehicular, bicycle, or pedestrian travel way; safe relationship to pedestrian and vehicular traffic movement and safety; sign designed and installed to prevent or make extremely unlikely its collapse; lesser setback does not conflict with Village's adopted aesthetic standards for the area (including any design overlay district); and lesser setback does not conflict with Village and utility use and operations.

[Amended via Ord. 16-046, 12/21/2016]

- (8) **For the N Zoning District.** Permitted sign types, number, area, location, and other characteristics shall be per an approved Specific Implementation Plan per Article 14. Unless otherwise addressed in the Specific Implementation Plan, the types, number, area, location, and other characteristics of allowable signs on individual lots approved exclusively for residential use shall be those for the corresponding type of residential uses in other districts in Section 94.13.05. For non-residential uses, no signage not shown on an approved Specific Implementation Plan or otherwise specifically addressed in the Specific Implementation Plan approval documents, or an amendment thereto, shall be located on any site or lot in an N district. Any sign erected after the approval that was not specifically reviewed and approved as part of the Specific Implementation Plan, but instead allowed under the development agreement with the Village per Article 14, shall be subject to the permit requirements of Section 94.13.02.

[Amended via Ord. 15-021, 10/21/2015; Ord. 16-027, 5/18/2016]

Figure 13.07: SUMMARY of Maximum Dimensions and Number of On-Premise Business Signs (For Non-Residential, Agricultural, and PR Districts—See Section 94.13.05 for Residential and RR District Standards)

Zoning District	Maximum Sign Area and Height		Maximum Number of Signs
	On-Building	Freestanding	
FP AR PR RM	Wall only: 48 SF	Monument or Arm-post only: Maximum Area: 48 SF Maximum Height: 8 ft	1 on-building sign and freestanding sign per lot
INT B-1	Wall, Awning, or Projecting: 1 SF of sign area per linear foot of wall length on that wall	Monument, Pylon, or Arm/post: Maximum Area: 48 SF (64 SF by CUP) Maximum Height: 8 ft (20 ft by CUP)	1 on-building wall sign per signable wall per business 1 monument or arm/post sign per lot
B-2 B-3 BP LI GI	Wall, Awning, or Projecting: 1 SF of sign area per linear foot of exterior wall length on that wall	Monument or Pylon: Maximum Area: 64 SF (200 SF if within 660 feet of Interstate or Highway 29) Maximum Height: 20 ft (40 ft if within 660 feet of Interstate or Highway 29)	2 on-building signs per signable wall per business 1 pylon or monument sign per lot; 2 for lots with more than one street frontage where each frontage is at least 200 ft
NOTE: This table is only a summary of the sign regulations applicable to nonresidential uses. Section 94.13.07 contains more specific requirements, including allowances for other signs in these districts such as group development signs and sign setbacks. In the event of any conflict, the text in Section 94.13.07 controls.			
[Amended via Ord. 16-027, 5/18/2016; Ord. 16-046, 12/21/2016]			

Section 94.13.08: One-time Event Signs

The following are allowable one-time event sign types and unique requirements for each type. A sign permit shall not be required except where indicated.

- (1) **Real Estate Signs.** Within each residential and rural and open space zoning district, only one on-premise real estate sign is permitted. Such sign shall be removed within 30 days of the sale or lease of the single space it is advertising or of the sale or lease of 90 percent of the total land or space available for sale or lease on the property. Such signs shall not be located in the public right-of-way, shall not exceed 12 square feet in area and 6 feet in height in residential, rural and open space zoning districts, and 64 square feet in area and 12 feet in height in all other districts. No off-premise real estate signs, such as “open house” signs, are permitted.
- (2) **Construction or Project Identification Signs.** Such signs shall be erected no sooner than the beginning of work for which a valid building or demolition permit has been issued, and shall be removed within 30 days of completion of such work. Construction or project identification signs shall not exceed 64 square feet in area and 12 feet in height, except that each fence surrounding a construction site may be partially or fully covered with a banner including signage.

[Amended via Ord. 19-001; 1/23/2019]

- (3) **Temporary Commercial Signs and Banners.** For sales, limited time offers, grand openings, or other special events only, such signs shall not exceed 64 square feet in area and 12 feet in height if ground mounted, nor extending above the roof line if building mounted. Except as may be allowed below or by site plan approval under Section 94.16.09, no single use is permitted to display more than one temporary commercial sign or banner at a single time and no single lot is permitted to display more than two temporary commercial signs and banners at a single time. No temporary commercial sign or banner shall be placed on a lot for greater than 30 consecutive days. An advertising vehicle sign is not a permitted temporary commercial sign, but a mobile sign is permitted. A sign permit shall be required for a temporary sign serving this purpose. Does not include price or temporary item signs, as described below. If a portable Variable message sign (VMS) is used as a temporary commercial sign, then the regulations in Section 94.13.04(4) shall also apply.
- (4) **Price or Temporary Item Signs.** Signs that advertise the price of products or services offered on the premises or of special temporary goods or services being sold or offered, up to 6 square feet in area per sign face for each double-sided sign, not illuminated, no more than two signs per street frontage, and no closer than five feet to any property lines. Each price or temporary sign must be removed within 24 hours of the special being sold or offered, and within 30 days of its placement on the property in any case. Any temporary sign not meeting these limitations but serving a similar purpose shall instead be classified as a temporary commercial sign or banner.
- (5) **Temporary Individual Residential Signs.** Not larger than 12 square feet each, to advertise garage sales, yard sales, or similar merchandise sales during the time the sale is taking place. Such signs shall not be erected more than 1 day before the event and shall be removed within 1 day after the event.
- (6) **Temporary Signs for Events of Public Interest.** For a temporary event of public interest hosted by and/or held at a governmental entity, community organization, or institutional facility (e.g., farmers market, fair operated by a nonprofit organization), two signs of up to 32 square feet each may be located upon the site of the event. Additional off-premise signs shall be allowed, up to one per premise, and up to 12 square feet per sign. Temporary Signs for Events of Public Interest shall not be erected more than 30 days before the event and shall be removed within 7 days after the event. If a portable Variable message sign (VMS) is used as a temporary commercial sign, then the regulations in Section 94.13.04(4) shall also apply.

- (7) **Political/Election Signs.** Temporary political signs are permitted without restriction so long as they locate per the requirements of this Article, including not being allowed within the public right-of-way. Signs promoting a candidate or position on an issue for an upcoming election may not be placed in a manner that would impede vehicular or pedestrian safety, must be outside of required vision triangles, and must meet the requirements of Wis. Stat. Chapter 12.
- (8) **Personal Greeting or Congratulatory Signs.** Permitted for up to 30 days, with such signs not greater than 6 feet in height in residential districts and 12 feet in height in all other districts if ground-mounted, nor extending above the roof line if building mounted.
- (9) **Temporary Window Signs.** Signs temporarily affixed to the inside of a window that advertise commercial situations relating to goods or services sold on premises shall be allowed without restriction on quantity or coverage, provided that they do not interfere with other State and Federal code requirements or public, health, safety, or welfare. If a portable variable message sign (VMS) is used as a temporary commercial sign, then the regulations in Section 94.13.04(4) shall also apply.
- (10) **Commercial Sign Pro Tempore.** A freestanding sign that advertises a new business, that is installed on an initial and temporary, non-permanent basis, longer than a 30-day period. Sign dimensions shall not exceed those set forth in Section 94.13.07(7) listed under the associated zoning district. This sign type is only valid from November 1st to May 1st. No single use is permitted to display more than one commercial sign pro tempore. An advertising vehicle sign is not a permitted temporary commercial sign, but a mobile sign is permitted. If a portable variable message sign (VMS) is used as a commercial sign, then the regulations in Section 94.13.04(4) shall also apply. This sign type does not include price or temporary item signs or temporary commercial signs and banners as described above. A sign permit shall be required for *both* a commercial sign pro tempore serving this purpose and a permanent freestanding sign. This sign type may only be applicable in the following additional circumstances:
 - (a) The sign is a part of an approved site plan for the purpose of new construction;
 - (b) A freestanding sign is currently not installed on the premise; or
 - (c) A non-conforming permanent, freestanding sign is being removed and replaced with a new permanent, freestanding sign in conformance with this Chapter.

[Amended via Ord. 15-021, 10/21/2015; Ord. 16-006, 4/20/2016]

Section 94.13.09: Structural Requirements

- (1) All signs shall be constructed and mounted so as to comply with State Building Codes.
- (2) No sign or any part thereof, anchor, brace, or guide rod shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe.
- (3) All temporary/one-time event signs shall be anchored and supported in a manner that reasonably prevents the possibility of the signs becoming hazards to public health and safety.
- (4) No sign or any part thereof, anchor, brace, or guide rod shall be attached, erected, or maintained that may cover or obstruct any door, doorway, or window of any building that may hinder or prevent ingress or egress through such door, doorway, or window, or that may hinder or prevent the raising or placing of ladders against such building in the event of fire.
- (5) No signs shall, in any instance, create a traffic visibility or other safety hazard. No sign shall be erected so that it impedes visibility for safe pedestrian and/or vehicular circulation.
- (6) No sign not designed and constructed to withstand winds during typical Wisconsin storm events shall be erected at any location.
- (7) All freestanding signs erected in any location shall be designed and constructed with footings for support of such sign that extend not less than 42 inches below the existing ground level. The base or support(s)

shall be securely anchored to a concrete base or footing, except for signs legally installed in public rights-of-way. The footing and related supporting structure of each freestanding sign including bolts, flanges, and brackets shall be concealed by the sign exterior or shall be surrounded by landscaping.

- (8) All signs attached to buildings and that are permitted to project away from the building wall shall be designed and constructed such that the attachment to such wall does not extend above a point of bearing with the roof rafters.
- (9) All illuminated signs erected at any location shall be designed and constructed to meet the following requirements:
 - (a) All signs shall be constructed and maintained to conform with State Electrical Codes and shall bear UL labels. All sign permit applications in which electrical wiring and connections are proposed shall be submitted to the Electrical Inspector. The Electrical Inspector shall examine the plans and specifications submitted for the proposed sign and may require additional information relating to the proposed electrical installation from the applicant. If the Electrical Inspector determines that the proposed installation complies with local ordinances relating to the electrical wiring and construction, then the Electrical Inspector shall approve the application and submit the approved application to the Zoning Administrator. The Zoning Administrator may not approve a sign permit application for an illuminated sign unless and until approval is received from the Electrical Inspector.
 - (b) Unless an illuminated sign bears the label of approval of a recognized testing laboratory, all illuminated signs shall be inspected and approved by the Electrical Inspector on the site prior to the erection of the sign. No illuminated sign, despite issuance of a sign permit, shall be erected until the site inspection has been made or waived by the Electrical Inspector and the sign permit initialed or stamped to show the Electrical Inspector's approval.
 - (c) All illuminated signs shall be equipped with a watertight safety switch, located where electric current enters the sign. All parts covering service openings to the electrical supply shall be securely fastened.
 - (d) No illuminated sign shall be connected to an electric power source except by an electrical contractor, unless the only connection to the electric power source is through a grounded three-prong heavy duty plug.
 - (e) All freestanding illuminated signs shall be supplied power only by underground wiring or internal batteries.

[Amended via Ord. 15-021, 10/21/2015]

Section 94.13.10: Maintenance Requirements

- (1) All signs and structures appurtenant thereto shall be maintained in a neat and proper state of appearance.
- (2) Proper maintenance shall be the absence of loose materials (including peeling paint, paper, or other material); the lack of excessive rust; the lack of excessive vibration or shaking; and the presence of the original structural integrity of the sign, its frame and other supports, its mounting, and all components thereof.
- (3) The repainting, changing of parts, and preventive maintenance of signs that completely conform to the requirements of this Article, and result in absolutely no change in the appearance of the sign from that originally approved, shall not be deemed alterations requiring a sign permit.
- (4) The owner, lessee, or manager of a sign, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which the sign is located.

- (5) The base of signs shall be landscaped so as to conceal footings, mountings, brackets, and related structural elements, if not shielded by a decorative portion of the sign.
- (6) A sign that is improperly maintained, is abandoned, is unsafe, or otherwise exists in violation of this Chapter, shall be removed by the sign permit holder or the owner of the property on which the sign is located within three months from the date of disrepair, abandonment, or unsafe condition or by the notice from the Zoning Administrator of the problem. Any failure to remove such sign shall be a violation of this Chapter and shall be subject to enforcement under Section 94.16.19.
- (7) Business signs that advertise an activity, business product or service no longer conducted or available on the premises on which the sign is located shall be prohibited. In such instance, the property owner shall be responsible for removing the sign or sign face related to such activity, business product, or service within 30 days of the cessation of such activity, product or service, or sooner if the Zoning Administrator determines that the signs do not meet the maintenance requirements of Section 94.13.10. Any failure to remove such sign shall be a violation of this Chapter and shall be subject to enforcement under Section 94.16.19.
- (8) Signs shall also be maintained in accordance with Section 50.102. The Village may utilize abatement procedures in Chapter 50 to achieve compliance with this Section.

Section 94.13.11: Nonconforming Signs

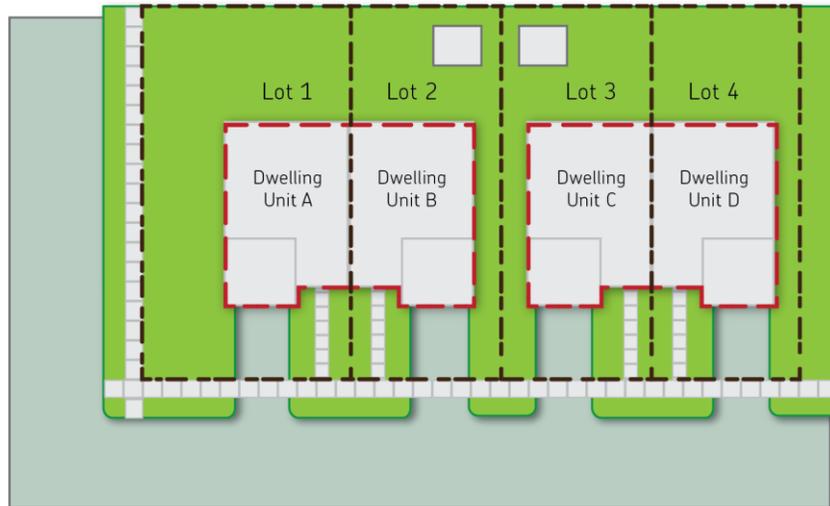
- (1) **Generally.** Any signs lawfully existing at the time of the adoption or amendment of this Article may be continued although the use, size, or location does not conform to the provisions of this Article. However, such sign shall be deemed a nonconforming structure, and the provisions of Section 94.15.04 shall apply, except where otherwise limited by other provisions of this Chapter.
- (2) **Maintenance and Alteration of Nonconforming Signs.** Nonconforming signs may be maintained. No nonconforming on-premise sign shall be altered, extended, enlarged, converted, or moved to a new location without being brought into compliance with the requirements of this Article, except that sign face copy or materials may be repaired or replaced, and a marquee or other permanent sign with a manually changeable message may be converted to a variable message sign, provided that sign area is not increased or reconfigured. Alteration of a nonconforming on-premise sign is considered to be any other change to the exterior appearance of any part of the sign, frame, supporting structure, lighting, material, height, location, or any other alterations as determined by the Zoning Administrator.

[Amended via Ord. 19-001; 1/23/2019]

- (3) **Removal of Nonconforming Signs.** All nonconforming signs found not to be in compliance with the provisions of this Chapter shall be removed within 10 days of receiving written notice of noncompliance and removal from the Zoning Administrator, except as otherwise provided for in Section 94.13.02(6).
- (4) **Change of User of Nonconforming Signs.** Whenever there is a change in the user of a nonconforming sign (excluding off-premise signs), sign owner, or owner of the property on which the sign is located, the new sign user, sign owner, or new property owner shall forthwith notify the Zoning Administrator of the change. No new sign permit is required unless there is modification of the sign face or sign structure. The sign will continue to be considered a legal, nonconforming structure.
- (5) **Signs Related to Nonconforming Uses.** Business signs on the premises of a nonconforming use or structure may be continued, but new signs for such uses shall not be allowed, nor shall expand in number, area, height, or illumination.

Figure 4.02(1): Examples of Zero Lot Line Structures

Duplex Example



Townhouse / Row House Example



[Amended via Ord. 19-001, 1/23/19]

(3) **Multi-Family Residence.**

A single structure with three or more individual attached dwelling units, including “rental apartments,” condominium buildings with 3+ units each, townhouses, and row houses. Each dwelling unit may take access from a shared entrance or hallway or from a private, individual exterior doorway. “Institutional Residential Uses,” as defined in this Chapter, are regulated separately.

Performance Standards: The performance standards in Figure 4.02(2) apply to each new development containing a Multi-family Residence established after January 1, 2019 and to any approved expansion or conversion to such a development after such date to the extent determined practical by the site plan approval authority. The site plan approval application shall, in addition to providing all materials required under Section 94.16.09(4), shall be accompanied by all materials necessary to assure compliance with the performance standards.

[Amended via Ord. 19-001, 1/23/19]

Figure 4.02(2): Performance Standards for Multi-Family Residences and Associated Developments

R = Required	Blank Cell = Allowed	NA = Not Allowed		
Performance Standard (to right, R = Required)		Number of Dwelling Units in Development (regardless of number of units per building or number of buildings in development)		
		3-8 units	9-32 units	31+ units
1.	Dwellings meet design standards for Multi-Family Residences in Section 94.10.03.	R	R	R
2.	Detached Accessory Structures meet standards in Section 94.4.09(2).	R	R	R
3.	Public sewer and water service.	R	R	R
4.	Zero-lot line structures meet applicable standards in Section 94.4.02(2).	R	R	R
5.	Minimum of 1 unit for every 33 units designed for handicapped accessibility.			R
6.	Minimum of 500 square feet of Gross Floor Area per efficiency and 1-bedroom unit and 700 square feet per 2+ bedroom unit, not including garages or open decks, porches, patios, etc.	R	R	R
7.	Within the 2F zoning district, each Multi-Family Residence of within a townhouse or row house building has an attached garage. (Townhouse/row house defined in Section 94.17.04.)	R	R	R
8.	Off-street motor vehicle parking: <ul style="list-style-type: none"> • Minimum 1 parking space per efficiency/1-bedroom unit; 1 parking space per bedroom for each 2+ bedroom unit, and one visitor parking space for every 4 units. • On a hard surface as defined in Section 94.17.04. • No attached carport. • Minimum of 1 enclosed (e.g., underbuilding, garage) parking space per dwelling unit. 	R	R	R
9.	Safe and convenient pedestrian facilities, such as hard-surfaced walkways, linking residential building entrances with parking and recreational facilities and with existing and planned bike and pedestrian facilities along adjacent roadways and parcels.		R	R
10.	Designated off-street bicycle parking space in bike rack or similar, near building entrance.		R	R
11.	Serviced by manager with an office or residence <30 miles away.	R	R	R
12.	Manager or maintenance person residing on-site.			R

R = Required	Blank Cell = Allowed	NA = Not Allowed		
Performance Standard (to right, R = Required)		Number of Dwelling Units in Development (regardless of number of units per building or number of buildings in development)		
		3-8 units	9-32 units	31+ units
13. Bufferyard per Section 94.11.02(3)(d) along all property lines abutting single family residentially zoned property.		R	R	R
14. Storage and removal of waste and recyclable materials per Sections 66.112, 66.114, 66.115, and 94.12.06(2) as applicable.		R	R	R
15. All building entrances secured, either by key or keyless entry provided to residents.		R	R	R
16. Security cameras in parking lots (including underbuilding) and at common entryways.			R	R
17. Secured indoor storage areas to at least 50% of dwelling units.			R	R
18. Clothes washing machines and dryers in at least 50% of dwelling units.			R	R
19. Heating and air conditioning within all units and indoor common areas, except for enclosed parking areas, allowing for occupant control and not allowing window units.		R	R	R
20. Sound mitigation in all shared walls and floors between separate units to reduce sound transmission between units, with a minimum standard Sound Transmission Class (STC) meeting the requirements of Section 1207 of the International Building Code.		R	R	R
21. Dedicated, on-site location for centralized mail delivery (e.g., cluster mailbox), coordinating type and location with Village and U.S. Postal Service.			R	R
22. Deliberately designed and improved common recreational facility for use of tenants and their guests only, such as a community room, exercise room, clubhouse, pool, playground, play courts, gazebo, fire pit, fenced pet exercise area, or common garden with water, shed, fencing, and equipment. Selected facility should be geared to the expected demographics and interests of tenants.				R
23. Usable outdoor open space in the quantity provided in Figure 4.02(3). Usable outdoor open space is common outdoor area available, designed, and sufficiently square or round for the intended outdoor recreational activities (including those in line 22) and located outside of the floodplain, wetlands, surface waters, stormwater basins and conveyance routes, slopes of 12% or greater, and other areas with severe limitations for recreational use in the determination of the site plan approval authority.		R	R	R

[Amended via Ord. 19-001, 1/23/19]

Figure 4.02(3): Usable Outdoor Open Space Worksheet for Developments Containing Multi-Family Dwellings

	A Directions	B # dwelling units		C Sq. ft./unit		D Total sq. ft.	
1	Calculate usable outdoor open space required ¹		x	300 required	=		
2	Calculate outdoor private open space provided for individual dwelling units, such as patios, porches, balcony, and decks, counting only those areas of 48 sq. ft. or greater not including steps		x		=		
3	Subtract Column D of Line 2 from Line 1	Remaining usable outdoor open space required					
4	Calculate square footage of deliberately designed and improved common recreational facilities for tenants and their guests, such as community room, exercise room, clubhouse, pool; playground, play courts, gazebo, fire pit; fenced pet exercise area; common garden with water, shed, fencing, and equipment.	Amenity (list and describe)		Sq. ft.			
5	Add square footages from Line 5, Column C	Total common recreational facility square footage provided					
6	Multiply Line 5, Column C by 2	Common recreational facility “bonus” counting towards requirement		x 2	=		
7	Subtract Line 6 from Line 3, Column D	Remaining usable outdoor open space required for development ¹				=	

Note: ¹ See Figure 4.02(3), line 23, for definition of “usable outdoor open space”.

[Amended via Ord. 17-014, 7/26/2017; Ord. 19-001, 1/23/19]

Section 94.10.01: Purpose

The purpose of this Article is to establish regulations that address the exterior design and appearance of new buildings and their relationship to other structures, hard surfaced areas, landscaping areas, and other required site design elements on the same building site or adjoining building sites. Sites and buildings within a D Design overlay zoning district, as specified in Section 94.6.02, shall also be subject to the unique building and site design standards of that district.

Section 94.10.02: Single-Family and Two-Family Housing Standards

- (1) **General Design Requirements.** All new single-family detached residence shall meet the design requirements of Section 94.4.02(1). Expansion or exterior remodel (exceeding 50 percent of the equalized assessed value of the structure at the time of the proposed project) of existing single-family detached residence shall meet the design requirements of Section 94.4.02(1) to the extent determined practical by the applicable site plan approval authority. All new two-family residence shall meet the design requirements of Section 94.4.02(2). Expansion or exterior remodel (exceeding 50 percent of the equalized assessed value of the structure at the time of the proposed project) of existing two-family residence shall meet the design requirements of Section 94.4.02(2) to the extent determined practical by the applicable site plan approval authority.
- (2) **Housing Variety in New Subdivisions.** As part of each residential plat approved after March 18, 2015, the subdivider shall prepare, the Plan Commission shall approve, and the subdivider shall record private restrictions over the subdivision to increase variety and reduce monotony in the design, materials, and colors of Single-Family Detached and/or Two-Family Dwellings. Once recorded, such restrictions may be removed or amended only upon the subsequent approval of the Plan Commission.

[Amended via Ord. 17-037, 12/20/2017]

Section 94.10.03: Design Standards for Multi-Family and Non-Residential Buildings

- (1) **Applicability.** All new multi-family (3+ unit) residential principal buildings and non-residential principal buildings shall meet the design requirements in this Section, with the exception of farm structures such as barns, silos, and grain elevators. Expansion and exterior remodeling (exceeding 50 percent of the equalized assessed value of the structure at the time of the proposed project) of existing multi-family (3+ unit) residential principal buildings and non-residential principal buildings shall meet the design requirements in this Section to the extent determined practical by the applicable site plan approval authority. All Detached Accessory Structures serving multi-family residential principal buildings shall meet applicable design requirements in Section 94.4.09(2). All Detached Accessory Structures serving non-residential principal buildings shall meet applicable design requirements in Section 94.4.09(1).
- (2) **No Conversion of Residential Buildings for Commercial Use.** No building designed and constructed for residential use shall be remodeled, converted, or used for a nonresidential use or activity, except for any of the permitted or conditional uses in the associated residential zoning district listed in Figure 3.04.
- (3) **When Licensed Architect Required.** All proposed new construction and additions to multi-family residential and non-residential buildings shall require building elevations stamped by an architect licensed in the State of Wisconsin, except for buildings devoted to a storage or disposal land use listed in Section 94.4.06, a transportation land use in Section 94.4.07, an industrial land use in Section 94.4.08, or as otherwise approved by the Plan Commission or Extraterritorial Zoning Committee.
- (4) **Building Size and Mass.** The size and mass of buildings and structures shall be designed with consideration of the buildings, public ways, and places to which they are visually related (see Figure 10.03(1) for examples). The relative proportion of a building to its neighboring existing buildings, to pedestrians, or to other existing buildings shall be maintained or enhanced when new buildings are built

or when existing buildings are altered.

Article 10: BUILDING AND SITE DESIGN STANDARDS

Figure 10.03(1): Examples of Building Size and Mass Continuity



- (5) **Building Façade Continuity.** Changes in building material, color, and texture shall occur at points related to the massing and overall design concept for the building. Each building shall be visually compatible with the buildings, public ways, and places to which it is visually related in its directional character, whether this is vertical character, horizontal character, or non-directional character. Building facades and appurtenances such as walls, fences, and landscape masses shall, when it is a characteristic of the area, form cohesive walls of enclosures along a street to ensure a favorable relationship with the buildings, public ways, and places to which such elements are visually related (see Figure 10.03(2) for examples in an urban setting).

Figure 10.03(2): Urban Example of Adjacent Building Façade Continuity



(6) **Building Design Proportions.**

- (a) The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways, and places to which it is visually related.
- (b) The relationship of the width to height of windows shall be visually compatible with buildings, public ways, and places to which the building is visually related.
- (c) The relationship of solids to voids in the front façade of a building shall be visually compatible with buildings, public ways, and places to which it is visually related.
- (d) The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with the buildings, public ways, and places to which it is visually related.
- (e) The relationship of entrances and other projections to sidewalks shall be visually compatible with the buildings, public ways, and places to which it is visually related.

(7) **Approved Materials.** Material selection shall relate to the prevailing material already used on recently constructed buildings in the area, or to a different character if identified in the Village's Comprehensive Plan, the examples in Figures 10.03(3) and (4), or unique requirements associated with any D Design overlay district applicable to the site. In addition:

- (a) All new construction shall have a façade that consists of 60 percent of brick, native stone, tinted and/or textured concrete masonry units, glass, copper panels, stainless steel, brushed nickel, stained natural woods (as provided in subsection (c)) or other comparable material as approved by the site plan approval authority, except as provided below:
 - 1. On all new commercial construction, for non-public facing façades, the requirement in subsection (a) shall remain, but at 40 percent.
 - 2. On all new industrial construction, 60 percent of all non-expansion facades abutting a public right-of-way and the extension of 20 feet or 10 percent of the length of the side, whichever is greater, on either side shall meet the requirements of subsection (a).
 - 3. On all new industrial construction, the site plan approval authority may reduce the requirement in subsection (a) to 40 percent so long as the property is not abutting Schofield Avenue, Camp Phillips Road, Weston Avenue, Ross Avenue and/or State Highway 29.
- (b) Vinyl, Dryvit, Exterior Insulation Finishing Systems (EIFS), plaster products, and metal panels shall not be counted towards the 60 percent requirement in subsection (a), except for (i) architecturally finished and decorative versions of such materials if approved by the site plan approval authority and (ii) metal panels without exposed fasteners that are copper, brushed nickel, stainless steel, or other comparable material approved by the site approval authority.
- (c) Natural wood, including treated wood, shall be painted or stained. The site plan approval authority may authorize the use of cedar, redwood, or other naturally weather resistant wood species to be untreated.
- (d) Facades with an uninterrupted length of 200 feet or more shall include the use of two or more colors or employ the use of protruding or intruding exterior walls in a way that breaks and reduces the monotony.
- (e) Multifamily dwellings are required to have architectural and trim details such as frieze board, vertical corner trim, drip caps, gable vents, shingles and shakes.
- (f) Commercial buildings are required to be designed to provide human scale, interest, and variety, which shall be accomplished by incorporating at least two of the following techniques:

1. Variation in building form, such as recessed or projecting bays, shifts in massing or distinct roof shapes.
 2. Emphasis on building entries through projecting or recessing forms (e.g., cover entries or columns), details or material differences.
 3. Variation in materials, material modules, express joints and details, surface relief, and/or texture to break up building forms and walls.
- (g) Where concrete block or masonry is used on industrial buildings, such material shall be painted with no less than two coats of paint, stain, or shall be a decorative pattern or treatment as approved by the site plan approval authority.

[Amended via Ord. 19-001; 1/23/2019]

- (8) **Materials—Use of Metal and Other Non-Decorative Materials.** No exposed façade shall be faced with a material that presents an unfinished appearance to the public and surrounding properties. The following exterior construction materials shall not be exposed along front or street side yard facing building facades: non-decorative concrete block, cinder block, or concrete foundation walls (except for the first two feet above grade), non-decorative plywood, chipboard, T1-11, asphaltic siding, vinyl siding less than 0.044 inches of thickness, any material using non-concealed fastener systems, metal sheets not designed for commercial exterior walls, paneling, and other similarly inferior materials as determined by the site plan approval authority. No façade of any principal building intended for a residential, institutional, or commercial use as listed in Figure 3.04 shall be sided with metal sheets or panels. Any accessory non-residential building sided with metal sheets or panels shall be fully screened from the public rights-of-way. Pole buildings shall be prohibited in any residential, commercial, and industrial zoning district.

[Amended via Ord. 19-001; 1/23/2019]

Figure 10.03(3): Examples of Appropriate Multi-Family Residential Building Materials and Colors



Figure 10.03(4): Examples of Appropriate Commercial Building Materials and Colors



- (9) **Colors.** Building colors shall be selected to enhance or maintain general harmony with the existing area or neighborhood buildings, without creating a monotonous street appearance. See examples of appropriate color combinations in Figures 10.03(3) and 10.03(4).
- (10) **Design.** Building design features, materials and articulations shall be continued in all sides.
- (11) **Roofing.** Exposed roofing materials shall be variegated in color and texture in a manner that is complimentary to the color and texture of the façade.
- (12) **Corner Lot Buildings.** Buildings on corner lots shall continue the major front elevation design elements around the corner elevation.
- (13) **Vents and Mechanical Units.** All chimney and fireplace vents shall be enclosed in a case constructed of materials similar to those materials used on the building elevations. Metal housings designed by the vent manufacturer to enclose the chimney vents are acceptable. All heating, ventilating, and air-conditioning equipment shall be designed to be integral with the building architecture and site design and screened from view from public rights-of-way.
- (14) **Building Orientation.** All buildings shall be sited to present their most desirable façade(s) to adjacent public rights-of-way. Garages and loading docks shall be designed as integral elements to the building and site, and shall not be the dominant visual element from public rights-of-way unless pre-existing site or building conditions would not allow this. For multi-family residential buildings, achieving this standard may require techniques such as rear- or side-loaded garages, or front-loaded garages that are fully or partially recessed into the main body of the building. All new loading docks shall be screened from public view to the extent practical. No truck canopies with visible wall hangers are permitted.

[Amended via Ord. 19-001; 1/23/2019]

- (15) **Outdoor Waste/Recycling Containers.** Solid waste/recycling containers (dumpsters) stored outdoors shall be subject to applicable standards in Section 94.12.06(2) and Chapter 66 of the Municipal Code.
- (16) **Waiver or Modification of Standards.** The applicable site plan approval authority under Section 94.16.09 may waive or modify any of the standards in this Section if at least one of the following circumstances is present:
 - (a) Supplemental design elements or improvements that exceed normal standards are incorporated into the project.
 - (b) Restricted building materials are used as limited decorative elements on a building façade that contributes to its architectural design.
 - (c) Undesirable site or building conditions will not be visible from the public right-of-way and/or adjoining properties.

Section 94.10.04: Large Retail and Commercial Service Development Standards

A Large Retail and Commercial Service Development is any development comprised of one or more contiguous lots or building sites for a single retail or commercial service enterprise or multiple such enterprises within which the total combined gross floor area of all principal buildings exceeds 25,000 square feet. In addition to applicable zoning district and other standards of this Chapter, each Large Retail and Commercial Service Developments shall meet procedural, building design, and site design standards of this Section, except as may be waived or modified under subsection (4)(t).

- (1) **Large Retail and Commercial Service Development Questionnaire.** The applicant for a conditional use permit shall complete and submit with such application a Large Retail and Commercial Service Development questionnaire. The Zoning Administrator shall prepare, maintain, and provide the Large Retail and Commercial Service Development questionnaire upon request.

REQUEST FOR CONSIDERATION

Public Mtg/Date:	Public Works Committee – 9/14/2020
Description:	Special Assessment Policy for Ryan St Utility Crossing Project
From:	Michael Wodalski, Director of Public Works Keith Donner, Administrator Josh Swenson, Utility Superintendent
Question:	How should we proceed with assessments for the Ryan St/Apache Ln utility extension project?

Background

As a follow up to the August 10, 2020 Public Works Committee Meeting, staff was tasked with bringing a refined utility extension policy/proposal to the committee to consider for the water and sewer extension project planned for 2021 on Apache Ln.

The motion at the meeting was to move forward with Option C as presented by staff. Option C per the Village's PSC Schedule X-2 states:

“When a customer connects to a transmission main or connecting loop installed at utility expense within 10 years of the date of completion, there will be a contribution required of an amount equivalent to that which would have been assessed under A.”

Staff understanding is the committee did not feel it to be acceptable from a public relations perspective to require repayment of special assessments immediately but, to defer all special assessments and define conditions which would trigger connection to public utilities and repayment of the deferred assessments. PSC uses the principle of a 10-year capital cost recovery period for regulated utilities as a best financial practice. The water utility is regulated by the PSC but, the sewer utility is not. This 10-year window affects accounting for utility assets and determination of utility rate base over time. The PSC's accounting principle is assets which are paid for through contributed capital (developer or other non-utility sources) do not factor into depreciation for rate needs.

Payment of special assessments for the capital improvement of public sewer and water availability and connection to the utility system for a building on the property are usually intertwined.

The Village's sanitary sewer ordinance (Section 86.4.105(1)(b)) states: *“Persons owning dwellings or other buildings with pre-existing functioning private sewage systems fronted by a sewer main are not required to connect to the Village Sewage Collection System until 1) said system fails; or 2) upon sale of the property; or 3) 10 years after the property has been fronted by a main extension.”*

The Village's water utility ordinance (Section 86.2.540) states: **Mandatory hookup.** *The owner of each parcel of land adjacent to a water main on which there exists a building usable for human habitation, which parcel is located in a block through which the water system is extended, or where the water system is otherwise available to such parcel, shall connect to the water system within one year from the date of a written connection notice from the water utility.*

REQUEST FOR CONSIDERATION

Upon failure to do so, the water utility shall cause the connection to be made; and the property owner shall be responsible for all connection costs. If such costs are not paid within 30 days of written demand for payment, the costs shall be assessed against the property of the owner and collected in the same manner that real estate taxes are collected. However, the owner may, within 30 days after the completion of the connection, file a written request with the water utility for the payment of such costs in ten equal monthly installments, together with interest at a rate to be determined by the utility. The unpaid balance shall constitute a special tax lien against the property pursuant to the requirements of Wis. Stat. § 281.45.

§ 281.45 Stats. - House connections. *To assure preservation of public health, comfort and safety, any city, village or town or town sanitary district having a system of waterworks or sewerage, or both, may by ordinance require buildings used for human habitation and located adjacent to a sewer or water main, or in a block through which one or both of these systems extend, to be connected with either or both in the manner prescribed. If any person fails to comply for more than 10 days after notice in writing the municipality may impose a penalty or may cause connection to be made, and the expense thereof shall be assessed as a special tax against the property. Except in 1st class cities, the owner may, within 30 days after the completion of the work, file a written option with the municipal clerk stating that he or she cannot pay the amount in one sum and asking that it be levied in not to exceed 5 equal annual installments, and the amount shall be so collected with interest at a rate not to exceed 15 percent per year from the completion of the work, the unpaid balance to be a special tax lien*

It seems the key event to requiring the connection is the notice from the municipality that service is available and connection to the public system is necessary.

Requiring connection upon private wastewater system failure or upon sale of property make sense however, there have been sales of property during the past 10 years which could/should have been required to connect and others that have not connected to a main at the 10-year mark. The properties that come to mind are those homes on River Bend and Apache that existed when a developer extended utilities for the Edgewood Estates Development. Exceptions are made when the cost of connecting to the public system is much greater than connection to the public system. **The Village has used discretion in when it requires system connections and has been reluctant to appear “heavy-handed” in requiring connection when there are high costs. The 3rd criteria in the sewer utility ordinance could be revised to say “...within one year of written notice” as well.**

We have required all new builds though to connect to the existing mains. Staff is not aware of any failed/ replacement systems being installed in the area though.

With respect to the assessment of the capital costs, committee member Hubbard mentioned following a similar process as was done on Zinser St. (2019) in which we are deferring the assessment for the vacant property on the west side, but with a 10-yr limit on the deferred assessment and also have a clause that the assessment shall be paid at the time the property is sold. The property deferring the assessment is a 40-acre tract with development potential.

In the case of the current project(s) under consideration, much of the property has existing residential development on 1/3 to 1/2 acre lots. If considering future extension on Kramer Lane, there become larger parcels with homes as well as larger vacant tracts. Special assessments to the smaller developed parcels are estimated to be in the range of \$12,000 for private wastewater systems and \$9,000 for private water supply wells. Under current practice the cost

REQUEST FOR CONSIDERATION

of street reconstruction would be excluded from special assessments. (This was not the case when projects were being considered in these neighborhoods around 15 years ago).

Current information on the cost of a private wastewater “mound” system is in the range of \$15,000 to \$20,000. Private wells are in the range of \$3,000 to \$6,000. **An option for special assessment could be to maximize the special assessment (per lot or dwelling unit) to that of a mound system and apply an inflation factor annually.**

This still does not address what happens after year 10. Staff wishes to explore the creation of a hook-up fee or modification of Section 78.121 of the Municipal Code, (Access Fee for Sanitary Sewer and Water Main Improvements). Since the water utility should not be collecting monies for contributed capital cost recovery after 10 years in the eyes of the PSC, the thought is the sewer utility could pay the water utility debt for unpaid special assessments and a hookup fee for the capital cost of water and sewer main construction would be carried forward to be collected by the sewer utility. This would be in addition to the existing hook-up fee and Reserve Capacity Assessment per Residential Equivalent Unit (a.k.a. REU assessment) already in place in this area.

Staff is working with Marathon County Zoning to obtain installation dates for the existing septic systems. It appears the systems generally range in installation dates between 1978 and 1999, with one system in 2013. One owner is currently making plans to address a failed private system.

The preliminary estimate of the Ryan Street river crossing project has a total assessable cost of \$484,502 with Sewer being \$210,555 and Water \$273,947.

Staff Recommendation:

Staff recommends we move forward with the following guidelines:

- 1) The project be completed on the basis of looping and system reinforcement;
- 2) Assessments use a benchmark cost for private system replacement.
- 3) Assessments be deferred until time of connection;
 - a. Connection will be **required** when the following occurs:
 - i. Current systems fail;
 - b. Connection be **considered** when one of the following occurs;
 - i. Sale of property;
 - ii. Within 10-years of the mains being installed (by December 31, 2031)
- 4) At time of connection, both water and sewer will need to be connected;
- 5) Consider incentivizing connection within the 10-year period through waiving of interest, reduction of assessment for capital costs (15 – 25% reduction?)

Staff will explore the options of extending the assessments longer than 10-years with Legal Council and Finance Staff.

- a. The REU assessment is currently in place for sewer customers which extends until a connection is made and a similar “hook-up” fee will be explored.

These recommendations would be subject to change based on advice from Legal Counsel, Financial Consultant and Finance Staff. Also, all would be contingent on any recommendations coming from the required public hearing for the special assessments.

REQUEST FOR CONSIDERATION

Attached Docs: - Materials from August 10, 2020 Public Works Meeting

Committee Action: - This is a continuation from the discussion held on 8/10/2020

Fiscal Impact: - Dependent on Approach

Recommendation: Staff is seeking Committee Input on how to best approach assessments for this project

Recommended Language for Official Action

I Move to recommend the costs for sewer and water be _____ as part of the Ryan St/Apache Ln Utility Extension Project.

Or, Something else

Additional action:

REQUEST FOR CONSIDERATION

Public Mtg/Date:	Public Works Committee – 8/10/2020
Description:	Special Assessment Policy for Ryan St Utility Crossing Project
From:	Michael Wodalski, Director of Public Works Keith Donner, Administrator Josh Swenson, Utility Superintendent
Question:	Which options for assessing water and sewer costs for the Ryan St Utility Extension Project does the Public Works Committee Recommend?

Background

The Village approved the design contract for the Ryan St Utility Extension project in June of 2020. The primary purpose of this project is to loop the watermain on the east side of the Village across the Eau Claire River to provide a second transmission main connecting Well 6 and the associated residential development on the north side of the river with the rest of the wells and water towers located on the south side of the river.

Per the Village's Tariff with the Public Service Commission, there are 3 options when it comes to extending mains. These are options A, B, and C in Schedule X-2 of the Village's Tariff.

- Option A states that the cost of the extension shall be immediately collected through assessments by the municipality against the abutting property.
- Option B references an extension made on a customer-financed basis (i.e. Developer Extension)
- Option C references connections to a transmission main or connecting loop installed at utility expense within 10 years.

The primary purpose of this specific project would seem to fit best with Option C as the Village is proposing to do this project to loop the watermain across the river.

A preliminary assessment was completed per the Village's assessment policy in which the only portion of the water and sewer mains that were assessed on this project is the portion of the mains starting at the west end of Trotzer Ln to Apache Ln and then running north on Apache Ln until the connection with Estate Drive. The estimates were based on utilizing an 8-inch watermain and sewer main per the Village's assessment policy, even though larger mains would likely be installed. This is commonly referred to as oversizing and the Village contributes to the cost of the additional capacity for the greater good of the entire system and not just the properties directly benefitted by the new infrastructure.

The preliminary assessments were calculated on a per lot basis, or equivalent to a uniform access fee for these lots. The costs per lot are estimated at:

- Water Lateral: \$1,764.64/Lot
- Water Main: \$10,687.50
- Sewer Lateral: \$2,963.41
- Sewer Main: \$6,607.27

REQUEST FOR CONSIDERATION

Total Cost of water and sewer utilities = \$22,022.82 excluding costs for laterals on private property (from the house to the curb).

With the revisions in the Village's special assessment policy for street reconstructions, these streets would not be assessed and with the pending proposed changes to the sidewalk ordinance, the street would be reconstructed as a rural street section with on-pavement pedestrian accommodations in-lieu of sidewalks. Thus, there would be minimal assessments for driveway approaches as a concrete apron wouldn't be required, nor would curb and gutter be installed. Thus, staff believes the approximate \$22,000 access fee appears to be reasonable when you would consider a replacement well and septic system.

If the Committee is in agreement with applying the assessment formula, the next question is when would the assessment become due. Does the Village:

- a) Require connection immediately
- b) Require connection within a specific timeframe
 - i. Within 10 years
 - ii At property sales
 - iii. At time of current system failure
 - iv. Others?
- c) Defer connection to the property owners discretion

A similar project was undertaken in 2011 when Marathon County reconstructed County Road X north of Ross Ave towards the Eau Claire River. With the street reconstruction project, the Village extended water and sewer mains to serve the future Well 7 site near the disc golf course on the south side of the Eau Claire River.

As part of the project, the watermain costs were not assessed to the abutting properties, unless they desired to connect, which one property did. The unique part of that project is the majority of the main was installed where the abutting property are very large lots and rural in nature (long setbacks and pressure sewer). Had it not been for the well site, the main would not have been installed.

With the County Road X project, laterals were not installed for any property unless they committed to the assessment upfront. (Thus, if a property were to want to connect in the future, they would be required to connect at the main which will have some costly street excavation costs associated with it.)

With the project upcoming on Apache Ln (the street name on the north side of the river which lines up with Ryan St) there are 22 potential properties which could connect to the new main. However, at this time, the residents in the area have not asked the Village to extend utilities. Over the past several years, staff will receive a call or two from a resident in this area asking if water or sewer will be extended in the near future as they have a well that is lacking capacity and/or have a septic system in need of replacement. The resident is typically in favor of having water and sewer extended, but when the cost would be 100% theirs to extend utilities to their home, it becomes very cost prohibitive. Having the option to connect when needed or by the end of a 10-year period would likely be very appealing to many of the residents.

Option C of the PSC Tariff would allow for the mains to be extended and then there would be a deferred assessment which properties would pay at time of connection. It is recommended that laterals be installed for each property so the road would not have to be cut into as connections are made.

REQUEST FOR CONSIDERATION

There appears to be several options with how this could be done to extend an access fee past the 10 year threshold (if the committee thought necessary), but that would likely include having the sewer utility pay the water utility the full costs and then have the sewer utility capture the full access fee at the time of connection in the future. This scenario would need further evaluation by the attorney and finance committee.

Overall, there are several options for how extension of the mains could be paid for and prior to contacting residents about upcoming work, staff would like to know what the Committee's thoughts are on extending utilities in this area.

This topic was last discussed at length in 2017 by Administrator (then Public Works Director) Donner and no real conclusion was ever made as to how the Village should handle utility extensions. However, much of that discussion was based on new development extensions and not along the lines of system reinforcement projects through unserved areas.

The 2017 materials are attached as well for additional reference.

Attached Docs:

- Map of project area
- Preliminary Project Estimate with estimated assessment rates
- PSC Tariff
- Village of Weston Special Assessment Code
- 2017 Main Extension materials

Committee Action: - The committee last discussed this topic in 2017 with no definitive answer/recommendation

Fiscal Impact: - Dependent on Approach

Recommendation: Staff is seeking Committee Input on how to best approach assessments for this project

Recommended Language for Official Action

I Move to recommend the costs for sewer and water be _____ as part of the Ryan St/Apache Ln Utility Extension Project.

Or, Something else

Additional action:



Map Date: 8/6/2020

Adoption Date (Village): N/A



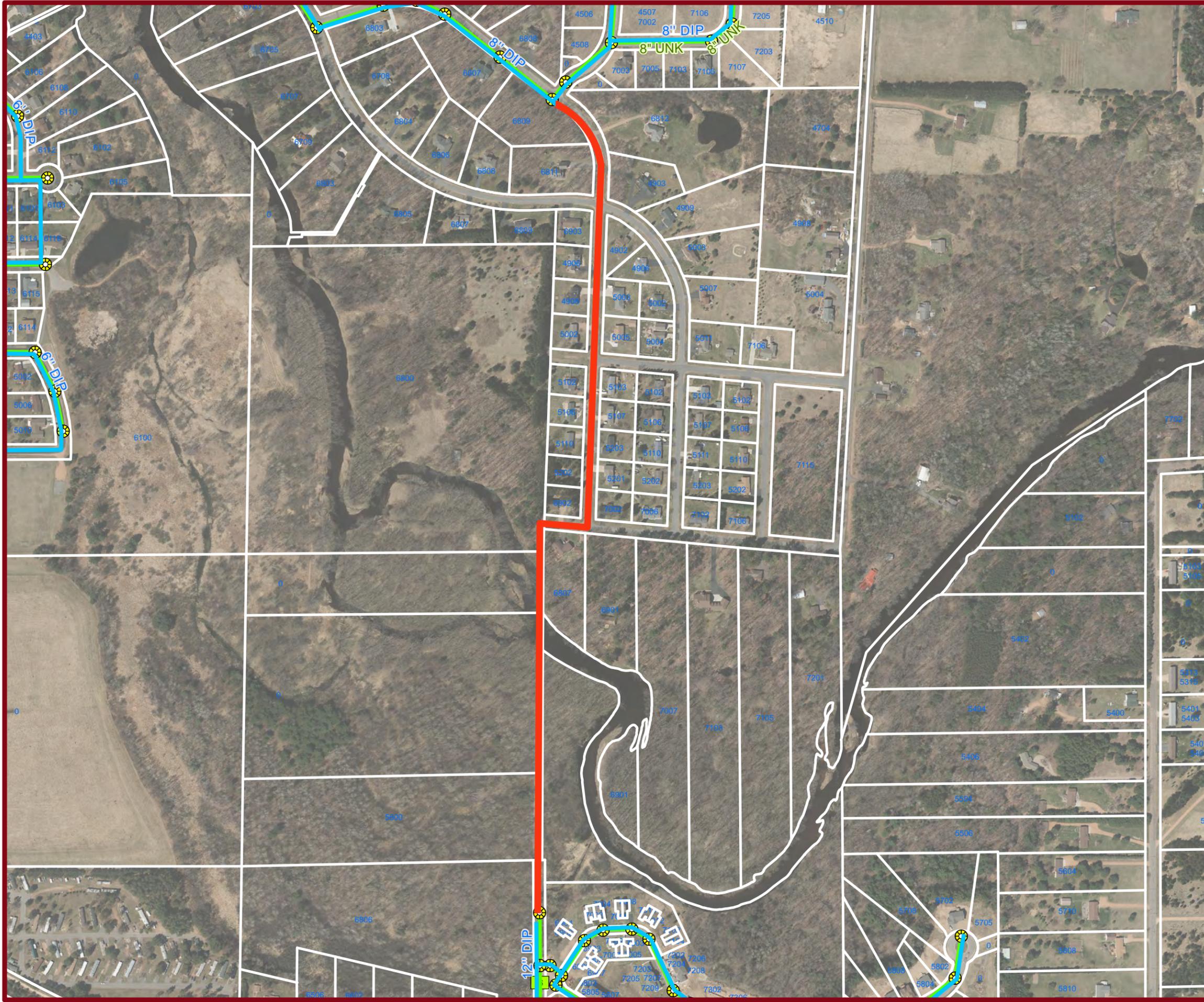
Map by the Village of Weston Public Works, Utilities,
& Technology Services Department



Water & Sewer Utility River Crossing

Legend

-  Water & Sewer Utility Extension
-  Water Mains
-  Sewer Manholes
-  Sewer Gravity Mains



Appendix C:

Village of Weston
Estimated Costs for Street Reconstruction
Ryan St and Apache Ln Utility Extension and River Crossing
Preliminary

06/23/20

Item Number	Item Description	Units	Total Project Cost			Minimum Size (assessable)	
			Estimated Quantity	Unit Price	Total Cost	Assessable Quantity	Assessable Cost
100	Sanitary Sewer						
101	Connect to Sanitary MH	EA.	1.00	\$500.00	\$500.00	0.00	\$0.00
102	PVC Sanitary Sewer, 8 Inch	L.F.	1136.00	\$44.30	\$50,324.80	1,136.00	\$50,324.80
103	PVC Sanitary Sewer, 12 Inch	LF	2060.00	\$67.75	\$139,565.00	929.00	\$41,154.70
104	Sanitary Sewer Directional Drilled - 12 Inch	EA.	600.00	\$250.00	\$150,000.00	0.00	\$0.00
105	Sanitary Manhole, 48 Inch	VF	220.00	\$290.25	\$63,855.00	60.00	\$17,415.00
106	Sanitary Manhole Frame and Cover	EA.	11.00	\$871.92	\$9,591.12	6.00	\$5,231.52
107	PVC Sanitary Sewer Wye	EA.	22.00	\$68.67	\$1,510.74	22.00	\$1,510.74
108	PVC Sanitary Lateral, 4-in	LF	660.00	\$60.03	\$39,619.80	660.00	\$39,619.80
109	Television Inspection	LF	3196.00	\$1.15	\$3,675.40	3,196.00	\$3,675.40
	Sanitary Sewer Subtotal				\$458,641.86		\$158,931.96
200	Water						
201	Hydrant, 8' Bury	EA.	8.00	\$3,995.08	\$31,960.64	5.00	\$19,975.40
202	Ductile Iron Watermain, 6 inch	L.F.	120.00	\$65.32	\$7,838.00	75.00	\$4,899.00
203	Ductile Iron Watermain, 8 inch	L.F.	1136.00	\$60.80	\$69,068.80	2,046.00	\$124,396.80
204	Ductile Iron Watermain, 12 inch	L.F.	2060.00	\$74.00	\$152,440.00	0.00	\$0.00
205	Ductile Iron Watermain, 12 inch - Restrained Gaskets	LF	600.00	\$130.00	\$78,000.00	0.00	\$0.00
206	Valve And Box, 6 inch	EA.	8.00	\$1,427.25	\$11,418.00	5.00	\$7,136.25
207	Valve And Box, 8 inch	EA.	6.00	\$2,115.75	\$12,694.50	6.00	\$12,694.50
208	Valve and Box, 12 Inch	EA.	6.00	\$2,957.20	\$17,743.20	0.00	\$0.00
209	Ductile Iron Tee 8 inch x 6 inch	EA.	8.00	\$560.00	\$4,480.00	5.00	\$2,800.00
210	Ductile Iron Tee 8 inch	EA.	0.00	\$600.00	\$0.00	0.00	\$0.00
211	Ductile Iron Tee, 8 inch x 12 inch x 12 inch	EA.	2.00	\$1,075.00	\$2,150.00	1.00	\$1,075.00
212	Ductile Iron Cross, 8 x 8 x 8 x 8	EA.	1.00	\$1,500.00	\$1,500.00	1.00	\$1,500.00
213	Ductile Iron Fittings	EA.	6.00	\$500.00	\$3,000.00	6.00	\$3,000.00
214	Connect to Existing	EA.	2.00	\$500.00	\$1,000.00	0.00	\$0.00
215	Water service Group, 1 inch	EA.	22.00	\$420.00	\$9,240.00	22.00	\$9,240.00
216	Copper Water Service, 1 inch	L.F.	660.00	\$30.40	\$20,064.00	660.00	\$20,064.00
217	Water service Group, 1.5 inch	EA.	0.00	\$341.00	\$0.00	0.00	\$0.00
218	Copper Water Service, 1.5 inch	L.F.	0.00	\$22.80	\$0.00	0.00	\$0.00
219	Water service Group, 2 inch	EA.	0.00	\$400.00	\$0.00	0.00	\$0.00
220	Copper Water Service, 2 inch	L.F.	0.00	\$40.00	\$0.00	0.00	\$0.00
	Water Subtotal				\$422,597.14		\$206,780.95
300	Storm Sewer						
301	Underdrain with Stone Trench (12")	L.F.	1320.00	\$30.78	\$40,629.60	0.00	\$0.00
302	Reinforced Concrete Pipe, Class IV, Storm Sewer, 12 inch	L.F.	0.00	\$0.00	\$0.00	0.00	\$0.00
303	Reinforced Concrete Pipe, Class IV, Storm Sewer, 18 inch	L.F.	0.00	\$0.00	\$0.00	0.00	\$0.00
304	Reinforced Concrete Pipe, Class III, Storm Sewer, 24 inch	L.F.	0.00	\$0.00	\$0.00	0.00	\$0.00
305	Reinforced Concrete Pipe, Class III, Storm Sewer, 36 inch	L.F.	0.00	\$0.00	\$0.00	0.00	\$0.00
306	Storm Sewer Manholes, 48 inch	EA.	0.00	\$0.00	\$0.00	0.00	\$0.00
307	Inlets, Type 3	VF	0.00	\$0.00	\$0.00	0.00	\$0.00
308	12" Nyloplast Ditch Overflow (with grate)	EA.	12.00	\$740.00	\$8,880.00	0.00	\$0.00
309	Storm Sewer Manhole Covers, R-1550	EA.	0.00	\$0.00	\$0.00	0.00	\$0.00
310	Inlet Covers Frame and grate, R3067-L	EA.	0.00	\$0.00	\$0.00	0.00	\$0.00
311	Inlet Protection, Type C	EA.	0.00	\$0.00	\$0.00	0.00	\$0.00
	Storm Sewer Total				\$49,509.60		\$0.00

Village of Weston
Estimated Costs for Street Reconstruction
Ryan St and Apache Ln Utility Extension and River Crossing

Preliminary

06/23/20

Item Number	Item Description	Units	Total Project Cost			Minimum Size (assessable)	
			Estimated Quantity	Unit Price	Total Cost	Assessable Quantity	Assessable Cost
400	Street Reconstruction						
401	Mobilization	L.S.	0.00	\$5,000.00	\$0.00	0.00	\$0.00
402	Traffic Control	L.S.	1.00	\$1,000.00	\$1,000.00	0.00	\$0.00
403	Field Office, Type B	L.S.	0.00	\$2,000.00	\$0.00	0.00	\$0.00
404	Pavement Marking	LF	0.00	\$8.00	\$0.00	0.00	\$0.00
405	Removing Asphalt Pavement and Haul to Weston Yard	S.Y.	5,965	\$4.80	\$28,632.00	0.00	\$0.00
406	Credit for Recycled Asphalt	TN	-	(\$2.61)	\$0.00	0.00	\$0.00
407	Sawing Asphalt Pavement	L.F.	240.00	\$1.50	\$360.00	0.00	\$0.00
408	Removing Concrete Sidewalk / Driveway Approach	SF	0.00	\$1.00	\$0.00	0.00	\$0.00
409	Removing Signs	EA.	0.00	\$30.00	\$0.00	0.00	\$0.00
410	Common Excavation	C.Y.	1,988	\$8.75	\$17,397.92	0.00	\$0.00
411	Finishing Roadway	EA.	1.00	\$1,000.00	\$1,000.00	0.00	\$0.00
412	Crushed Aggregate Base Course, 3/4	CY	2778	\$9.00	\$25,000.00	0.00	\$0.00
413	Shoulder Material 3/4 inch	TN	-	\$9.20	\$0.00	0.00	\$0.00
414	Asphalt Concrete Pavement, Type E-1, 3 inch	Ton	1201	\$70.00	\$84,084.00	0.00	\$0.00
415	Moving Small Sign Supports	EA.	0.00	\$30.00	\$0.00	0.00	\$0.00
416	Silt Fence	LF	1000.00	\$1.50	\$1,500.00	0.00	\$0.00
417	Moist.Erosion Control	L.S.	1.00	\$500.00	\$500.00	0.00	\$0.00
418	Water for Testing, Grass Seed, Dust Control	LS	1.00	\$2,500.00	\$2,500.00	0.00	\$0.00
	Street Reconstruction Subtotal				\$161,973.92		\$0.00
500	Curb and Gutter						
501	Concrete Curb and Gutter, 24 inch	L.F.	-	\$9.00	\$0.00	0.00	\$0.00
502	Concrete Curb and Gutter, 30 inch	L.F.	0.00	\$9.50	\$0.00	0.00	\$0.00
503	Concrete Shoulder	LF	4400.00	\$9.00	\$39,600.00	0.00	\$0.00
504	Common Excavation	C.Y.	0.00	\$8.75	\$0.00	0.00	\$0.00
505	Crushed Aggregate Base Course	CY	325.93	\$9.00	\$2,933.33	325.93	\$2,933.33
	Curb and Gutter Subtotal				\$42,533.33		\$2,933.33
600	Sidewalk and Driveways						
601	Concrete Sidewalk, 4 inch	S.F.	0.00	\$3.00	\$0.00	0.00	\$0.00
602	Concrete Sidewalk, 6 inch	S.F.	0.00	\$4.50	\$0.00	0.00	\$0.00
603	Curb Ramp Detectable Warning Field (Yellow)	S.F.	0.00	\$37.00	\$0.00	0.00	\$0.00
604	Common Excavation	C.Y.	0.00	\$8.75	\$0.00	0.00	\$0.00
605	Crushed Aggregate Base Course	C.Y.	0.00	\$9.20	\$0.00	0.00	\$0.00
606	Concrete Driveway Approach, 6 inch	SF	0.00	\$4.50	\$0.00	0.00	\$0.00
607	Common Excavation	C.Y.	0.00	\$8.75	\$0.00	0.00	\$0.00
608	Crushed Aggregate Base Course	C.Y.	0.00	\$9.20	\$0.00	0.00	\$0.00
609	Asphalt Concrete Pavement, Driveway, 2 inch	SY	0.00	\$20.00	\$0.00	0.00	\$0.00
610	Common Excavation	C.Y.	0.00	\$8.75	\$0.00	0.00	\$0.00
611	Crushed Aggregate Base Course	TN	0.00	\$9.20	\$0.00	0.00	\$0.00
	Sidewalk and Driveways Subtotal				\$0.00		\$0.00
700	Landscaping and Mobilization						
701	Mobilization	L.S.	1.00	\$60,000.00	\$60,000.00	0.00	\$0.00
702	Salvaged Topsoil/Compost, Mixed and Screened, 4 inch	S.Y.	700	\$1.50	\$1,050.00	0	\$0.00
703	Seed, Fertilizer, Mulch	LS	1.00	\$1,000.00	\$1,000.00	0.00	\$0.00
	Landscaping and Mobilization Subtotal				\$62,050.00		\$0.00
Project Total Labor and Materials					\$1,197,305.85	\$368,646.24	

Appendix D: Cost Summary and Assessment Rates

1. Cost Summary of Estimated Assessable Costs

Preliminary

Ryan St River Crossing Utility Extension

06/23/20

	Total Project Costs	Assessable Costs ¹
Subtotal Sewer Improvements	\$ 409,430.94	\$109,721.04
Subtotal Sewer Lateral Improvements	\$ 49,210.92	\$ 49,210.92
Subtotal Water Improvements	\$ 393,293.14	\$177,476.95
Subtotal Water Lateral Improvements	\$ 29,304.00	\$ 29,304.00
Subtotal Street Reconstruction Apache Ln	\$ 161,973.92	\$ -
Subtotal Curb & Gutter	\$ 42,533.33	\$ -
Subtotal Storm Sewer	\$ 49,509.60	\$ -
Subtotal Sidewalks	\$ -	\$ -
Subtotal Concrete Driveway Approaches	\$ -	\$ -
Subtotal Asphalt Driveways	\$ -	\$ -
Total Labor and Materials	\$ 1,135,255.85	\$ 365,712.91
Contingencies @ 10%	\$ 113,530.00	\$ 18,290.00
Landscaping Restoration & Mobilization (common)	\$ 62,050.00	\$ 20,000.00
Engineering/Construction Inspection (12% of Const. Est.)	\$ 136,231.00	\$ 43,900.00
Engineering Design (10% of Const. Est)	\$ 113,526.00	\$ 36,600.00
Administration/Management (2.5%)	\$ 28,381.00	\$ -
Total All Improvements	\$ 1,588,974.00	\$ 484,503.00
Cost Allocations by Category (see note 2)		
Total Sewer Improvements	\$ 573,065.00	\$ 145,360.00
Total Sewer Lateral Improvements	\$ 68,879.00	\$ 65,195.00
Total Water Improvements	\$ 550,477.00	\$ 235,125.00
Total Water Lateral Improvements	\$ 41,016.00	\$ 38,822.00
Total Street Reconstruction Zinser St	\$ 226,709.00	\$ -
Total Curb & Gutter	\$ 59,532.00	\$ -
Total Storm Sewer	\$ 69,297.00	\$ -
Total Driveway Culverts	\$ -	\$ -
Total Sidewalks	\$ -	\$ -
Total Concrete Driveway Approaches	\$ -	\$ -
Asphalt Driveways	\$ -	\$ -
Total Project Costs	\$ 1,588,975.00	\$ 484,502.00

- Notes:**
1. Assessable construction costs are as itemized in the detailed cost estimate, Appendix C.
 2. Engineering design, construction management, contingencies and landscaping are allocated to each category of construction based on the proportion of cost for each major category.

Appendix D: Cost Summary and Assessment Rates

2. Estimated Assessment Rates

Preliminary

06/23/20

Ryan St and Apache Ln Reconstruction and Utility Extension

A. Front Footage Assessment

	Total Assessable Costs	Assessable Units	Units	Calculated Assessment Rate
Sanitary Sewer Improvements	\$ 145,360.00	22	EA	\$ 6,607.27
Sanitary Lateral Improvements	\$ 65,195.00	22	EA	\$ 2,963.41
Water System Improvements	\$ 235,125.00	22	EA	\$ 10,687.50
Water Lateral Improvements	\$ 38,822.00	22	EA	\$ 1,764.64
	\$ 484,502.00			
			Water / Lot	\$ 12,452.14
			Sewer / Lot	\$ 9,570.68
			Total/Lot	\$ 22,022.82

Public Service Commission of Wisconsin

Weston Water Utility

Water Main Extension Rule

Water mains will be extended for new customers on the following basis:

- A. Where the cost of the extension is to immediately be collected through assessment by the municipality against the abutting property, the procedure set forth under Wis. Stat. § 66.0703 will apply, and no additional customer contribution to the utility will be required.
- B. Where the municipality is unwilling or unable to make a special assessment, the extension will be made on a customer-financed basis as follows:
 - 1. The applicant(s) will advance as a contribution in aid of construction the total amount equivalent to that which would have been assessed for all property under paragraph A.
 - 2. Part of the contribution required in paragraph B.1. will be refundable. When additional customers are connected to the extended main within 10 years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under paragraph A. for the abutting property being served. This amount will be refunded to the original contributor(s). In no case will the contributions received from additional customers exceed the proportionate amount which would have been required under paragraph A., nor will it exceed the total assessable cost of the original extension.
- C. When a customer connects to a transmission main or connecting loop installed at utility expense within 10 years of the date of completion, there will be a contribution required of an amount equivalent to that which would have been assessed under paragraph A.

Public Service Commission of Wisconsin

Weston Water Utility

Water Main Installations in Platted Subdivisions

Application for installation of water mains in regularly platted real estate development subdivisions shall be filed with the utility.

If the developer, or a contractor employed by the developer, is to install the water mains (with the approval of the utility), the developer shall be responsible for the total cost of construction.

If the utility or its contractor is to install the water mains, the developer shall be required to advance to the utility, prior to the beginning of the construction, the total estimated cost of the extension. If the final costs exceed estimated costs, an additional billing will be made for the balance of the cost due. This balance is to be paid within 30 days. If final costs are less than estimated, a refund of the overpayment will be made by the water utility.

(Ord. of 1-16-1989, and Ord. of 8-16-04 § 1(11)) [Amended via Ord. No 15-027, 11/18/2015; Ord. No 17-005, 2/22/2017]

ARTICLE III. SPECIAL ASSESSMENTS*

Sec. 78.113. Purpose.

The purpose of this article is to provide for payment for the construction, improvement and preservation of the driveway approaches, streets, curbs, gutters, and sewer and water mains in the village by the levy of special assessments therefor upon various classes of real estate, in a fair and equitable manner, through the application of a variety of formulas. All such levies shall be grounded in the exercise of the police powers of the village.

(Ord. of 4-21-1998, Ord. of 3-22-2012, § 1(13.05.010)) [Amended via Ord. No 15-027, 11/18/2015] [Amended via Ord. No 19-002, 1/26/2019]

Sec. 78.114. Special assessment options.

- (a) **Statutory procedures.** Pursuant to Wis. Stat. § [66.0701](#), the village adopts the procedures for levying special assessments as contained in Wis. Stat. § [66.0703](#), with the exception that the village may at its discretion use the following procedures in lieu of the procedures described in Wis. Stats. §§ [66.0703\(8\)\(c\)](#), [\(8\)\(d\)](#) and [\(8\)\(e\)](#):
- (1) When the board determines to proceed with the work or improvement, it shall approve the plans and specifications therefor and adopt a resolution directing that such work or improvement be carried out in accordance with the report as finally approved.
 - (2) The village may adopt the final resolution to levy the special assessments either before the work is carried out or after the work is completed and actual project costs have been determined. The final resolution shall list the cost of the special assessment levied against each property benefitted by the improvement. The village clerk/treasurer shall publish the final resolution as a class 1 notice, under Wis. Stats. [Chapter 985](#), in the assessment district and a copy of such resolution shall be mailed to every interested person whose post office address is known, or can be ascertained with reasonable diligence.
 - (3) When the final resolution is published, all awards, compensations and assessments arising therefrom are deemed legally authorized and made, subject to the right of appeal under Wis. Stat. § [66.0703\(12\)](#).
- (b) **Developer financing.** Where the municipality is unwilling or unable to make a special assessment, the improvements will be made on a developer-financed basis as follows:

- (1) The applicants will advance as a contribution in aid of construction the total amount equivalent to that which would have been assessed for all property under subsection (a) of this section.

* **State Law References**--Special Assessments, Wis. Stats. §§ 66.0703, 66.0715(2), 66.0701, 66.0705.

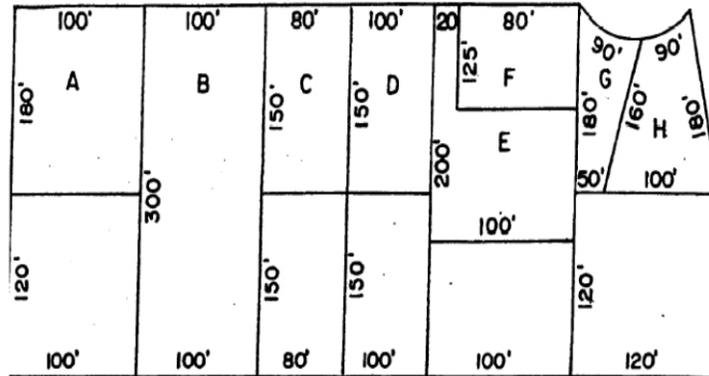
- (2) Part of the contribution required in subsection (b)(1) of this section will be refundable. When additional property is benefitted within ten years of the date of completion, which the original developer did not own or have an interest in at the time of the project, contributions in aid of construction will be collected equal to the amount which would have been assessed under subsection (a) of this section for the abutting property benefitted. This amount will be refunded to the original contributors. In no case will the contributions received from additional customers exceed the proportionate amount which would have been required under subsection (a) of this section nor will it exceed the total assessable cost of the original extension. After ten years has elapsed there will be no refunds.
- (c) **Special agreement.** The village board, through recommendation by the appropriate committee, would handle each case on an individual basis. A resolution would be passed stating the conditions of the agreement.

(Ord. of 4-21-1998, Ord. of 3-22-2012, § 1(13.05.020)) [Amended via Ord. No 15-027, 11/18/2015]

Sec. 78.115. Assessment formula.

- (a) The assessment may be made on the adjusted front footage formula. In such formula, odd-shaped lots and cul-de-sac lots are adjusted to an average front footage equivalent to the frontage of a rectangularly shaped lot of the same depth. This method is declared and found to be a more equitable assessment method than the simple front footage method. The adjusted front footage method gives consideration to the depth and shape, as well as frontage, on the street improved. The plat example in figure 1 illustrates how the method is used in practice.

FIGURE 1



Lot A, corner lot--Adjusted footage shall be based on the first side improved. If both sides are improved the adjusted front footage shall be based on the long side.

Lot B	100 feet by 150 feet	Adjusted front footage	100.00 feet
Lot C	80 feet by 150 feet	Adjusted front footage	80.00 feet
Lot D	100 feet by 150 feet	Adjusted front footage	100.00 feet
Lot E	10,000 square feet_150 feet	Adjusted front footage	66.67 feet
Lot F	10,000 square feet150 feet	Adjusted front footage	66.67 feet
Lot G	11,900 square feet150 feet	Adjusted front footage	79.00 feet
Lot H*	16,150 square feet150 feet	Adjusted front footage	108.00 feet

Note: Square footage amounts for lots G and H are estimates.

*Note that the adjusted front footage can be further modified under Sec. 78.116(1).

- (b) In the adjusted front footage formula in figure 1 the lot depth figure of 150 feet has been used in the calculations. However, in applying this formula to a specific block, the actual denominator used in the formula shall be the apparent, general lot depth of the block in which the lot is situated or 150 feet, whichever is less. Such apparent lot depth shall be determined by the public works and utility committee and included in the schedule of the proposed assessments required by Wis. Stat. § [66.0703](#), subject to the usual control of the village board, set forth in the cited section of the statutes.
- (c) Large lots (residential lots with area greater than 40,000 square feet and commercial and industrial lots) may be assessed based on lot area or other methods of assessments that are deemed to be fair and equitable by the public works and utility committee.

- (d) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Actual front footage, means the actual length of a lot's property lines abutting a public improvement and measured as described in legal documents (deeds, certified survey maps, subdivision plats, or other public land survey records).

Adjusted front footage, means the front footage of a lot after making allowances for lot shape and size in accordance with this special assessment policy. The adjusted front footage may be greater or less than the actual front footage.

Assessable front footage, means the front footage upon which the assessment will be levied. The assessable front footage will usually be the same as the adjusted front footage. However, in cases such as those involving corner lots which were previously assessed on one side, or where a lot may have received a partial assessment, the assessable front footage can differ from the adjusted front footage.

(Ord. of 4-21-1998, Ord. of 3-22-2012, § 1(13.05.030)) [Amended via Ord. No 15-027, 11/18/2015] [Amended via Ord. No 19-002, 1/26/2019]

Sec. 78.116. Applying the adjusted front footage formula.

Throughout this section, 150 feet will be used as the denominator for purposes of explaining the application of the formula.

- (1) ***Odd-shaped lots***. For odd-shaped lots, such as found on cul-de-sacs or triangular intersections, etc., the adjusted front footage is computed by dividing the area of the lot, up to a maximum distance of 150 feet from the street where the improvement is to be installed, by 150. When the adjusted front footage formula is applied and results in an adjusted front footage which is greater than the actual front footage, then the assessable front footage shall be the adjusted front footage.
- (2) ***Approximately rectangular lots***. For a lot which is approximately rectangular, the adjusted front footage is computed by averaging the front and back sides of the lot. If the lot is deeper than 150 feet, the width at the 150-foot depth is used for the back lot line. This method is limited to where the divergence between the front and rear lot lines is five feet or less.
- (3) ***Rectangular lots***. For the normal rectangular lot, the adjusted front footage is the actual front footage of the lot, using the 150-foot denominator.
- (4) ***Shallow lots***. For rectangular lots under 150 feet in depth, the adjusted front footage is determined by dividing the actual lot area by 150 feet.

- (5) **Neck lots.** For lots which have a small frontage on a street, with a narrow strip running back 150 feet more or less, an adjusted front footage is determined by dividing the actual lot area by 150 feet.
- (6) **Corner lots.** The adjusted front footage for corner lots shall be based on the first side improved. If both sides are improved, the adjusted front footage shall be based on the long side. On lots where property lines meet with an arc, the front footage shall be computed as half the arc measurement at the property line. The adjusted front footage will further take into account the lot shape as described in this section. Where one side has been previously improved and assessed and the second side is improved, an assessment will be levied for the second side served if the lot could be divided along the second side to make another lot conforming to existing or potential zoning. The adjusted front footage for the second side served in this case will be the adjusted front footage on the second side less 150 feet.
- (7) **Double frontage lots.** See lot B in figure 1. A double frontage lot assessment is an exception to the rule. Its assessment shall be for the first side served. The assessment shall be computed on the adjusted front footage method that conforms to the shape and size of the lot, except that if the lot is capable of division on a line roughly parallel to either of the abutting streets, into two or more lots upon which two or more principal buildings could be erected according to the regulations of the zoning district in which the lot is located, the assessment shall then be for both sides when served and at the adjusted front footage formula as conforms to the size and shape of the resulting "lots." Any variance that may be granted by the zoning board of appeals will be excluded from consideration in calculating lot division for purposes of assessment under this section.
- (8) **Triple frontage lots.** Triple frontage lots have characteristics of double frontage and corner lots. A triple frontage lot will be considered the same as a double frontage lot.
- (9) **Other cases.** Lots not meeting any of the specific criteria described in Sec. 78.115 and this section will be handled on a case by case basis.

(Ord. of 4-21-1998, Ord. of 3-22-2012, § 1(13.05.040)) [Amended via Ord. No 15-027, 11/18/2015]

Sec. 78.117. Determination of assessable front footage.

The assessable front footage is the frontage upon which the assessment will be calculated and shall be determined by taking the adjusted front footage, as determined in Secs 78.115 and 78.116, less any allowances for previous assessments, or other unassessable front footage.

(Ord. of 4-21-1998, § 1(13.05.050)) [Amended via Ord. No 15-027, 11/18/2015]

Sec. 78.117.1. Alternative procedure/sewer and water assessments.

As a complete alternative to the methods of assessments for sanitary sewer and water main improvements provided in Secs. 78.115, 78.116 and 78.117, the following procedure may be used either exclusively or in combination with other methods of assessments allowed by law in making such assessments.

- (1) **Lump sum/REU assessment.** A lump sum or base assessment may be levied against each assessable parcel within the boundaries of the district to be assessed. In addition to the lump sum assessment, residential equivalency unit assessments (REU's), using average residential water consumption as the standard of measurement, may be applied to those commercial and industrial users of the system that are projected to use the system in excess of the daily average water usage of a single family residence. Such additional REU assessments may vary in proportion to the existing or projected use of the property.
- (2) **Assessments for costs of reserve capacity.** The reserve capacity cost of a sewer or water system benefitting future users may be fairly apportioned among property owners who could not otherwise be connected to the service without the interceptor or water main. REU's shall be calculated for each such property and payments made on the assessment will not be due until each such property is developed.
- (3) **Changes in REU assessment.** Where remodeling or additions to an existing structure would change the REU's assessed against a parcel of property, then an additional amount equal to the new REU's times the original assessed amount per REU must be paid in full before occupancy is permitted.

(Ord. of 2-21-2000, § 1) [Amended via Ord. No 15-027, 11/18/2015]

Sec. 78.118. Determination of assessment cost for new street and curb and gutter construction.

- (a) **Assessable costs.** One hundred percent of new street and curb and gutter construction will be assessed.
- (b) **Assessment calculation.** The assessment for the initial installation of street, curb, gutter and pavement construction shall be computed by multiplying the assessable front footage, as provided in Sec. 78.117, by the per-foot charges as calculated for the project.

(Ord. of 4-21-1998, § 1(13.05.060)) [Amended via Ord. No 15-027, 11/18/2015] [Amended via Ord. No 19-002, 1/26/2019]

Sec. 78.119. Drive approach construction.

One hundred percent of the drive approach costs will be assessed to the property owner on all new construction and street reconstruction projects based on an actual square foot measurement.

(Ord. of 4-21-1998, § 1(13.05.080)) [Amended via Ord. No 15-027, 11/18/2015] [Amended via Ord. No 19-002, 1/26/2019]

Sec. 78.120. Determination of assessment cost for sanitary sewer, lift station, water main construction and booster stations.

- (a) **General method of determining cost for sanitary sewer and water main construction.** The amount to be levied against an abutting property shall be determined by multiplying the assessable front footage (as determined in Sec. 78.117) of the individual parcel abutting the street or right-of-way to be improved or so improved by the assessable cost per foot, which is determined by dividing the total cost of the project for the blocks, block, or part thereof by the total number of feet of assessable front footage on both sides of the street. The total cost of the project may include, but shall not be limited to, all construction and excavation costs, including rock removal and supplementary bedding, dewatering costs, and survey, inspection and engineering costs if applicable and so authorized.
- (b) **Exceptions.**
- (1) **Cost based on eight-inch mains.** Assessments for sanitary sewer and water main construction shall be based upon the cost of installation of eight-inch mains, notwithstanding larger pipe actually installed, unless the customer's needs require a larger size main.
 - (2) **Corner lots.** Assessable footage shall be determined according to section 78.116.
 - (3) **Large lots.** Large lots shall be defined as residential lots over 40,000 square feet in area and industrial and commercial lots. For large lots the assessment for the improvements will be based on the area of the property benefitted, or by other methods of assessment deemed to be fair and equitable by the Public Works and Utility Committee.
 - (4) **Unplatted area.** The public works and utility committee shall apply the general guidelines of the adjusted front footage formulas of Secs. 78.115 and 78.116, this section, or other methods of assessment that are deemed to be fair and equitable.
- (c) **Lift stations.** Lift stations may be fully or partially assessed to the properties of the area which they serve. Lift stations may be assessed by the area method, the front footage method, the per lot or per dwelling unit method, or by any other methods

deemed to be fair and equitable by the public works and utility committee. The assessments shall be levied in districts served by lift stations and are based on present capital costs as recommended by the Public Works and Utility Committee.

- (d) **Booster stations.** Booster stations may be fully or partially assessed to the properties of the area which they serve. Booster stations may be assessed by the area method, the adjusted front footage method, the per lot or per dwelling unit method, or by any other methods deemed to be fair and equitable by the Public Works and Utility Committee. The assessments shall be levied in districts served by booster stations and are based on present and future capital, operational and maintenance costs as recommended by the Public Works and Utility Committee.

(Ord. of 4-21-1998, § 1(13.05.100)) [Amended via Ord. No 15-027, 11/18/2015] [Amended via Ord. No 19-002, 1/26/2019]

Sec. 78.121. Access fee for sanitary sewer and water main improvements.

- (a) When a property is benefitted by connecting private service laterals or where a development directly abutting the water or sewer mains extends additional mains with a direct connection to a sanitary sewer or water main, either existing or newly constructed, and where no assessments for the sanitary sewer and water main improvements have been previously levied against the property, the Public Works and Utility Committee shall cause an access fee to be charged to the benefitted property in lieu of the special assessment normally charged to abutting owners.
- (b) For previously existing mains, the access fee shall be based on the current special assessment costs for similar construction, and for new mains the access fee shall be based on the actual project costs for new construction determined in accordance with Sec. 78.120.
- (c) The access fee shall be charged when recently annexed properties are to be connected to existing mains, or when properties not previously assessed by normal special assessment procedures are connected to mains.
- (d) Payment for the access fee shall be a lump sum payment made in advance of the village's/utility's granting permission to connect to the mains owned by the village/utility. However, the village may by resolution approve an installment payment plan as normally used for special assessments in accordance with Sec. 78.123.
- (e) When an access fee is levied for an improvement not previously assessed by the village, and where the improvement was already 100 percent assessed to a project developer or where the improvement was constructed and financed solely by a developer under the direction of the village but without direct village cost, then the village may refund the access fee to the project developer in accordance with the following:

- (1) A "project developer" shall refer to a person, persons or business organization which financed at least 50 percent or more of the total project cost.
- (2) A connection fee may be refunded to a project developer who qualifies as stated in this subsection (e) providing the connection fee is collected by the village within ten years from the year in which the improvement was constructed. After ten years has elapsed, any claims for refunds shall be invalid.
- (3) A request for refund of an access fee shall be made in writing by the original project developer who was either assessed for the project or solely financed the project.
- (4) No person other than the original project developer shall be eligible to claim or receive a refund. The village, in its sole discretion, shall determine whether a refund shall be made after examining evidence and testimony. The village may request additional information from the developer other than that specified in this subsection (e). A finding of incomplete or unsubstantiated evidence may be grounds for denial of the claim for refund.
- (5) To qualify for an access fee refund, a project developer must be able to substantiate his claim by either:
 - a. Producing a record of the assessment originally levied by the village indicating the original improvement was fully assessed by the village to the developer;
 - b. Submitting a sworn affidavit stating the developer paid for improvements serving properties other than the developer's own for which the developer received no previous reimbursement. The affidavit should be filed immediately after completion of the improvement, and refiled or amended at the time of the claim. Incorrect claims or untruthful statements shall subject the affiant to penalties of law.
- (6) The amount of the refund shall be calculated according to subsection (5)b of this section, less a fee of ten percent of the total to be paid to the village for administration expenses.
- (7) The payment of the refund may be in a lump sum or in installments, as the village may direct at the time of the claim.

(Ord. of 4-21-1998, § 1(13.05.110)) [Amended via Ord. No 15-027, 11/18/2015] [Amended via Ord. No 19-002, 1/26/2019]

Sec. 78.122. Service laterals required.

- (a) Prior to the improvement of the village street by the installation of curb, gutter, pavement or other permanent surfacing, utility laterals and service pipes shall be laid from the mains or utility tunnels to the abutting property. **Where the work is done by village forces or by public contract let by the village, the cost of such installation on private property shall be borne 100 percent by the property served.** Extended time for payment, if any, shall be the same as for the street improvement. The village shall follow the procedures of Wis. Stat. § [66.0703](#) as to notice, plans, estimates and levies for special assessment for the work.
- (b) Laterals and service pipes for non-village-owned utilities may be required to be installed prior to the street improvement. The installation shall be by resolution of the village board for each street on a project-by-project basis.

(Ord. of 4-21-1998, § 1(13.05.120); Ord. of 3-22-2012) [Amended via Ord. No 15-027, 11/18/2015] [Amended via Ord. No 19-002, 1/26/2019]

Sec. 78.123. Assessment paid by installments.

- (a) Special assessments for the improvements provided for in this article may be paid over a period set forth in the preliminary and final special assessment resolutions. The number of annual installments shall be five when the average principal amount of special assessments on a project is \$1,000.00 or less. The village board may, but is not required, to extend the number of annual installments to more than five, but not greater than ten annual installments when the average principal amount of special assessments on a project is \$1,001.00 or more.
- (b) Special assessments for the improvements provided for in this article may be paid over a period in excess of ten years only in those instances where the village board finds it to be in the public interest to construct a project and impose special assessments for the improvement upon real estate whose present or foreseeable use in the immediate future is not directly related to or dependent upon the improvements.

(Ord. of 4-21-1998, § 1(13.05.130); Ord. of 5-21-2001(2), § 1) [Amended via Ord. No 15-027, 11/18/2015]

Sec. 78.124. Assessment prior to annexation.

- (a) As a condition of annexation, and prior to action by the village board on any proposed annexation ordinance, a tender must be made to the village for unremunerated improvements made by the village from which benefits have accrued to the property petitioned or would have been received by such property but for the fact that such land was outside of the village when the improvements were made.

- (b) Such tender must be made in cash, agreed to on an installment basis in accordance with village policies in effect at the time of such request for annexation, or, at the village's prerogative, an agreement may be entered into providing for payment.
- (c) The benefits which must be paid are those which could have been assessed on a special assessment basis, whether under the police power or under the special benefit procedures, had the area to be considered for annexation been in the village at the time the improvements were made, and include but are not limited to new street construction, curb and gutter, sanitary sewer, water main, and any other improvements.
- (d) Should the annexation ordinance fail, then any tender shall be returned to the petitioner unless the improvements are already benefitting the property, in which case the tender shall be retained and enforced by the village.

(Ord. of 4-21-1998, § 1(13.05.140)) [Amended via Ord. No 15-027, 11/18/2015]

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

MTG/DATE: Property and Infrastructure and Plan Commission – 06/05/17

FROM: Keith Donner, P.E., Director of Public Works & Utilities

DESCRIPTION: Adoption of Utility Main Extension Prescriptions to Supplement the Village's Water and Sewer Main Extension Policies and Recommended Elements of Revisions to Related Policies and Ordinances

ACTION:	<input type="checkbox"/> Approve	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Proclamation
	<input type="checkbox"/> Deny	<input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Report
	<input type="checkbox"/> Expenditure	<input type="checkbox"/> Procedure	<input type="checkbox"/> Resolution

QUESTION: Should the Board of Trustees adopt Utility Main Extension Prescriptions to Supplement the Village's Water and Sewer Main Extension Policies as recommended by the Director of Public Works? What

BRIEF: The Village's current policy and practice for extensions of water and sanitary sewer mains follows the Village's tariff (X-2 and X-3) on file with the Public Service Commission of Wisconsin (PSC). This policy essentially says that the cost of all extensions is the responsibility of "developers," i.e. the person or company desiring service, rather than the Village (or essentially utility customers and taxpayers). However, the Director has encountered several situations recently that point out the need for more participation/financial incentives to be offered by the Village to accomplish utility reinforcement, infill and possibly system extensions.

RECOMMEND: The Director recommends adoption of proposed Municipal Utility Extension Prescriptions to Supplement the Village's Water and Sewer Main Extension Policies. The Director seeks feedback on incentives for extending mains and determining availability of service.

COMMITTEE: Finance Committee considered and approved on 06/05/2017
Property & Infrastructure Committee on 06/12/2017
Plan Commission on 06/12/2017; Board of Trustees on 06/19/2017

REQUEST: Approve Director's recommendation.

Is there an additional briefer with this agenda item? **YES**

Are there additional reference documents which have been attached to this report?

YES - Materials in DropBox Folder:

<https://www.dropbox.com/sh/j8mr53dj30ultsv/AAB-fVJZXHV67ZbuRT-A1mOKa?dl=0>

**VILLAGE OF WESTON, WISCONSIN
AGENDA ITEM BRIEFER**

1. Policy Question:

Should the Board of Trustees adopt Utility Main Extension Prescriptions and Policies to supplement the Village's Water and Sewer Main Extension Policies? Secondly, what elements should the Board of Trustees endorse in revisions to related ordinances and policies to accomplish the goal of municipal utility service to developed areas of the Village?

2. Purpose:

The purpose of asking these questions is to receive guidance and feedback from Village policymakers regarding the "policy question" written out above.

3. Background:

The Village's current policy and practice for extensions of water and sanitary sewer mains follows the Village's tariff (X-2 and X-3) on file with the Public Service Commission of Wisconsin (PSC). With very few exceptions this tariff is the same one adopted for all Wisconsin water utilities. Even for those few exceptions the basic philosophy of main extension policies is the same; that is, developers, or those who desire the service extension, should pay for the extension, not the utility (which is existing customers or taxpayers).

This policy essentially says that the cost of all extensions is the responsibility of "developers," i.e. the person or company desiring service – the "cost causer" - rather than the Village (or essentially utility customers and taxpayers). This philosophy is prevalent if not universal throughout the country.

With respect to main extensions for either water or sanitary sewer the Village of Weston has traditionally held to the principles discussed above during the Director's 19 years with the Village.

The philosophical discussion becomes clouded as extensions of sewer and water mains are made that create benefits to customers and property neighboring a subdivision and/or along a route to the desired destination. When the "developer" is an individual desiring municipal utility service the cost of financing extensions quickly becomes impractical, unless other properties, and/or the Village, participate. When the "developer" is a subdivider of a plat, the financial means are much greater. Recapture agreements can be, and have been, offered in these situations to allow the developer a means of recouping their investment benefiting these other properties when those properties outside their development connect. However,

these agreements have a sunset provision of 10 years following the original construction and there is no mandatory connection requirement. Subdivision developers have been the only parties to execute these agreements to this point.

There are situations in which the Village may play the role of developer. The development of the Business and Technology Park and extensions of utilities to make sanitary sewer and water available to the property along Zinser Street south of STH 29 involved a series of projects over a span of approximately 8 years between 1998 and 2006. As the initiator of those projects, the Village had the ability to mitigate – if not eliminate - its risk for expending public funds by levying special assessments to properties that benefited from the projects. Special assessments for these projects included front foot charges for minimum size (8”) mains and the Reserve Capacity Assessment per Residential Equivalent Unit (REU) assessment to recoup investments in the wastewater transmission system rather than pass those on to customers through rates.

The Village always has the option to utilize special assessments as described in tariff schedule X-3 and as provided under 66.0607 Stats., even in developer initiated projects, but this option has generally been avoided in the past 15 years or more, to steer clear of negative public reaction from those affected.

By holding to the policy of “developer” responsibilities for costs, it seems there has been a level of impasse reached for extensions even within a few hundred feet of the existing water and sewer mains. There are currently 5 situations which the Director has been contacted about with respect to sewer system connection for individual lots vs private wastewater system construction – River Front Place, Weston Avenue, East Jelinek, CTH J, and Buska Street. These have historically been evaluated as to whether sewer service is “available,” with determination of “availability” left to the judgement of the Director in terms of cost of a private wastewater system (and well) vs. extensions of the municipal water and sewer system. Inevitably, even when the existing sewer and water mains are within a few hundred feet, the cost of extensions is higher than developing private systems and the municipal systems do not get extended.

This scenario plays out even with some levels of Village financial participation in the projects with discretionary proposed contributions to “over-sizing” and “system reinforcement.”

“Over-sizing” in a pure sense is simply a larger pipe than is needed by a specific development. The Village uses 8” as its minimum size and this is a common practice throughout the country: a) for water due to minimal incremental cost for 8” as compared to 6” and the ability for 8” mains to better to maintain minimum fire flow needs; and b) for sewer due to the regulatory requirement for 8” minimum size gravity sewer mains.

“System reinforcement,” in its pure sense is additional pipe or facilities installed to make the water and/or sewer system more reliable. The most common way this would be done is with looping of a water main to improve system reliability in an area.

In a broader sense “oversizing” and “system reinforcement” become lumped together to include extraordinary construction costs; e.g. crossing water features, additional depth of facilities, rock excavation, fronting wetlands, fronting corner lots already served on another side, etc. What is considered “over-sizing and “system reinforcement” is left to the discretion of the Director and the Board of Trustees.

With all this said, it should be evident the issue of articulating a black and white main extension policy is a difficult task. To summarize the major issues and policy questions:

1. The current policy of placing the financial responsibility on the “cost causer” has created pockets of areas where the cost of extending municipal services is too high for individual property owners to bear.
2. Arguably, the current policy also could be viewed as discouraging to development.
3. How should the availability of municipal sewer and/or waster service be defined?
4. Is the Village willing to implement the use of special assessments to facilitate projects providing benefit to multiple properties affected by an extension for a “cost causer/developer?”
5. Is the Village willing to play the role of developer for certain areas of the Village to facilitate economic development?
6. Should the interpretation of “over-sizing” and “system reinforcement” be left to discretion or more clearly defined?

4. Issue Analysis:

The fundamental principle which should guide this issue analysis is that municipal sewer and water service are preferred over private water and wastewater systems. Once a property has received municipal service, it is inconceivable it would ever lose that service or need to pay directly for replacement, other than through “socialized costs” included in rates. By contrast, private water, and especially wastewater systems, have finite lives and ultimately will require replacement at some time in the future. Thus, private water and wastewater systems are a liability to individual property owners.

A draft policy for determining the availability of public sewer service has been developed from an example used in the Northeast Ohio Four County Regional

Planning and Development Organization. The draft is titled “Municipal Utility Extension Prescriptions.” A map depicting different areas of the Village and Town of Weston has been created to show how properties in the different areas would be treated with respect to determining the need for utility service extensions. The materials can be viewed in the Dropbox folder linked at the end of this report.

There seem to be two central questions.

First, there is a need to determine whether utility service is “available.” This question should have both a physical location (distance) test as well as a financial component. It would seem logical to base the decision on relative cost of private systems vs. public systems with potentially a maximum cost for a single dwelling regardless of lot size. It would also seem reasonable though, that the costs for obtaining municipal utility service with related improvements will naturally be higher than for private systems due to the street restoration component and the permanence of municipal service.

Second, in order to achieve the fundamental goal of serving Village residents with municipal sewer and water, what financial incentives, if any should be applied. A table titled, “Decision making criteria based on location of property to be served relative to sewer utility service area and sewer service boundary,” is included in the referenced Dropbox folder. If financial incentives can be offered when municipal utilities and other infrastructure are constructed, it would give property owners some options other than a 10-year repayment period or tapping into home equity.

Ideas included in the table are:

1. Interest free special assessments and repayment agreements.
2. Interest free special assessments and repayment agreements with deferred payments.
3. Special assessment repayment periods longer than 10 years. Placing a cap on the special assessment amount for a property; e.g.
4. a maximum frontage of 250 feet, or maximum special assessment principal amount of \$XXX.
5. cost to extend 2” water and sewer force main
6. maximum cost based on cost of private water/wastewater systems plus 25% plus up to 250 feet of street reconstruction.
7. Deferral of connection for a maximum number of years in combination with any of the above.
8. For developer recapture agreements, a requirement for abutting property owners to connect by the sunset of the agreement.
9. Outright contributions to main extension projects with higher contributions going to infill projects and those which help with system reinforcement.
10. Alternates to front foot assessments dependent on the type of project.

11. The idea of special assessment incentives implies the Village taking a more aggressive role by getting in front of projects rather than simply letting economics dictate.
12. Village does not pass through engineering fees for extensions:
13. For individual property owners
14. For lots fronted by projects for subdivisions beyond the property fronted.
15. Defer water assessments for maximum of 10 years with payment by the end of 10 years or at property sale, whichever is sooner. Defer sewer assessments for unlimited time with access fee collected when connection occurs.
16. Sewer utility pays for water assessments at 10 years and collects access fee at time of connection equivalent sewer and water access fee.

There are probably other ideas which could be vetted and there are undoubtedly many reasons why the above ideas should not be considered. In principle, there can be no “free lunch.” There is a cost to providing municipal utilities and any other public infrastructure. As indicated earlier, any costs of projects which are not paid by developers must be paid for through utility rates or general tax levy by utility customers and Village taxpayers.

Without going into extensive discussion, the level of financial regulatory oversight for water utilities (rate setting and the expenses that are part of those rates) is perceived by the Director to be on a level similar to that for investor-owned utilities throughout the country. However, when it comes to sewerage utilities, the utility has much more latitude, unless a sewerage utility has elected to be regulated by the PSC, which is not the case in the Village of Weston. The more likely “regulatory” impacts to the sewer utility may come from conditions of existing or future bond issues. So, for example, a suggestion to extend a repayment period for the sewer utility beyond 10 years and not for the water utility due to PSC conventions, may not be a reasonable proposal.

The Director perceives the concerns in principle with the financial incentives, as suggested, could be that too much of the costs for the benefit of new customers could be shifted to current customers. However, to achieve the goal of serving Village residents with municipal utility service, greater financial contribution by the Village needs to be considered. There are going to be times when the municipality or utility does take on the role of speculator or risk taker, such as with a tax increment finance district or facilitating a long extension for a new development.

5. Fiscal Impact:

The fiscal impact of this policy or policies is undetermined at this time. The Director recommends the Village financial consultant comment on the suggested financial incentives, and any others they might suggest. Finance Director, Jacobs is not opposed to offering interest free deferred special assessments.

6. Legal Impact:

Legal counsel should provide an opinion as to the ability to require connections when recapture agreements are used. The Village special assessment ordinance should be reviewed and updated. The Village ordinances for sewer and water utilities should be reviewed for consistency with any main extension policy (policies) that are ultimately adopted. Contributions to utility projects and related infrastructure costs is a matter of discretion of the Village Board of Trustees under the current policy in the Village's water utility tariff.

7. Prior Review:

This topic has been discussed with Administrator, Daniel Guild on several occasions. The Public Works and Utility Committee, predecessor of the Property and Infrastructure Committee, has periodically discussed the main extension policy, as has the PIC committee. The issue has been left to the discretion of the Director to address issues on a one-by-one basis.

The topic was discussed at the Finance Committee on June 5, 2017. The general discussion centered around financing incentives and connection requirements. The Finance Committee was supportive of interest free deferral of special assessments for up to 10 years at which time connection would be required and payment would be due. Assessment deferral would also end at time of property sale, or water or wastewater system failure, at which time connection would be required.

Further discussion with John Jacobs, Finance Director, reveals that repayment periods longer than 10 years could also be proposed for the utility portions of the assessments, but not for any general obligation portion, i.e., street reconstruction component. So, perhaps we would be looking for some staggered repayment periods for street improvements (begin at 5 years to be repaid by the 10th year) and utility repayments (begin at 10th year and repay by the 15th or even 20th). This is simply saying this could be an option, we could show how this would work with the Riverfront Place/Pine Ridge Lane project on 6/12.

8. Policy Choices:

Approve the Municipal Utility Extension Prescriptions document or something else. Provide feedback on financial incentive ideas. Recommend review of financial incentive ideas by the Village financial consultant. Recommend review of legal issues regarding special assessments and ordinances by Village legal counsel.

9. Recommendation:

The Director recommends adoption of the Main Extension Prescriptions to determine where and when the Village deems service to be available. The Director seeks feedback on acceptable incentives for infill development and system reinforcements.

The Director will review the utility ordinance (Chapter 86) and special assessment ordinance (Chapter 74) for compatibility with the Main Extension Prescriptions. The Director also favors a main extension policy containing elements of the City of Mequon's describing the process and financial responsibilities of developers and the Village. (See Dropbox)

Further review of possible financial options by the Village's Financial consultant is recommended.

Further review of legal questions as outlined is also recommended.

10. Attachments:

Materials in DropBox Folder: <https://www.dropbox.com/sh/j8mr53dj30ultsv/AAB-fVJZXHV67ZbuRT-A1mOKa?dl=0>

Weston Water Utility

Water Main Extension Rule

Water mains will be extended for new customers on the following basis:

- A. Where the cost of the extension is to immediately be collected through assessment by the municipality against the abutting property, the procedure set forth under Wis. Stat. § 66.0703 will apply, and no additional customer contribution to the utility will be required.
- B. Where the municipality is unwilling or unable to make a special assessment, the extension will be made on a customer-financed basis as follows:
 - 1. The applicant(s) will advance as a contribution in aid of construction the total amount equivalent to that which would have been assessed for all property under A.
 - 2. Part of the contribution required in B.1. will be refundable. When additional customers are connected to the extended main within 10 years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under A. for the abutting property being served. This amount will be refunded to the original contributor(s). In no case will the contributions received from additional customers exceed the proportionate amount which would have been required under A., nor will it exceed the total assessable cost of the original extension.
- C. When a customer connects to a transmission main or connecting loop installed at utility expense within 10 years of the date of completion, there will be a contribution required of an amount equivalent to that which would have been assessed under A.

RATE FILE

Sheet No. 1 of 1

Schedule No. X-3

Amendment No. 13

Public Service Commission of Wisconsin

Weston Water Utility

Water Main Installations in Platted Subdivisions

Application for installation of water mains in regularly platted real estate development subdivisions shall be filed with the utility.

If the developer, or a contractor employed by the developer, is to install the water mains (with the approval of the utility), the developer shall be responsible for the total cost of construction.

If the utility or its contractor is to install the water mains, the developer shall be required to advance to the utility, prior to the beginning of the construction, the total estimated cost of the extension. If the final costs exceed estimated costs, an additional billing will be made for the balance of the cost due. This balance is to be paid within 30 days. If final costs are less than estimated, a refund of the overpayment will be made by the water utility.

VILLAGE OF WESTON
MUNICIPAL UTILITY EXTENSION PRESCRIPTIONS

Areas Currently Served by Public Sewer (Yellow):

These areas are currently served with public sewers that have been constructed and are currently in operation. **These areas/properties are considered infill development.**

New Development and Construction

Any new development and/or construction in the yellow areas of this facilities planning area shall be required to connect to the Weston sewerage system to ensure that wastewater will be treated and discharged to the Rib Mountain Metropolitan Sewerage District (RMMSD) or Wausau wastewater treatment facility.

Existing Development and Construction

Private onsite wastewater treatment systems (POWTS) shall be abandoned in accordance with state and county regulations and parcels shall connect to the Weston sewerage system to ensure that wastewater will be treated at the RMMSD or Wausau wastewater treatment facility, unless the Village of Weston determines that public sewer service is not available.

Areas Programmed for Public Sewers Within the Next 20 Years (Orange):

This area contains some existing development, as well as large undeveloped tracts of land and vacant lots subject to improvement. **This area is generally considered infill development even though main extensions will be required to make service available.**

New Development (subdivisions)

All new commercial, industrial, institutional and residential subdivisions, required to be platted, by state, county, and/or local regulations in the orange areas shall be required to connect to the existing Weston sewerage system to ensure that wastewater will be treated and discharged to the RMMSD or Wausau wastewater treatment facility. The developer shall be required to extend new sanitary sewers from any proposed development to the existing public sewer tributary to RMMSD or Wausau.

New Construction (Individual Lots – non-residential)

New commercial development on existing individual parcels or newly created unplatted parcels will be required to provide public sewer service to ensure that sanitary wastewater will be transported to and treated by the RMMSD or Wausau wastewater treatment facility.

New Construction (Individual Lots - residential)

New residential construction on existing, individual parcels/lots or newly created, unplatted parcels will be required to provide public sewer service to ensure that wastewater will be transported to and treated at the RMMSD or Wausau wastewater treatment facility when all of the following apply:

1. It is determined by the Village of Weston that the RMMSD or Wausau treatment facilities and existing public sewerage system have capacity to accept flow from the proposed construction.
2. The Village of Weston deems that public sewer is available.
3. There are no physical, legal or financial barriers prohibiting such connection.

If it is determined that such barriers exist, then documentation that adequately and reasonably supports the claim must be provided to the Village of Weston. The Village, after review of the information, may deem that public sewer is not available and permit the use of POWTS.

When any of items 1-3 above do not apply, it shall be deemed that public sewer is currently not available and individual parcels may be improved with new POWTS in accordance with state and county regulations.

An owner of an existing parcel where new construction will be served by a POWTS shall extend a sanitary sewer lateral to the parcel boundary so that wastewater may be transported to RMMSD or Wausau wastewater treatment facility, when and if the Village of Weston deems that connection to public sewer is available.

Existing Development and Construction

When the Village of Weston determines that public sewer is available, properties served by existing POWTS will be required to connect to public sewer in conformance with Village policies, to ensure that wastewater will be transported to and treated by RMMSD or the Wausau wastewater treatment facility. Upon completing the connection to the Weston sewerage system, existing POWTS shall be properly abandoned in accordance with state and county regulations.

When the Village of Weston determines that public sewer is not available, existing (developed) commercial, industrial, institutional and residential properties within this area may continue to be served by POWTS, except that:

1. Failing POWTS serving one-or 2- family dwellings shall be abandoned and replaced with code compliant POWTS in accordance with state and county regulations.
2. Failing POWTS serving uses other than one-or 2- family dwellings shall be abandoned and the parcel will be required to connect to public sewer to ensure that wastewater will be treated at the RMMSD or Wausau wastewater treatment facility.

An owner of a parcel served by an existing POWTS may extend a sanitary sewer lateral to the parcel boundary so that wastewater may be transported to RMMSD or Wausau wastewater treatment facility, when and if the Village of Weston deems that connection to public sewer is available.

Areas that will be served by the RMMSD or Wausau wastewater treatment facility or a POWTS (Green):

This area may contain some existing development, as well as large undeveloped tracts of land and vacant lots subject to improvement within the Urban Sewer Service Area Boundary. **This area is generally regarded as system extension areas, though some parts may be considered infill**

New Development (subdivisions)

New commercial, industrial and residential subdivisions, required to be platted, by state, county, and/or local regulations will be required to provide public sewer service to ensure that wastewater will be transported to and treated at the RMMSD or Wausau wastewater treatment facility when all of the following apply:

1. An existing public sewer, owned and operated by the Village of Weston, is within 2,500 ft. of the property proposed for development.
2. It is determined by the Village of Weston that the RMMSD or Wausau wastewater treatment facility and existing public sewers have capacity to accept flow from the proposed development.
3. The Village of Weston deems that public sewer is available.
4. There are no other physical, legal or financial barriers prohibiting such connection.

If it is determined that such a barrier exists, documentation that adequately and reasonably supports the claim must be provided to the Village of Weston. The Village of Weston, after review of the information, may deem that public sewer is not available and permit the use of a POWTS.

New, centralized wastewater treatment systems serving new developments with more than one lot/parcel will not be approved.

New Construction (Individual Lots – non-residential)

New commercial development on existing individual parcels or newly created unplatted parcels will be required to provide public sewer service to ensure that sanitary wastewater will be transported to and treated by the RMMSD or Wausau wastewater treatment facility when all of the following apply:

1. It is determined by the utility having jurisdiction that the RMMSD or Wausau wastewater treatment facility and existing public sewer have capacity to accept flow from the proposed construction.
2. The Village of Weston deems that public sewer is available.
3. There are no physical, legal or financial barriers prohibiting such connection.

If it is determined that such barriers exist, then documentation that adequately and reasonably supports the claim must be provided to the Village of Weston. The Village of Weston, after review of the information, may deem that public sewer is not available and permit the use of POWTS.

When any of items 1-3 above do not apply, it shall be deemed that public sewer is currently not available and individual parcels may be improved with new POWTS in accordance with state and county regulations.

When the Village of Weston determines that public sewer is available, properties served by existing POWTS will be required to connect to public sewer in conformance with Village policies, to ensure that wastewater will be transported to and treated by RMMSD or the Wausau wastewater treatment facility. Upon completing the connection to the Weston sewerage system, existing POWTS shall be properly abandoned in accordance with state and county regulations.

New Construction (Individual Lots - residential)

New residential construction on existing, individual parcels/lots or newly created, unplatted parcels will be required to provide public sewer service to ensure that wastewater will be transported to and treated at the RMMSD or Wausau wastewater treatment facility when all of the following apply:

1. It is determined by the utility having jurisdiction that the RMMSD or Wausau wastewater treatment facility and existing public sewer have capacity to accept flow from the proposed construction.
2. The Village of Weston deems that public sewer is available.
3. There are no physical, legal or financial barriers prohibiting such connection.

If it is determined that such barriers exist, then documentation that adequately and reasonably supports the claim must be provided to the Village of Weston. The Village of Weston, after review of the information, may deem that public sewer is not available and permit the use of POWTS.

When any of items 1-3 above do not apply, it shall be deemed that public sewer is currently not available and individual parcels may be improved with new POWTS in accordance with state and county regulations.

An owner of an existing parcel where new construction will be served by a POWTS shall extend a sanitary sewer lateral to the parcel boundary so that wastewater may be transported to the existing RMMSD or Wausau wastewater treatment facility, when and if the Village of Weston deems that connection to public sewer is available.

Existing Development and Construction

When the Village of Weston determines that public sewer is available, properties served by existing POWTS will be required to connect to public sewer in conformance with Village policies, to ensure that wastewater will be transported to and treated by RMMSD or the Wausau wastewater treatment facility. Upon completing the connection to the Weston sewerage system, existing POWTS shall be properly abandoned in accordance with state and county regulations.

When the Village of Weston determines that public sewer is not available, existing (developed) commercial, industrial, institutional and residential properties within this area may continue to be served by POWTS, except that:

1. Failing POWTS shall be abandoned and replaced with code compliant POWTS in accordance with state and county regulations.

New, centralized wastewater treatment systems serving new development with more than one lot/parcel will not be approved.

Areas that will be served by POWTS (Cream):

These areas are, for the most part, a great distance from existing public sewers. Approval of connections to public sewer for treatment of wastewater at the RMMSD or Wausau wastewater treatment facility will be rare. Cream areas that appear closer to existing public sewers are often burdened with other limitations to public sewer connection, such as: public sewer capacity, physical obstructions to public sewer construction, and flood plains.

New Development and Construction

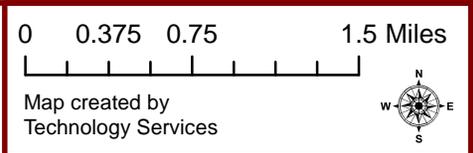
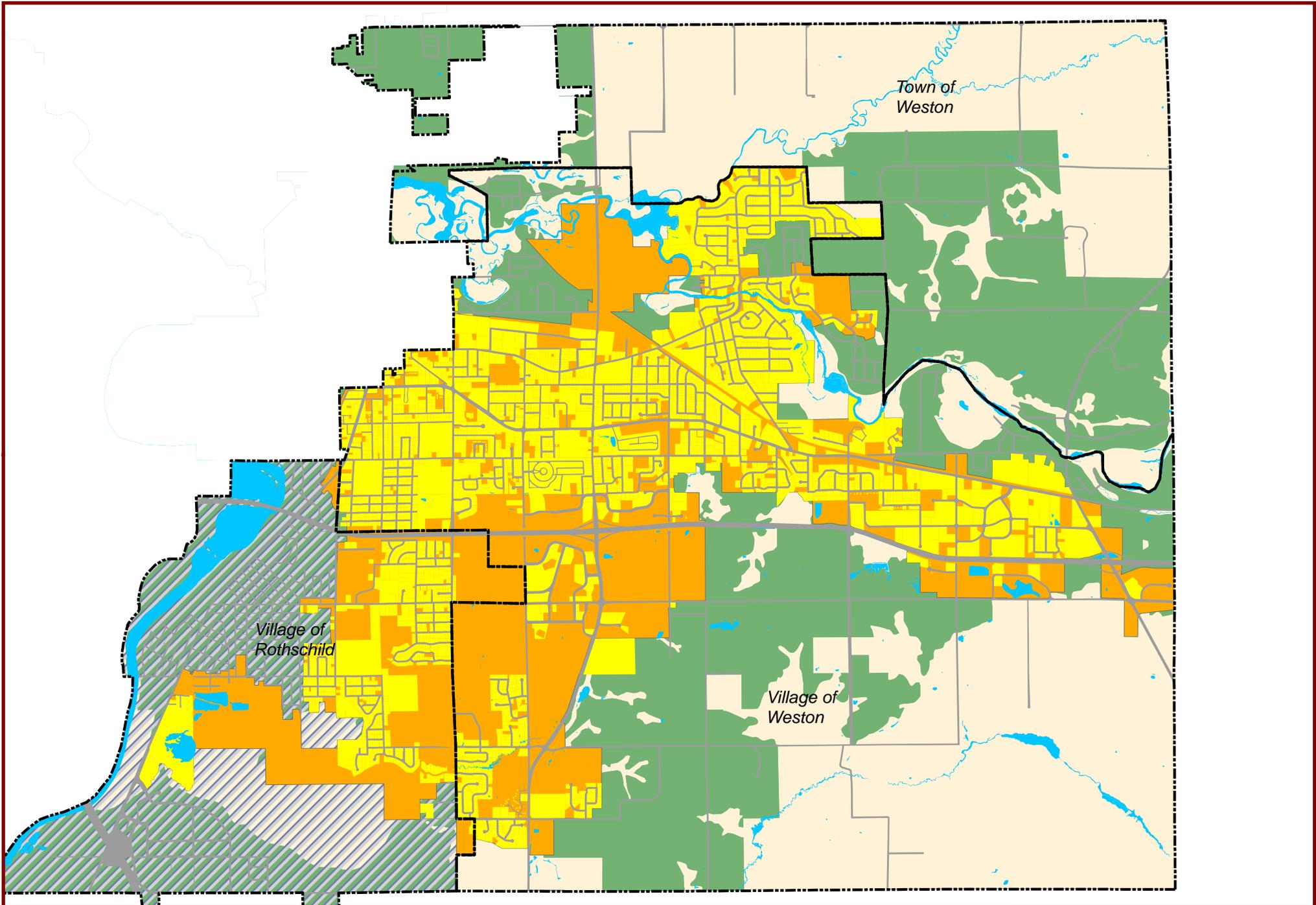
Where public sewer is not available, as determined by the Village of Weston, new POWTS may be permitted for subdivisions or individual parcels, in accordance with state and county regulations.

Existing Development and Construction

When the Village of Weston determines that public sewer is available, properties served by existing POWTS will be required to connect to public sewer in conformance with Village policies, to ensure that wastewater will be transported to and treated by RMMSD or the Wausau wastewater treatment facility. Upon completing the connection to the Weston sewerage system, existing POWTS shall be properly abandoned in accordance with state and county regulations.

When the Village of Weston determines that public sewer is not available, existing (developed) commercial, industrial, institutional and residential properties within this area may continue to be served by POWTS, except that:

1. Failing POWTS shall be abandoned and replaced with code complaint POWTS in accordance with state and county regulations.



Village of Weston
Municipal Utility Extension Prescriptions

Decision making criteria based on location of property to be served relative to sewer utility service area and sewer service boundary.

Location of Property	Cost	Responsible Party	Over-sizing Recommendations	Financing Method(s)	Possible Financial Incentives From Village
Fronted by a main (Infill/Build-out - Yellow Area on Map)	Connection to mains, possible access fee	Property owner/developer	None - Not Applicable	Home equity, Cash, Special Assessment Agreement for access fee	Interest free agreement, Term longer than 10 years
Property not fronted by a main, but located within the overall footprint of the Utility service area - Any subdivisions, any commercial property, and any property within 600 feet of existing main(s), but not dependent on a strict distance criteria. (Infill - Orange area on map)	Main extensions, laterals to property line, and street restoration	Property owner/developer		Private financing, Recapture agreement,	Require connection for property fronted by developer financed improvements
	Main extensions and street restoration	Village	Appropriate up to 50%, plus extraordinary construction	Special Assessment by Village, Revenue bond, Utility operating income, rates	Interest free special assessments, Repayment term longer than 10 years, Interest only or interest free deferred special assessment, Cap on total amount of special assessment
	Connection to mains	Property owner/developer	None - Not Applicable	Home equity, Cash, Special Assessment Agreement for access fee	Deferral of connection up to a maximum number of years - 10?
Property beyond the footprint of the overall boundary of the Utility service area, but within the urban area sewer service boundary - Generally any subdivisions within 2,500 feet of a main(s), non-residential lots within 1,000 feet of a main(s), any new or existing residential lot within 600 feet of a main(s), but availability not predicated on a strict distance criteria. (System Extensions - Green Area on map)	Main extensions, laterals to property line, and street restoration	Property owner/developer		Private financing, Recapture agreement,	Require connection for property fronted by developer financed improvements
	Main extensions and street restoration	Village	Appropriate for over-sizing and system reinforcement possibly up to a fixed percentage.	Special Assessment by Village, Revenue bond, Utility operating income, rates	Interest free special assessments, Repayment term longer than 10 years, Interest only or interest free deferred special assessment, Cap on total amount of special assessment
	Connection to mains	Property owner/developer	None - Not Applicable	Home equity, Cash	Deferral of connection up to a maximum number of years - 10?
Existing properties with private systems which fail and need replacement in any area are subject to determination of "availability" of municipal service (Orange, Green and Cream areas).	Main extensions, laterals to property line, and street restoration	See above for applicable area (Green and Cream would be viewed similarly)			
	Main extensions and street restoration	See above for applicable area (Green and Cream would be viewed similarly)			
	Connection to mains	See above for applicable area (Green and Cream would be viewed similarly)			

Other incentives: Provide Engineering and inspection on projects less than 1,000 feet long - Usually can add 25% to base cost of projects