Village of Weston, Wisconsin

Meeting of the PLAN COMMISSION

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

Monday, May 11, 2020 @
6:00 P.M.

Packet Prepared By:
Jennifer Higgins, Director of Planning and Development

Village of Weston, Wisconsin
MEETING NOTICE

Meeting of:	**PLAN COMMISSION**
Commissioners:	**Sparks {c}, Maloney {vc}, Cronin, Gau, Guerndt, Jordan, Meinel,**
Staff:	**Jennifer Higgins, Director of Planning & Development**
Date/Time:	**Monday, May 11, 2020, @ 6:00 P.M.**
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 05/05/2020.

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

TO THE HONORABLE PRESIDENT SPARKS AND TRUSTEE MARK MALONEY AND THE FIVE (5) APPOINTED MEMBERS OF THE PLAN COMMMISSION: 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 next regular meeting of the Plan Commission which has been scheduled for **Monday, May 11, 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 Sparks.

2. Roll Call and declaration of a quorum by Secretary Parker of Plan Commission – WALLY SPARKS {C}, MARK MALONEY {VC}, STEVEN CRONIN, DUANE GAU, GARY GUERNDT, JOE JORDAN, STEVE MEINEL.

3. Introduction of new Commissioner Cronin.

4. Approve minutes from the March 9, 2020 PC/ETZ Meeting.

5. Approve minutes from the March 10, 2020 Special Joint BOT, PC & CDA Meeting.

COMMUNICATIONS

6. Opportunity for citizens to be heard.

Join Zoom Meeting by Computer (audio only meeting to make comments):
https://zoom.us/j/96588550381

Join Zoom Meeting by Phone (audio only meeting to make comments):
+1 301 715 8592 US (Germantown)
+1 312 626 6799 US (Chicago)

Meeting ID: 965 8855 0381

7. Written communications received.

REVIEW OF REZONING & CONDITIONAL USE PERMIT PETITIONS

8. Public Hearing – Project #20200118 - Mitchell & Polly Marcott, 8602 Ryan Street, Weston, requesting a Conditional Use Permit to allow for Sec. 94.4.02 (1) 7 and 8 to be waived and modified, on a property within the AR (Agriculture and Residential) Zoning District at 8400 Ryan Street (PIN 192 2808 272 0994).

a. Open Public Hearing.
b. Presentation by Applicant.
c. Public Hearing/Public Comment Period. – Please log in using the Zoom meeting information listed above.
d. Written Correspondence.
e. Close Public Hearing.
f. Discussion by Commissioners.
g. Staff Report.
h. Action by Plan Commission.

NEW BUSINESS

9. Site Plan Approval for Project #20200119 – PGA Excavating Department Operations Facility, 7315 Zinser Street.

10. Site Plan Approval for Project # 20200088 – Willow Estates Multifamily Development, 5420, 5506 & 5510 Willow Street.

11. Introduction of the *Draft Public Facilities Needs Assessment* for a park and recreation fee on new residential development in the Village and proposed amendments to Chapter 74 Subdivision Regulations & Chapter 94 Zoning Ordinance to make technical changes and respond to state law changes, including adjustments in park and recreation impact fees for residential development.

12. Discussion of future land use & zoning designations for Industrial/Business Park Properties south of State Highway 29.

STAFF REPORTS

13. Acknowledge Report re: March and April 2020 Staff-approved Certified Survey Maps and Site Plans.

14. Acknowledge Report re: March and April 2020 Building Permits.

15. Acknowledge Report re: March and April 2020 New Business Occupancy Permit Issuance.

16. Update on 2020 projects/tasks for Plan Commission.

17. Updated Workplan for Weston Avenue Corridor Plan Project.

MISCELLANEOUS

18. Next meeting date

a. Monday, June 8, 2020 @ 6 p.m. – Regular Meeting.

19. Future Meeting Topics

a. Continued discussion of needed amendments to Chapter 94 Zoning

b. Unfinished Business - Discussion and possible recommendation to the BOT on the petition to vacate an unimproved portion of the Dominika Street right-of-way laying south of Mary Lane.

c. Chapter 14 Ordinance Amendment re: Addressing Flag Signs.

20. Remarks from Staff and Commission Members.

ADJOURNMENT

21. Adjournment of PC.

Village of Weston, Wisconsin
OFFICIAL PROCEEDINGS OF THE PLAN COMMISSION
held on Monday, March 9, 2020, at 6:00 p.m., in the Board Room, at the Municipal Center

AGENDA ITEMS.

1. **Meeting called to order by Plan Commission (PC) Chair & Trustee Mark Maloney.**

2. **Meeting called to order by Extraterritorial Zoning (ETZ) Committee Chair Loren White.**

3. **Roll Call of Village PC by Secretary Parker.**

Roll call indicated 7 Plan Commission members present.

Member	Present
Maloney, Mark	YES
Sparks, Wally	YES
Gau, Duane	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Meinel, Steve	YES
White, Loren	YES

4. **Roll Call of Joint Village & Town of Weston ETZ Committee by Secretary Parker.**

Roll call indicated 5 ETZ members present.

Member	Present
White, Loren	YES
Hull, Mark	YES
Christiansen, Randy	YES
Guerndt, Gary	YES
Meinel, Steve	YES
Olson, Milt	NO - Excused

Village Staff in attendance: Donner, Higgins, Wodalski, Wheaton, Tatro, Chartrand, and Parker.

There were about 5 people in the audience.

5. **Approval of minutes from the January 13, 2020 – Regular PC meeting**

Motion by Sparks, second by White: to approve the January 13, 2020, Regular PC Meeting minutes.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting:0 Result: PASS

Member	Voting
Maloney, Mark	YES
Sparks, Wally	YES
Gau, Duane	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Meinel, Steve	YES
White, Loren	YES

6. Approval of minutes from the October 14, 2019 – Regular ETZ meeting

Motion by Hull, second by Guerndt: to approve the October 14, 2019, Regular ETZ Meeting minutes.

Yes Vote: 5 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

Member	Voting
White, Loren	YES
Hull, Mark	YES
Christiansen, Randy	YES
Guerndt, Gary	YES
Meinel, Steve	YES
Olson, Milt	---

COMMUNICATIONS

7. Opportunity for citizens to be heard.

None.

8. Written communications received.

None.

UNFINISHED BUSINESS

9. Unfinished Business – Discussion and possible recommendation to the BOT on the petition to vacate an unimproved portion of the Dominika Street right-of-way laying south of Mary Lane. (PC)

Joe Muzynoski, 5803 Mary Lane was present.

Donner stated this topic is outlined in the packet, which dates back to 2018, when Muzynoski was made aware that his house does not comply with the minimum required setbacks. He explained the sentiment of Plan Commission was to not vacate Dominika Street in its entirety. He explained some of the options we had looked at.

Donner explained staff looked at the Wandering Springs West Plat from 1999 to confirm access to property to the south from west and east sides. This plat includes Outlot 1, which consists of two outlots, a small triangle on the southeast corner, and a larger lot on the southwest corner. The Plat notes Outlot 1 is set aside for future possible street extensions. Donner referred to a legal article in the packet by Claire Silverman in the League of Municipalities Newsletter, stating that staff if looking at whether these constitute a dedication. Donner stated he received an opinion from Attorney Yde that confirms since these outlots are common law dedications, these lands would be held for public uses.

Donner stated last Thursday, he met with Muzynoski and Budleski. Donner stated Budleski followed up with a phone call today stating that he agrees that he intended for these outlots to be dedicated as public street. The problem is that a CSM was created in 1999 and again in 2002, when land was conveyed to Joe Buska. The west 33' of Outlot 1 in the southeast was included in the CSM that created that parcel. We want to be sure we have that entire right-of-way that was intended to be dedicated as part of this plat, reconfigured and explicitly dedicated before the Plan Commission decides whether to consider vacating that piece of Dominika Street.

Maloney questioned if we would still be using part of the Dominka Street right-of-way for public utilities and a public path. Donner stated first we need to be sure Outlot 1, on both corners of this plat, are available and would be public right-of-way for access to the property to the south. Donner stated if this is satisfied, then staff would recommend to PC to vacate all or part of Dominika Street right-of-way to the south.

Donner stated he has had some e-mail exchanges from Attorney Paul Duerst, of County Land & Title (attached). Duerst stated to Donner that he would need to follow up with Buska to get Buska's approval to

release a copy of his title policy, as we need to receive verification from Buska that he is not claiming ownership of the 33 feet of Outlot 1 land, or that Duerst is making good on the fact that the 33-feet of outlot land should not have been conveyed to Buska (to the property Buska bought from Mitch King). Meinel explained Mitch King signed a deed that was prepared by Duerst, with his title policy, who did the closing. Meinel stated it appears Duerst mistakenly included this 33 feet of outlot land.

Meinel questioned if Duerst or Yde indicated if we could just re-record the deed with the correct legal description? Donner stated when he spoke to Buska, Buska intended for that to remain right-of-way. Donner does not know if there was any exchange of compensation of that land. However, that would have to be worked out between County Land & Title and Joe Buska.

Donner stated there is no ultimate resolution at this time. The question to the Plan Commission is once we satisfy the access to south, whether PC would recommend to the Board of Trustees to hold a public hearing to hear whether to vacate all or part of Dominika Street, south of Mary Lane.

Guerndt questioned if there would still be an issue with the length for a future proposed road, with no outlet. Donner stated this is something that would be non-conformance with the code. Guerndt stated there are driveways coming down Old Costa Lane and the outlot along the west side is vacant.

White stated are still a few things up in the air. He has a hard time recommending if we do not know right now if those two parcels (Outlot 1) can be used. Donner state we are recommending to defer this until the right-of-way issue is resolved. Donner explained the law states that during the public hearing, if anyone objects to the vacation, the Board of Trustees could not take action to vacate, and would have to keep the right-of-way as is.

Maloney stated this will stay on the agenda until we can get a recommendation to the Board.

Gary Barnett, represents the 33 acres to the south. He stated it has been 2 years now and he would like to get this settled.

Motion by Sparks, second by White: to recommend deferring action to forward a resolution to vacate the east half of Dominika Street until after Outlot 1, as configured on the Plat of Wandering Springs West is explicitly dedicated to the Village to assure access to the south. Question – Gau questioned the way motion is read, it states if we have resolved the outlots, we will consider dedicating half the street, which is against the subdivision ordinance.

Sparks amended his motion to state he recommends deferring action to forward a resolution regarding Dominika Street, until Outlot 1 is configured on the plat of Wandering Springs West is explicitly dedicated to the Village to assure access to the south. White restated his second to the motion.

Meinel questioned if a portion of Dominika Street is vacated, if Muzynoski's house will be conforming to setbacks. Higgins stated he needs about 16 feet. Higgins stated the current setback minimum is 20 feet, so Muzynoski's house is encroaching by 14.5 feet into the setbacks for the right-of-way. Donner stated his garage would be 5.5 feet from right-of-way. Wodalski stated typically, there is about 16 feet from back of curb to the right-of-way.

Motion carried.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting:0 Result: PASS

Member	Voting
Maloney, Mark	YES
Sparks, Wally	YES
Gau, Duane	YES

Guerndt, Gary	YES
Jordan, Joe	YES
Meinel, Steve	YES
White, Loren	YES

Meinel confirmed the plat has been recorded, which gives the Village the common law right to the outlots. He feels what happens between Buska and Duerst does not matter, other than the fact that Budleski was still involved in the ownership of those lots, and he did not transfer those to the Village. He feels the common law rights allows us to run the road. Higgins stated these need to be dedicated, as when you look at a map, you can't tell, and this can happen again later. She stated there will be costs for a CSM and it will come down to who is responsible to pay that. Higgins stated there are several of these older plats where outlots have become issues. She stated we have stormwater ponds that are outlots which should have been dedicated to the Village. Donner stated we need to be sure outlots for street extensions are specified to be what they are for and dedicated to the Village at the time.

Barnett questioned if it is possible to placate everybody to reconfigure the garage on the property. Higgins stated we could shift the road within the road right of way so the road right of way required could be less.

REVIEW OF REZONING & CONDITIONAL USE PERMIT PETITIONS
10. Public Hearing – Discussion and recommendation to the Board of Trustees (BOT) on Adoption of 2020 Official Zoning Map and Official Extraterritorial Zoning Map for the Village of Weston (PC & ETZ).

a. Open Public Hearing.
Maloney opened the public hearing at 6:24 p.m.

b. Presentation by Staff.
Higgins stated at the beginning of each year, we adopt the official zoning map, which gives us a starting point and historical snapshot for the year. This is something the previous County Zoning Administrator suggested we do annually.

c. Public Hearing/Public Comment Period.
None.

d. Close Public Hearing.
Maloney closed the public hearing at 6:26 p.m.

e. Discussion by Plan Commission and ETZ Members.
None.

f. Recommendation from Staff.
Higgins stated staff recommends approval.

g. Action and Recommendation to the BOT by Plan Commission.

***Motion by White, second by Meinel: to recommend to the Board of Trustees on Adoption of 2020* Official Zoning Map and Official Extraterritorial Zoning Map for the Village of Weston.**

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

Member	Voting
Maloney, Mark	YES
Sparks, Wally	YES
Gau, Duane	YES

Guerndt, Gary	YES
Jordan, Joe	YES
Meinel, Steve	YES
White, Loren	YES

h. Action and Recommendation to the BOT by ETZ Committee.

***Motion by Guerndt, second by Meinel: to recommend to the Board of Trustees on Adoption of 2020* Official Zoning Map and Official Extraterritorial Zoning Map for the Village of Weston.**

Yes Vote: 5 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

Member	Voting
White, Loren	YES
Hull, Mark	YES
Christiansen, Randy	YES
Guerndt, Gary	YES
Meinel, Steve	YES
Olson, Milt	---

11. Public Hearing – Discussion and recommendation to the Board of Trustees (BOT) on an amendment to Chapter 94 Zoning, Figure 5.01(1) Rural, Open Space, and Residential District Lot Dimensions and Intensity Standards in regards to decreasing the minimum lot area required per dwelling unit in a MF (Multiple Family Residential) Zoning District and Figure 5.01(2) Rural, Open Space and Residential District Setback and Height Standards in regards to increasing the maximum building height in a MF (Multiple Family Residential) Zoning District.

a. Open Public Hearing.
Maloney opened the public hearing at 6:28 p.m.

b. Presentation by Staff.
Higgins stated this is a recommendation that came out of the housing assessment report that the RPC did for the Village late last year. One recommendation was to modify the zoning to encourage higher density housing. She stated we do have an infill project at the old Kennedy Park nursing home that this will help them with their masterplan of that development. Currently we are at 3,000 square feet per dwelling unit. Higgins talked to Mark Roffers for his suggestions, and these changes were his suggestions. The proposed drops this down to 1,600 square feet per dwelling unit for a studio; and then for each bedroom, you would add 400 square feet (amounting to 2,000 square feet per dwelling unit for 1 bedroom). Roffers suggested changing the story from 3 to 4, which then requires the height adjustment. She stated that Roffers told her that developers are now going up to 4 stories because it allows wood construction yet and they do not have to use the steel beam construction. Higgins stated we met with a developer today looking at a 5-story building over by the hospital, which we think as staff we may want to create an overlay district over there for that type of development, as we would want higher around the interchange. She stated for infill developments, we would not want to go that high. She stated with costs getting more expensive for land, people are going to want to go up. Higgins stated Roffers told her Villages of our size are going this route with multi-family density.

Guerndt questioned if this would incorporate mixed uses also? Higgins stated this is just related to the multi-family zoning district so any uses allowed in the MF district would be incorporated.

Maloney questioned if elevators are mandated in multi-family. Tatro stated if the public comes in, then yes. Tatro believes they are required.

c. Public Hearing/Public Comment Period.
None.

d. Close Public Hearing.
Maloney closed the public hearing at 6:32 p.m.

e. Discussion by Plan Commission and ETZ Members.
Meinel stated in the past few months, there were four parcels that came up, where the neighborhoods came out and questioned the density. He questioned by changing this, are we changing all the properties then to allow the increase in the density? He referred to the Swiderski Development on Callon Avenue, and questioned if there is a different way to doing this that would allow some townhouses, which would require the increased density, but not do this blanket-wide through the Village. Higgins stated we used to have the MF-3 and MF-4 that were based on number of units. Higgins stated the whole idea with the new zoning code was so we would not have so many different residential districts. She explained there are different standards based on how big the development is and how many units are there. These standards require those to have more amenities. Meinel stated with the Swiderski development that has submitted their site plan, if this gets approved, and they then change their planned density, the neighborhood will not know. Higgins stated anything the Plan Commission approves affects all the properties. Higgins stated there is no way to pick and choose unless doing some kind of an overlay. Gau stated the only way to look at certain things is through overlay districts. Gau stated if we pass this, staff needs to take a look at what this does to all of our multifamily districts. Gau feels we should take a look at overlay districts. Higgins stated we are looking at a Planned Unit Development (PUD), which allows an increase in density by having more amenities. She stated however, our standards are already pretty high, so there is no trade off. Meinel and Gau would like to see more information and to see how it affects the entire Village. Gau stated there are areas in the Village where we would want to see this, but does not agree with blanket change.

Guerndt brought up past discussions on where the costs for many of the projects are right now. It is very difficult to come into budget. He commented on how staff says we need to fill the gap with rents, but the gap of rents does not come with the high standards that they are put under, with the requirements of the landscaping, etc. He agrees there should be some kind of an overlay. Guerndt stated there is a challenge with keeping a project within budget and keeping the rent down. Guerndt stated if we do look at something like this, we may need to then lighten up on some other areas.

Maloney questioned to Meinel if he thinks the neighborhood concern was due to the density or to change. Meinel stated his concern is that we specifically addressed the density of this development to the neighborhood, and now we will be making a blanket change for the whole Village.

Guerndt questioned how the rest of the Commission feels. Maloney stated he agrees with the comments, but the fact is we are short on housing. Maloney commented on how people now are more transient and do not want to own a home. Guerndt commented people are concerned that $600-$800 rents will bring trouble.

Sparks commented he agrees, when thinking of buffer zones, and questioned how would we structure this? He agrees a builder has to make it more affordable to build, and you need enough density to make it worthwhile for that missing middle. When you have large open land, it is easier to design, but when working with these smaller parcels, and making it fair to citizens and developers, would we need to incorporate into our plan, duplexes, then smaller multi-family developments before the larger ones. He questioned how do you conceptually put this on a map, and how do you account for those 120-acre parcels that has never been developed compared to these 5 acre parcels.

Meinel questioned how other communities are doing this. He questioned if lot size could be used as a requirement. If you have a 2-acre parcel surrounded by single-family residences, it should not have this high of a density.

Higgins stated will only have those issues in the old areas like on Willow Street. She stated later when we discuss the Weston Avenue corridor plan, or other corridor plans, this is being incorporated in there. She stated in the case today, where staff talked to someone who is interested in a 40-acre piece of land, talking about apartments and looking at rowhouses or townhouses. She stated along the highway, you could look at multifamily, leading to duplexes, and then leading to single-family. She discussed the trend of duplexes that look like single-family houses.

Higgins stated how we have no multifamily zoned vacant property available to develop except the ones PC recently reviewed. Nothing is zoned MF. The only MF to come through are those rezoned by PC. Higgins explained how the last time the Future Land Use Map was approved, staff was instructed only what is currently MF will remain, and no more MF is allowed to be added. The negative mindset for Multi-family seems to be changing and it will be readdressed in our update to the housing and future land use chapters of the Comprehensive Plan. She stated right now we have an infill lot that it makes sense to have more density. We are trying to chip away at the recommendations of the recent audit and housing report.

White stated when looking at our map of the Village on the west end, those lots are small lots, and the further east you go they get bigger. We have to consider some pieces of land here that people can't sell because it is too expensive to put in sewer and water, the expense is more feasible when you can have more dense development.

Maloney feels Rollie Lokre and Mark Roffers are trying to create a vibe, making this community more pedestrian and bicycle friendly.

Jordan stated to determine what an overlay district on a map would look like. He gave an example of Lokre's apartments. Guerndt agrees that if Lokre needs more apartments than what is allowed, he will vacate the project, and the property will just sit there.

Gau is fascinated and understands what we are trying to do. He is torn as he hears citizens' concerns. Jordan stated Roffers is trying to make something with what we have. Maloney feels the citizens' concerns were due to change, not density.

Hull stated the multifamily ordinances were substantially revised in the last revision to the ordinance. They used to be in these slotted numbers by units (primarily for State code), but realistically were similar. Hull stated Roffers revisions went away from the old code and the new code is more for making the costs work. Hull suggested that everyone know what the new code states, where it is based on number of units. He pointed out the new code puts higher standards on developments based on the number of units. It will become cost prohibitive to put in a bunch studio apartments, where this gives the flexibility when they start designing and looking at a floor plan, and they say they can't get another full-sized 3-bedroom, when looking at setbacks. This allows the flexibility within the footprint. Looking at making sure everyone understands how the multifamily ordinance was changed, which may eliminate some questions. The other thing he suggests is we should look again and make sure the setbacks on taller buildings are being looked at. He gave the example of currently side setback is 8 feet, and what would happen if you have a 4-story building 8 feet from the property line. This could be an issue of life safety.

White commented with regards to having access to daylight, our ordinance provides for energy (solar), etc.

Sparks commented how we are planning for the future and what his preference is now, may not be the preference of what the millennials will want. He pointed out the typical NYMBY response, and how we can't get caught up in those comments. Housing study shows we need to find that gap, and we have to be responsive to the next generation.

Christiansen stated he has 2 – 3 acre lots next to him, where those people can't maintain the lots (mowing). Having 1 acre lots are better. Also easily developable land, left in the Village and Town, you need to use it all, as far as there being a lot of wetland in the area, we need to use all the good land that we have.

Guerndt commented how the current members here like privacy, but the needs of our children are different.

f. Recommendation from Staff.
Higgins stated staff recommends approval.

g. Action and Recommendation to the BOT by Plan Commission.

Motion by White, second by Jordan: to recommend to the Board of Trustees an amendment to Chapter 94 Zoning. Question: Gau stated listening to Hulls comments, he recalls when working for DeForest, they had the same discussion.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

Member	Voting
Maloney, Mark	YES
Sparks, Wally	YES
Gau, Duane	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Meinel, Steve	YES
White, Loren	YES

h. Action and Recommendation to the BOT by ETZ Committee.

***Motion by Guerndt, second by White: to recommend to the Board of Trustees an amendment to Chapter 94 Zoning*.**

Yes Vote: 3 No Votes: 2 Abstain: 0 Not Voting: 1 Result: PASS

Member	Voting
White, Loren	YES
Hull, Mark	NO
Christiansen, Randy	NO
Guerndt, Gary	YES
Meinel, Steve	YES
Olson, Milt	---

NEW BUSINESS
12. Weston Avenue Corridor Plan Project.
a. Workorder and Scope of Services.
Donner stated the idea of a Weston Avenue corridor plan was discussed a number of months ago, as we went through the discussion on the Transport Way extension to Weston Avenue. This should be looked at more holistically as it will be a critical corridor and for transportation going forward. We have agreed to proceed with Mark Roffers to move forward with this plan. Donner stated the Village Board has adopted this and is just an informational item.

b. Meeting and Milestones.
Higgins stated page 59 details the planned meetings and milestones. She stated Roffers will meet with staff in April. This will come to PC at their May meeting. She stated in April will come up with a list of property owners

along Weston Avenue for Roffers to interview. The plan is to formally adopt this plan in February or March of 2021. The public informational meeting is scheduled for late October/November.

STAFF REPORTS

13. Acknowledge Report re: January & February 2020 Staff-Approved Certified Survey Maps and Site Plans.

Motion by Gau, second by Sparks to acknowledge item #13.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

Member	Voting
Maloney, Mark	YES
Sparks, Wally	YES
Gau, Duane	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Meinel, Steve	YES
White, Loren	YES

14. Acknowledge Report re: January & February 2020 Building Permits.

Motion by Sparks, second by Guerndt to acknowledge item #14.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

Member	Voting
Maloney, Mark	YES
Sparks, Wally	YES
Gau, Duane	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Meinel, Steve	YES
White, Loren	YES

15. Acknowledge Report re: January & February 2020 New Business Occupancy Permit Issuance.

Motion by Gau, second by Jordan to acknowledge item #15.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

Member	Voting
Maloney, Mark	YES
Sparks, Wally	YES
Gau, Duane	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Meinel, Steve	YES
White, Loren	YES

16. Update on 2020 Project/Tasks for Plan Commission.

Higgins stated this is a standing agenda item where she updates Plan Commission on projects to come or that are related to PC. Two things to note on the commercial activity, in TIF 2, she just received preliminary plans for the Markovich outlot by Pizza Ranch. This would be a 3-tenant building, facing west, and the Metro Animal Hospital is coming back. Their new architect, Ellis Stone, is working on plans.

Maloney questioned the term "stalled" in #4, whether it should be used, as this project won't come back anymore. Higgins stated different project could come. Maloney feels we should not use "Camp Phillips Centre" for any future project here, as it would be confusing. Sparks stated this project is dead, and if something else comes up there, it should have a different project name. Maloney feels we should not use the term "stalled".

Higgins stated the RFP for signs was released, but have not received proposals yet. Maloney was referring to concerns of property owners for existing signs.

MISCELLANEOUS

17. Next meeting date

a. Tuesday, March 10, 2020 @ 5pm – Special Joint Meeting with CDA & BOT.

Gau and Jordan will not be present. White stated he has an earlier meeting, and may not get done by the time this meeting starts.

b. Monday, April 13, 2020 @ 6pm – Regular Meeting.

18. Future Meeting Topics

a. Continued discussion of needed amendments to Chapter 94 Zoning.

i. Chapter 94, Article 13, Signs

Maloney stated Rollie Lokre contacted him. He stated with the snowbanks, you can't see the sign. He took calls from other businesses about wanting to use or change their sign (Klasinski Insurance and Graphics Plus). He wonders if we are not doing justice to businesses with our sign code (referring to the height versus setback requirement) when you can't see their signs.

Higgins stated our previous code was more restrictive. There are ways in our new code that allows businesses to come to Plan Commission to get a special exception. Higgins stated Wheaton put together a comparison, which shows our new code is less restrictive.

Wheaton explained that she got into an agreement with Kevin Klasinski and what he can do for his sign, but he has not pulled a permit yet.

Sparks stated he took a call from Rich Bartig, of Graphics Plus about his sign. Sparks stated he asked Bartig to call staff. Higgins stated she has not taken a call from him. Maloney asked Wheaton if she could reach out to Bartig and discuss the sign code and find out what he needs.

b. Chapter 14 Ordinance Amendment re: Addressing Flag Signs.

Higgins stated this is being done as part of Tatro making changes to Chapter 14, building regulations, where the addressing is. Maloney confirmed only regarding existing signs. Maloney stated he would be open to the blue reflective signs.

c. Schofield Avenue Corridor Plan Adoption

Higgins stated this is still coming.

19. Remarks from Staff, Committee, and Commission Members.

None.

ADJOURNMENT
20. Adjournment of ETZ.

Motion by Hull, Second by Christiansen: to adjourn at 7:24 p.m.

21. Adjournment of PC

Motion by Gau, Second by Guerndt: to adjourn at 7:24 p.m.

Mark Maloney, Plan Commission Chair and Trustee
Jennifer Higgins, Director of Planning & Development
Valerie Parker, Recording Secretary

Valerie Parker

Subject: FW: Wandering Springs West Plat and Outlot 1

From: Keith Donner <kdonner@westonwi.gov>
Sent: Monday, March 9, 2020 6:00 PM
To: Plan Commission <plancommission@westonwi.gov>; PlanDev <plandev@westonwi.gov>
Subject: FW: Wandering Springs West Plat and Outlot 1

FYI

From: Paul Duerst <PDuerst@title-pros.com>
Sent: Monday, March 9, 2020 5:22 PM
To: Keith Donner <kdonner@westonwi.gov>
Subject: RE: Wandering Springs West Plat and Outlot 1

Sure. I'll reach out to him. Thanks.

From: Keith Donner <kdonner@westonwi.gov>
Sent: Monday, March 9, 2020 5:21 PM
To: Paul Duerst <PDuerst@title-pros.com>
Subject: RE: Wandering Springs West Plat and Outlot 1

OK. Is that something you will follow up on with Joe?

Keith

From: Paul Duerst <PDuerst@title-pros.com>
Sent: Monday, March 9, 2020 5:10 PM
To: Keith Donner <kdonner@westonwi.gov>
Subject: RE: Wandering Springs West Plat and Outlot 1

Keith:

It's not referenced in the Deed. Since that is in the file, I would need to review that with Mr. Buska, and get his approval to release a copy of his title policy.

From: Keith Donner <kdonner@westonwi.gov>
Sent: Monday, March 9, 2020 5:04 PM
To: Paul Duerst <PDuerst@title-pros.com>
Subject: RE: Wandering Springs West Plat and Outlot 1

Thanks Paul. Where in the 2002 Warranty Deed is the reference to Gold Key Investments' ownership interest?

Keith

From: Paul Duerst <PDuerst@title-pros.com>
Sent: Monday, March 9, 2020 4:57 PM
To: Keith Donner <kdonner@westonwi.gov>
Subject: RE: Wandering Springs West Plat and Outlot 1

Keith:

I have taken a look at the attachments that you have provided, and this email.

The 2002 Warranty Deed did transfer title to Lot One (1) of CSM No. 11013 to Joseph Buska Jr. This Warranty also included the West 33 feet of Outlot One (1) of Wandering Springs West Addition, but per the chain of title the Grantor, Mitch King, did not have title to this West 33 feet. Title to the West 33 feet was vested in Gold Key Investments, Inc. In fact per the tax bill Gold Key Investments, Inc. still holds title to Outlot 1 in Block 5 of Wandering Springs West Addition.

This possible ownership interest of Gold Key Investments, Inc. was noted at the time of the conveyance, as well the fact that the Plat of Wandering Springs contained the notation that Outlots "…shown hereon reserved for possible street extensions."

Please let me know if you'd like to discuss this further.

Regards,

Paul

From: Keith Donner <kdonner@westonwi.gov>
Sent: Friday, March 6, 2020 8:38 AM
To: Paul Duerst <PDuerst@title-pros.com>
Subject: Wandering Springs West Plat and Outlot 1

Hi Paul:

I left a message yesterday. As we have other issues which take us off of specific issues only to return to them at a later time, this question about the Wandering Springs West Plat and Outlot 1 remains unresolved.

I spoke to Joe Buska a couple of weeks ago and he had recollection of creating the lot that now exists at the southwest corner of the Wandering Springs West Plat.

What I did not obtain clarification on from you is an issue regarding the deed created in 2002 combining the west 33 feet of Outlot 1 with the lot created by Chester Nowaczyk in 1980 (copy attached). At the time this deed was created, Outlot 1 (the southwest corner of the Wandering Springs West Plat) was (or should have been) owned by Stan Budleski as part of the plat or whatever company name he may have been using at the time because Wandering Springs West was platted in 1999. The transfer of 33 feet from the west side of Outlot 1 should have involved a transaction between Budleski and Buska, not King and Buska, unless something else happened.

In the end what the Village is asking for is to have Outlot 1 (actually 2 lots at the southeast and southwest corners of the plat) explicitly dedicated in their entirety as platted for public R.O.W.

Joe Buska indicates his intention was to have property for R.O.W. but, it is unclear to me whether he paid anything to anyone for the 33 foot strip of Outlot 1 now combined with his lot.

I finally came to this question after looking at the 2002 deed recently and realizing the west 33 feet of Outlot 1 should not have been Mitch King's to sell.

My earlier correspondence with you was simply to gain perspective as to whether the note on the plat related to Outlot 1 was/is a dedication. If so, it should not have been conveyed to Buska's Outlot either. If the 33 feet is something Buska paid for though, he could request compensation I would think.

We need to get this cleared up as it affects access to the property to the south and another issue with a nonconforming setback on the R.O.W. for the piece of Dominika street south of Mary Lane. We are talking about a proposal to vacate all or part of this south piece of Dominika at our Plan Commission meeting on Monday, March

9. Village staff does not want to vacate all of Dominika but, would support doing so as long as Outlot(s) 1 of Wandering Springs West have been explicitly dedicated for access to the south.

Please call or e-mail questions and to discuss.

Keith

Keith E. Donner, P.E.
Administrator
Village of Weston
5500 Schofield Ave.
Weston, WI 54476

Telephone 715-241-2610;
kdonner@westonwi.gov

Village of Weston, Wisconsin
OFFICIAL PROCEEDINGS OF THE SPECIAL JOINT MEETING OF THE COMMUNITY DEVELOPMENT AUTHORITY, BOARD OF TRUSTEES, AND PLAN COMMISSION
held on Tuesday, March 10, 2020, at 5:00 p.m., in the Board Room, at the Municipal Center

AGENDA ITEMS.

1. **Meeting called to order by Village Trustee & CDA Chair Zeyghami.**

2. **Roll Call of Community Development Authority (CDA) by Secretary Parker.**

Roll call indicated 6 CDA members present.

Member	Present
Zeyghami, Hooshang	YES
Maloney, Mark	YES
Hagedorn, Todd	YES
Knopf, Michelle	YES
Jelmeland, David	YES
Marshall, Gayle	NO - Absent
Winkels, Stephen	YES

3. **Roll Call of Board of Trustees (BOT) by Secretary Parker.**

Roll call indicated 6 BOT present.

Member	Present
Sparks, Wally	YES
Ermeling, Barb	YES
Fiene, Nathan	YES
Maloney, Mark	YES
Xiong, Yee Leng	NO - Excused
Zeyghami, Hooshang	YES
Ziegler, Jon	YES – Via Phone

4. **Roll Call of Plan Commission (PC) by Secretary Parker.**

Roll call indicated 5 PC members present.

Member	Present
Maloney, Mark	YES
Sparks, Wally	YES
Gau, Duane	NO - Excused
Guerndt, Gary	YES
Jordan, Joe	NO - Excused
Meinel, Steve	YES
White, Loren	YES

Village Staff in attendance: Donner, Higgins, Trautman, Chartrand, Wheaton, Hodell, and Parker.

There were a couple people in the audience.

5. **Public Comment**

None.

6. Approval of minutes from the December 10, 2019, CDA meeting

Motion by Maloney, second by Winkels: to approve the December 19, 2019, CDA Meeting minutes.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

Member	Voting
Zeyghami, Hooshang	YES
Maloney, Mark	YES
Hagedorn, Todd	YES
Knopf, Michelle	YES
Jelmeland, David	YES
Marshall, Gayle	---
Winkels, Stephen	YES

7. Discussion of CDA/Plan Commission Roles & Responsibilities.

a. Presentation via phone – Community Development Authority Financing Tools (Rebecca Speckhard, Quarles & Brady).

Rebecca Speckhard, of Quarles & Brady, was present via phone and went over her Community Development Authority Financing Tools presentation (attached).

Zeyghami asked Speckhard to explain double tax exemption. Speckhard explained (using street improvements as an example) if the Village issued bonds for street improvements, those bonds, when they are issued to investors, those investors get interest payments from the Village on those bonds, and that interest received is only exempt from Federal income taxes. They still have to pay State income taxes. However, if the CDA were to issue bonds for a public purpose, the investor would receive interest that they would be able to treat as tax exempt on their Federal return and also would not be treated as income to them on their State tax return. So that is a double-tax exemption that investors receive a benefit of from a CDA bond issue, and municipalities are only able to issue a single tax exempt bonds.

b. Presentation – CDA Financing Options (Greg Johnson, Elhers Senior Municipal Advisor)

Greg Johnson, of Elhers, was present and went over his CDA Financing Options presentation (attached).

Johnson explained under Statutes there are two different types of debt that can be issued, general obligation debt (through tax levy) and revenue debt (legally pledging a non-property tax revenue source to repay the debt). He stated the Village has issued revenue debt under the Water Utility, Sewer Utility, and Stormwater Utility. The CDA has also issued CDA revenue bonds to finance projects in both TIF #1 and TIF #2. These forms of revenue debt do not count towards the Village's general obligation debt.

Johnson gave the example of going back to 2002, there was an amendment in TIF #1, and there was a blight finding and a redevelopment plan established. This is one of the areas where CDA can legally operate under is when they are involved in redevelopment or blight remediation activities. By doing the redevelopment plan and making appropriate blight findings, that essentially put the legal mechanism in place for the Village to issue CDA revenue bonds to finance the projects within TIF #1. By doing this that debt could be issued and not count towards the general obligation debt limit. Johnson explained another advantage of CDA bonds is that they can be issued for a term greater than 20 years.

Johnson then described the disadvantages and risks. He stated it is a more costly due to legal expenses, agreements, and financial review. With all revenue debt, there is typically a debt service reserve fund. That is money that is borrowed as part of the issuance of the CDA lease revenue bonds and that money is set aside

as a contingency fund so in the event the revenue stream that is being repledged to repay the lease is insufficient, those reserves can be drawn upon to make the debt service payments. He stated that underwriters want to see that the source you are pledging has a coverage level of 125% or higher. For every $1 of debt service you are issuing through a CDA, the revenue stream that you are pledging will have $1.25. He stated this carried a higher interest rate then general obligation debt. Also, if you issue CDA lease revenue bonds, and the revenue stream that you are pledging is insufficient, and you need to appropriate other funds to make that debt service payment, CDA lease revenue bonds are not exempted under levy limits. Johnson explained that while it is not legally general obligation debt, the Village has been rated by Moody's Investor Services, and any CDA lease revenue that has historically been outstanding for both TIF #1 and TIF #2, the rating agencies factor that into the overall debt profile of the Village.

Johnson explained the methods of issuing CDA revenue bonds noted in his presentation along with giving a summary of his presentation.

Donner commented our CDAs do have outstanding debt to be paid. He confirmed we do not have the option to close it until the debt is paid off. Donner explained the concept of determining that something is blight, does not mean that it is condemnable property. Speckhard stated the definition (Statutes 66.1333) is very broad and while it includes things like deteriorating structures, it also includes things like areas that are predominately open due to diversity of ownership, lot layout, etc. Johnson stated when TIF #1 was created, it was an industrial district, and the redevelopment plan and blight plan done in 2002 gave the CDA legal authority to issue CDA bonds. He stated this does not change the type of district that was created, and TIF #1 is still an industrial district, and you can't reclassify the district, once you have identified the type.

Johnson explained when TIF#1 had the project plan amended to update the project costs and life of TIF #1 with the special legislation, the redevelopment plan originally in place was updated.

Donner confirmed the CDA does not have taxing power, but then the Village could issue bonds or notes to aid the authority. He asked how this does not constitute using taxing authority. Johnson explained the Village can issue notes or secure loans on behalf of the CDA, that is essentially done under a general obligation basis; so if the Village wanted to execute some kind of a financing under the general obligation basis and use those proceeds from that borrowing to aid initiatives or projects of the CDA, that is legally permissible under the statutes. Speckard this is not a problem because that borrowing from Village would be subject to all the rules and restrictions Johnson talked about in his presentation, like the 5% limit of the equalized value.

Ermeling confirmed if the Village does the General Obligation, then that is a tax levy possible event if the TIF failed. Ermeling then confirmed if CDA borrows it, and it fails, does it still go back to the Village? Johnson stated if the CDA fails, generally there is an appropriation clause within the bonds, that it is subject to appropriation by the Village Board. Johnson stated it is their recommendation that the Village Board make that appropriation, because if you don't make the payment, you are in default. Ermeling questioned what the advantage is to have the CDA doing the borrowing if the Village can get a better rate. Johnson stated the main advantage is the borrowing limit. With general obligation debt you can't have principal outstanding that exceeds 5% of the Village's equalized value; and when CDA borrows those funds it does not count towards that.

White commented it also benefits the investors, as it makes the bonds more palatable for the investors when they get a double tax exemption.

Sparks brought up the USDA rule on development, and when we were originally looking at the new municipal center, and questioned if there is a benefit there and if people use the CDA to build a municipal center? Johnson stated there have been municipalities through the USDA rural development program that involve their CDA to help secure their projects. The steps that need to be taken to do that, if the CDA is going to be involved, there still needs to be a blight finding to designate that area as being blighted (to give CDA legal

authority). You also need to go through and qualify for USDA loan program. That form of financing through the USDA is typically done on a revenue basis and does not count towards the general obligation, and you can't amortize the project greater than 20 years. He would argue that some portions of a large municipal complex are going to have a useful life of 40 years. If that debt is still outstanding at 30 years, you will likely be replacing portions of that facility, while that original debt is still outstanding. Johnson stated the main practical concern in getting involved with that is the levy limit. He stated if the allowable levy can't cover the debt service on a CDA rural development loan for a municipal complex, the only way you can increase your allowable levy is you would need to secure a taxable loan (before adopting the budget) that is equal to the debt service payments on the CDA revenue bond financing the following year, and issue that taxable financing under a general obligation basis (short-term note). Sparks confirmed being at 50% our debt limit for general obligation, we would be better off sticking with that. Speckhard stated the driving factor, for most municipalities, is they want more than 20 years (and USDA will loan up to 40 years) to pay off the debt.

Hagedorn questioned if the financing would have to be within the TIF boundaries. Johnson confirmed for a municipal site, it would not have to be within the TIF boundaries, but would have to have some kind of a spot blight finding.

Zeyghami confirmed the underwriter has to be in Wisconsin? Johnson stated typically the underwriters are located in Wisconsin, but does not have to be owned in Wisconsin.

Guerndt questioned if the property is bought by the Village and they want to go for CDA funds, if the CDA has to own it. Speckhard stated the CDA would have to end up owning it and the Village could lease it, making lease payments back to the CDA. Initially it could be owned by some other 3rd party, but then in the blight designation, it is usually a property owner that is on board with the designation, and transferring the ownership to the CDA. Usually this is an owner who is on board with the blight designation and transfers ownership.

c. Discussion of the history of the CDA and its original intended purpose and responsibilities.
Donner stated Chartrand put together a history of when the CDA was created, back to 2002. Typical reason to create a CDA or to release revenue bonds is if the general obligation debt limit is being flirted with. The then administrator worked with different consultants and created the authority (attached Municipal Law document). In 2014, the administrator kept the duties and responsibilities consistent with statutes. In 2015, Administrator Guild made a revision after consulting with the Village attorney, and additional duties we given (per attached Ordinance No. 15-012). We want to understand better the duties and responsibilities of CDA that would be different than what the statutes require or what our ordinance says that we could consider changing that. Staff just does not want there to be duplication of putting together meeting packets and conducting meetings where things overlap. Higgins stated over last few years it has gotten muddy as far as who reviews what. She brings the same plans to both and there are a lot of dual meetings. Higgins stated when looking at their role, they absorb the economic development committee, which we can't find a lot of information on. One of the descriptions states administration and development of a revolving loan fund, and we don't presently have a revolving loan fund. It states they provide oversight and development in the Village's Industrial and Business Park, which we just have Business Park North and Business Park South, and does not take into account the rest of the business community. She explained PC is who deals with site plans and everything that comes in. Staff would like to have the Board discuss what they would like to see each committee do going forward. She stated CDA really only met to discuss the lease revenue bonds, and there was not a lot of CDA actual meetings. Higgins questioned if the Board's view of the CDA is to make recommendations to them on giving TIF money, or is that the role of the PC? She stated that we haven't given out any TIF money, mostly just land sales which are approved by the Board, but with PC site plan review. She questioned if the Board wants recommendations from the CDA for giving out money, and if it should be both CDA and PC? She pointed out how the tours that have been given to the CDA, really would benefit the PC more, as the PC is the one in charge of the zoning code.

Donner stated this could be just a brainstorming session to get everyone's thoughts. We have cancelled a lot of CDA meetings, and want to be sure we are using their time wisely.

Sparks feels there has been a lot of duplication. He stated this does cause more work for both the CDA and PC, and now if different views coming out of the two, how do you reconcile that.

Ermeling stated she understands we have CDA because of TIF funds that are out there, is it possible to have a PC / CDA with two different functions.

Johnson stated the legal authority of the CDA is with redevelopment, blight, and housing, which may expand into the area of financing with TIF. He sees other areas where CDA gets involved is in TIF creations or project planned amendments, a public hearing is required and can be held legally by PC or CDA. He stated our CDA has been quite involved in the TIF actions because of that redevelopment plan and trying to preserve the authority of the CDA to be involved in the financings. From what he sees in other communities, the CDA involvement, hedges on whether or not property is under the ownership of the Village or CDA. Outside of that, it is under the discretion of Village Board on what other authority you want the CDA to have in an advisory capacity.

Sparks confirmed our CDA has not owned property. Higgins stated it has never been used that way here. Sparks questioned what CDA loans we have now? Trautman stated currently we have the 2017 that was recently issued to refund all the TIF #1 old CDA revenue bonds, which goes out to 2031. We have two CDA revenue bonds in TIF #2 that we are looking to pay both of those off this year.

Sparks confirmed the CDA is limited to or primarily focused on the financial aspects of CDA loans, blight, and redevelopment. Johnson added housing is another area. Sparks asked if the Board has any desire for the Village to own and operate any housing? Sparks stated he does not. Fiene stated he has an interest in this, because there is a severe housing shortage in northcentral Wisconsin. He stated Marathon County is growing and in order to make Weston a desirable place to live, we should have some short-term interest with the CDA potentially holding and leasing/renting out housing properties. He feels this is not a permanent solution and in time the market will come to bear and more developers will come in. In the short term this is a need in central Wisconsin and we should bring in more younger individuals whose only draw back is where are they going to live. Sparks stated there is a difference between us owning and trying to manage and taking care of all of the leasing and he is not in favor of this. He feels we can adequately address the housing needs through the Plan Commission. Higgins stated the CDA can also do programs with current apartments, like those community block grant funds. This can be done in those reinvestment areas. This would be done by CDA through the housing component. Maloney is not in support of that and he feels there are a lot of private people coming in to play right now. Ziegler agrees with Maloney.

Meinel stated there is federal money that comes through different communities and sets up different types of financing. Meinel stated this gave people the ability to stay in their homes until they move or pass away, and the family sells the house it gets repaid. You need to have someone on top of it. Knopf agrees. Maloney stated we have several private things coming in.

Zeyghami feels we do not have the staff to do this, and pointed out White's comment on hiring a management company, however, Zeyghami feels we should not get involved. Ermeling stated she would not want to get involved in that either. She stated the private industry is there for this.

d. Discussion and possible action by Board of Trustees as to CDA Future Roles and Responsibilities.

Zeyghami questioned if we need a CDA or not, although we have a loan out there, so the CDA has to exist.

Maloney questioned in 2015, who's direction was it to give CDA more duties? Higgins stated some of it had to do with the Camp Phillips Corridor. Some of the ways the CDA can be used is if we are going to implement the plans, either the CDA can purchase property or the Village can purchase property. She stated some of the lots there are blighted where you can't do anything with for development unless you acquire several of them. She stated once those lots go up for sale, the Village or CDA (whichever has the capacity) could buy those lots and those lots could then be assembled and sold for development. Higgins pointed out that both of the TIF districts have become part of the Comprehensive Plan. She said it gets muddy when talking about the economic development part. She said PC tends to deal with the businesses and the overall village plan. She stated that she had questioned if all the plans really need to go before CDA, when it says they oversee the Business Parks. She commented on a meeting with a developer who is looking to do something within TIF #1, but outside the Business Parks, where does she take this, as PC would review the development, but CDA would review TIF financing. Though it was stated that TIF financing does not have to go to CDA.

Sparks feels CDA is just dealing with blighted areas, redevelopment, and financing issues. The other things should go to Plan Commission. Higgins brought up development agreements. Maloney feels it should go to Planning.

Trautman explained our future borrowing for the new municipal center, projections show we will be going up to 40% of our general borrowing, and this is where CDA would come in.

Hagedorn stated in 2015, they were using TIF for CDA money to hire someone to recruit some of these big boxes. He feels these were purely the only reason that was put in there, being a way to pay for outside parties to recruit.

White stated the Economic Development Committee had not met for years. The plan was when looking at reorganizing some of the committees to find a good fit for that, which it was determined the CDA was the best fit at the time. He discussed the payments made and how we were able to pay the loan off without any development in the TIF. He discussed how TIF debt can be used to pay for projects within the TIF.

Donner stated in reviewing the condition of both TIF's before meeting, and within a few years we can reconstruct Weston Avenue with no additional debt. Donner stated we may be looking project amendment in TIF #2. We will need to decide whether to close TIF #2 or take on some redevelopment projects, buying property, demolish old buildings, and sell land. He stated we will need to decide what to do with our current municipal site here and could involve CDA in this.

Hagedorn stated the CDA should be used as a vehicle for G.O. financing. He does not feel CDA is in the mode to economic develop. Sparks stated those would go to Finance before CDA. Sparks stated from the Board, we should narrow the scope of what CDA is. He feels CDA should meet as needed to take care of CDA loan financing, blight, and redevelopment, everything else should go to Plan Commission. He stated anything looking for CDA financing would go to Finance and then CDA.

Donner stated from what he understands here, we would be eliminating the other duties that have been assigned to CDA in the ordinance and go back to the State Statutes.

Hooshang asked Higgins to write down the responsibilities of CDA and PC. Higgins stated she will do this for the Board meeting on Monday. She can work with Weinkauf to set up the ordinance. Maloney stated this should basically revert back to 2015. Higgins stated there was also some changes to meet State Statutes back in 2015.

Motion by Maloney, second by Ermeling: to adopt roles as discussed.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting:1 Result: PASS

Member	Voting
Sparks, Wally	YES
Ermeling, Barb	YES
Fiene, Nathan	YES
Maloney, Mark	YES
Xiong, Yee Leng	---
Zeyghami, Hooshang	YES
Ziegler, Jon	YES

8. Camp Phillips Centre Project Update.

Donner stated at last Monday's Board meeting, a presentation by FDG was given. Their conclusion is to suspend all work on the retail portion of any development on that property. This is due to wetland impacts and impasse we had with the Army Corps. and the DNR to obtain a permit. Donner stated that FDG has indicated they are looking at other development possibilities in the Village. Donner stated we met with another developer who is looking at residential projects. He stated we are going forward with the Weston Avenue Corridor Plan to get projects done within TIF #1. Referred to the table in the packet listing the current cost status from the Camp Phillips Centre project. He explained our contract with ATC allows us to recover the deposit. He stated it is up to Board on when to request that refund. This will be on Monday's Board agenda.

Guerndt stated there is a rumor of a residential developer asking for TIF funds. Donner stated that all developers are asking for TIF money. Guerndt stated when a developer has to put in sidewalks, trees, storm sewer, curb & gutter, etc., and with housing costs there is more risk than reward. He feels municipalites are putting more requirements on developers as they don't have the funds to put those in, and how developers would be willing to develop if money is kicked in towards those required improvements. Guerndt asked if FDG will be creating residential development and asking for TIF money to put in sewer and water. Zeyghami stated they can ask, but we may not agree. Maloney stated at the last Board meeting FDG plans to come back in, in a month or so to discuss possible projects.

White stated our TIF is an industrial TIF, and there are restrictions on how you use it. He believes it can be used for industrial, commercial, and housing, but not only on housing. Johnson stated in an industrial TIF, there has to be 50% area zoned for industrial development. Maloney stated there are 4 or 5 potential housing developments, and none of those have TIF. Maloney feels if another development comes in and requests TIF, we would not offer it. Sparks stated FDG can come back, but Camp Phillips Centre is done. He stated FDG would have to go back through all steps and financial analysis as any others.

Donner stated the answer we need to give people is "what is being asked that can't be done but for providing you TIF assistance?". Donner stated we are putting policies together, and technically TIF assistance is not supposed to be given unless the project can't be done without it. Henschu from FDG stated that Ehlers had more or less said the project plan that FDG put forward in 2015 fit that financial test. They new our TIF had financial capacity, but that did not mean that the Village was going to throw it all at that project. Zeyghami stated that things are not the same now as they were in 2015, but we should give them the opportunity to come before us.

9. Reports:

a. 2019 Building Permits

Higgins stated this is just a link to the yearend building permits for 2019.

b. January through February 2020 Building Permits

Motion by Maloney, second by Jelmeland: to acknowledge Item B.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

Member	Voting
Zeyghami, Hooshang	YES
Maloney, Mark	YES
Hagedorn, Todd	YES
Knopf, Michelle	YES
Jelmeland, David	YES
Marshall, Gayle	---
Winkels, Stephen	YES

c. December 2019 through February 2020 New Business Occupancy Permit Issuance.

Motion by Maloney, second by Knopf: to acknowledge Item C.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

Member	Voting
Zeyghami, Hooshang	YES
Maloney, Mark	YES
Hagedorn, Todd	YES
Knopf, Michelle	YES
Jelmeland, David	YES
Marshall, Gayle	---
Winkels, Stephen	YES

d. Vouchers from 02/10/2020 to 02/23/2020

Motion by Maloney, second by Jelmeland: to acknowledge Item d.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

Member	Voting
Zeyghami, Hooshang	YES
Maloney, Mark	YES
Hagedorn, Todd	YES
Knopf, Michelle	YES
Jelmeland, David	YES
Marshall, Gayle	---
Winkels, Stephen	YES

e. ED Coordinator Monthly Report.

Chartrand stated he has been meeting with Weston businesses. He stated that most want more communication. He stated some have expressed to him that in past there was no explanations given and customer service was not good. He stated he is working towards mending bridges with the business community. Maloney feels the more contact the better.

Zeyghami stated we need to find a way to communicate better. Chartrand stated he will draft a list of recommendations he received, rank them, and then will see where we can tweak in favor of businesses. Higgins stated some of the things brought up in the audit is to put together a business task force. She stated Chartrand will be highlighting businesses in our newsletter. Chartrand stated he has received support on the business task force.

FUTURE ITEMS
10. Next meeting date of CDA: Tuesday, April 7, 2020 @ 5:00 p.m. – Regular Meeting.
Higgins stated this will be as needed.

11. Next meeting of the BOT: Monday, April 6, 2020 @ 6:00 p.m. – Regular Meeting.
Higgins clarified the next BOT meeting is on March 16th.

12. Next meeting of the PC: Monday, April 13, 2020 @ 6:00 p.m. – Regular Meeting.

13. Remarks from Staff and Board/Authority/Commission Members.
Fiene stated his next open-door meeting is Saturday, March 21st, at Vino Latte, from 11am – 1pm.

ADJOURNMENT
14. Adjournment of Plan Commission

Motion by White, Second by Maloney: to adjourn at 6:52 p.m.

15. Adjournment of Board of Trustees

Motion by Fiene, Second by Zeyghami: to adjourn at 6:52 p.m.

16. Adjournment of Community Development Authority

Motion by Hagedorn, Second by Winkels: to adjourn at 6:52 p.m.

Hooshang Zeyghami, CDA Chair and Trustee
Jennifer Higgins, Director of Planning & Development
Valerie Parker, Recording Secretary

Community Development Authority Financing Tools

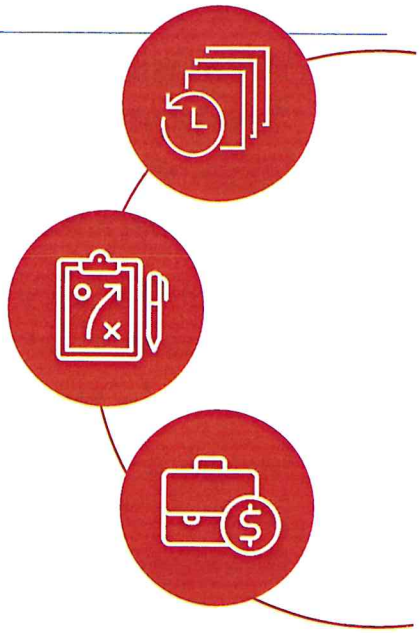
March 10, 2020

Rebecca Speckhard

Quarles & Brady LLP

Goal of Presentation

- Summarize the legal options for a Community Development Authority to finance redevelopment and housing projects.
- While we will summarize the available legal options, there are financial and practical limitations on a Community Development Authority's ability to utilize such legal options.



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Statutory Authority

- Community Development Authorities derive their power to act from Wisconsin Statutes s. 66.1335
  - Under s. 66.1335, the Community Development Authority is a separate body politic created for the purpose of carrying out blight elimination projects and housing projects.
  - For redevelopment projects, it has all the powers, duties and functions set out in s. 66.1333 for redevelopment authorities.
  - For housing projects, it has all the powers, duties and functions set out in s. 66.1201 for housing authorities.

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Redevelopment Projects

- Wisconsin Statutes s. 66.1333(5) permits Community Development Authorities to exercise all powers necessary or incidental to carry out and effectuate blight elimination, slum clearance, and urban renewal programs.
- Such powers can be exercised in approved blighted areas (pursuant to an approved Redevelopment Plan), or with respect to approved blighted property ("spot blight")
- Included in such powers is the ability to finance such projects through issuance of bonds; however, Community Development Authorities do <u>not</u> possess taxing power.

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Housing Projects

- Wisconsin Statutes s. 66.1201 permits Community Development Authorities to exercise all powers for the construction, reconstruction, improvement, acquisition, lease, etc. of any housing project for persons of low income.
- Housing projects must generally be approved by the Village Board.
- Included in such powers is the ability to finance such projects through issuance of bonds; however, Community Development Authorities do <u>not</u> possess taxing power.

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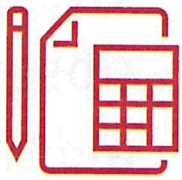
Financing Tools

- Borrow money and issue bonds
- Mortgage and encumber property
- Execute notes, debentures, and other forms of indebtedness
- Accept advances, loans, grants, contributions, etc., from the Village, the federal government, the State, County, or from any source, public or private
  - In connection with the above, a Community Development Authority may give such security as may be required and enter into contracts/agreements in connection with the security.
  - Any contract with the federal government may include conditions imposed pursuant to federal laws.



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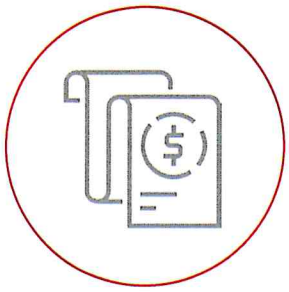
Bonds



- Any Bond issued by the Community Development Authority is <u>not</u> an obligation of the Village or any governmental authority other than the Authority itself.
- Bonds issued by Community Development Authorities may be secured from the income, proceeds, revenues, and funds of the Authority and may be further secured by a pledge of a loan, grant, or mortgage.
  - Example – A Lease Revenue Bond would be secured by lease payments received by the Authority in connection with the lease of property it owns.
- Potential for double tax-exemption: Bonds issued by an Authority are exempt from State taxes.

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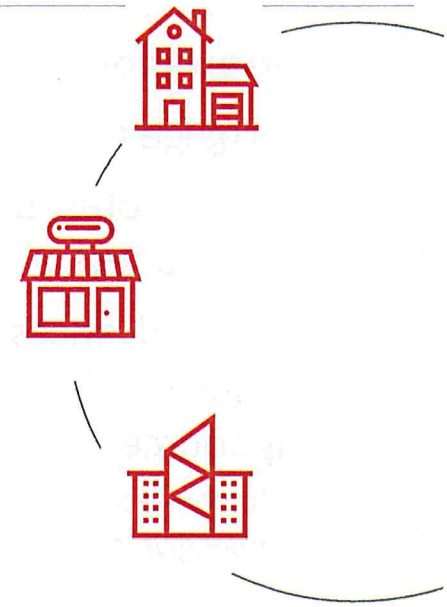
Bonds issued by the Village



- The Village may issue general obligation bonds or notes to aid the Authority.
- The Village may also enter into State Trust Fund Loans or bank loans for that purpose.

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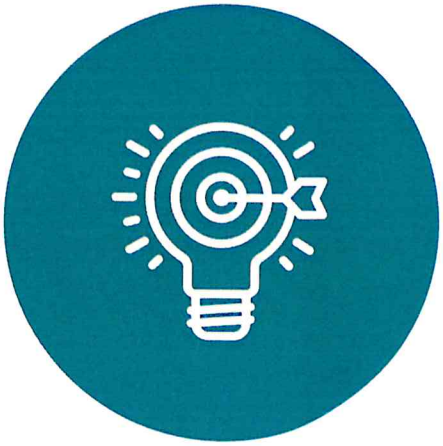
In conclusion

- Please keep in mind that there are practical and financial limitations on a Community Development Authority's ability to utilize the legally provided financing mechanisms.



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Questions?

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EHLERS
LEADERS IN PUBLIC FINANCE

CDA Financing Options

Greg Johnson, Ehlers Senior Municipal Advisor

Advantages of CDA Financings

Bonds issued are a form of revenue debt and do not count towards General obligation debt limit

- G.O. Debt limit means G.O. principal outstanding cannot exceed 5% of total TID IN equalized value
- Village of Weston currently is at 15% of its G.O. debt limit; $54 million of capacity remains

Bonds can be issued for a term greater than 20 years (G.O. debt maximum term)

- Investor appetite for longer term bonds determined by market conditions

Disadvantages and risks

Not as secure as a General Obligation pledge

- More risk means a higher interest rate

Market not as broad as General Obligation debt (fewer investors)

Debt service is not exempted from levy limits – presents challenge if levy is needed to make debt service payments

Disadvantages and risks continued

More costly to issue CDA Revenue Bonds

- Debt service reserve fund often required
- More extensive legal and financial review

Need for established revenue stream from non-levy revenue sources

- While not a formal bond covenant, underwriters prefer to see non-levy revenue sources at least 125% higher than the annual debt service payment

Although not legally G.O. debt, generally treated as G.O. by rating agencies when evaluating debt burden if tax increment is the repayment source

Methods of issuing CDA Revenue Bonds

Bonds sold to an underwriter often accomplished through a negotiated sale vs. a competitive sale

Direct placement with local bank if they are comfortable with legal structure and security pledge (shorter term likely preferable)

USDA Rural Development

- Loan programs in place to fund variety of projects and certain community facilities
- Extensive loan application process and eligibility determination
- Requires interim financing

Summary

Longer term for debt and preserving G.O. debt capacity primary reasons this form of debt is pursued

Higher interest rates, no exemption from levy limits, stricter underwriting standards, and more limited market are primary challenges and risks

An option to be considered if financial and legal thresholds can be addressed effectively

Most CDA Revenue Bonds are issued in conjunction with a TIF District

Strasser & Yde, S.C.
(E-mail & Facsimile letterhead)

June 9, 2015

VIA EMAIL ONLY (dguild@westonwi.gov)
Daniel Guild, Administrator
Village of Weston

Re: Review of Community Development Authority Ordinance

Dear Daniel:

Recently, the Economic Development Committee was merged with the Community Development Authority and Village Ordinance 2.214 (6) was amended. You asked me whether it is appropriate to have the Community Development Authority perform the functions of the previous Economic Development Committee. It is my opinion that the CDA can do both if the Village grants it authority to do so. Next, you asked me to review (6) and either amend or redraft it if it is inconsistent with current Wisconsin law. I have redrafted (6) below because it is inconsistent with current Wisconsin law.

Wis. Stat. 66.1335 authorizes the Village to create a housing and community development authority which shall be known as the "Community Development Authority" of the Village. It is a separate body politic for the purpose of carrying out blight elimination, slum clearance, urban renewal programs and projects and housing projects. However, the Village may authorize the CDA to act as an agent of the Village in planning and carrying out community development programs under the Federal Housing and Community Development Act of 1974 and "as agent to perform all acts, except the development of the general plan of the [Village], which may be otherwise performed by the planning commission under s. 66.1105 [Tax Increment Law], 66.1301 to 66.1329 [Urban Redevelopment Law], 66.1331 [Blighted Area Law] or 66.1337 [Urban Renewal Act]."

Wis. Stat. 66.1335 (6) states:

> (6) CONTROLLING STATUTE. The powers conferred under this section are in addition and supplemental to the powers conferred by any other law. To the extent that this section is inconsistent with any other law, this section controls.

Moreover, Wis. Stat. 66.1335 (7) provides:

> (7) CONSTRUCTION. This section shall be construed liberally to effectuate its purposes and the enumeration of the specific powers in this section does not restrict the meaning of any general grant of power contained in this section nor does it exclude other powers comprehended in the general grant.

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www.strasserandyde.com

Based on the above language from Wis. Stat. 66.1335, it is my opinion that the Community Development Authority is both a separate body politic and may also be authorized by the Village to act as the agent of the Village with respect to other functions. My interpretation is consistent with a League of Wisconsin Municipalities opinion letter which discusses the powers, duties and function of community development authorities (Summary/Commissions #181). In this opinion letter, the league attorney was asked whether the community development authority would fall within the definition of an insured under the municipality's insurance policy. The league attorney determined that a CDA meets the definition of "insured" in some instances, but for the most part appears to be an entity separate and independent from the municipality that created it and, therefore, falls outside the definition of "insured" when performing its primary statutory functions. In other words, when the CDA is performing its primary functions of blight elimination, slum clearance, urban renewal programs and housing projects, it probably does not come within the definition of "insured". However, when a CDA is acting as an agent of the municipality in planning and carrying out community development programs, it likely falls within the definition of an "insured".

Not only does Wis. Stat. 66.1335 specifically state that the Village may authorize the authority to act as an agent of the Village, the statute also states that the powers conferred by this statute are "in addition and supplemental to the powers conferred by any other law" and that the "enumeration of the specific powers in this section does not restrict the meaning of any general grant of power contained in this section nor does it exclude any powers comprehended in the general grant". The only prohibition specified in the statute is the Village shall not authorize the authority to develop the general plan of the Village. Since the functions of the previous Economic Development Committee did not involve the development of the general plan of the Village, I see no reason why the Village cannot authorize the CDA to carry out the functions of the Economic Development Committee in addition to the CDA's primary statutory functions.

The Village's current ordinance is not entirely consistent with current Wisconsin law. As a result, I propose amending the ordinance as follows:

(6) Community Development Authority

a. *Need.* The Village declares that a need for blight elimination, slum clearance, urban renewal programs and community development projects and housing projects exists in the Village of Weston.

b. *Creation.* Pursuant to Wis. Stat. 66.1335 the Village hereby creates a housing and community development authority which shall be known as the "Community Development Authority" of the Village of Weston. It is a separate body politic for the purpose of carrying out blight elimination, slum clearance, urban renewal programs and projects and housing projects.

c. *Powers and Duties.* The Community Development Authority has all powers, duties and functions set out in Wis. Stats. 66.1201 and 66.1333 for housing and redevelopment authorities. As to all housing projects initiated by the Community Development Authority it shall proceed under Wis. Stat. 66.1201. As to all projects relating to blight elimination, slum clearance, urban renewal and redevelopment programs the Community Development Authority shall proceed under Wis. Stats. 66.1105, 66.1301 to 66.1329,

66.1331, or 66.1337 as determined appropriate by the Village Board on a project by project basis. As to all Community Development Programs and activities undertaken by the Village under the Federal Housing and Community Development Act of 1974, the Community Development Authority shall proceed under all applicable laws and ordinances not inconsistent with the laws of this state. The Community Development Authority shall act as agent of the Village to perform all acts, except the development of the general plan of the Village, which may be otherwise performed by the planning commission under Wis. Stats. 66.1105, 66.1301 to 66.1329, 66.1331 or 66.1337.

d. *Other Functions*. In addition to the above duties, the Community Development Authority, as an agent of the Village, shall carry out the following additional functions:

1. Provide oversight and development of the Village's business and industrial parks which include business recruitment, land sales, grant development, and park design;
2. Provide technical support and counsel in the administration of revolving loans fund for business development; and
3. Recommend policy to the Village Board on the enhancement of Village infrastructure and zoning policy to spur economic growth.

e. *Appointment of Members*. The Village President shall, with the confirmation of the Board, appoint seven (7) resident persons having sufficient ability and experience in the fields of urban renewal, community development and housing, as Commissioners of the Community Development Authority. Two (2) of the Commissioners shall be members of the Board and shall serve during their term of office as Board trustees. The terms of non-Board members shall be four (4) years.

Please let me know if you have any questions, comments, or concerns.

Very truly,

Matthew E. Yde
Strasser & Yde, S.C.

MEY:lky

Enclosure

(11) MODIFICATION OF REDEVELOPMENT PLAN. (a) An approved project area redevelopment plan may be modified at any time after the lease or sale of all or part of the area if the modification is consented to by the lessee or purchaser, and the proposed modification is adopted by the authority and submitted to, and approved by, the local legislative body. Before approval, the authority shall hold a public hearing on the proposed modification, and notice of the time and place of hearing shall be sent by mail at least 10 days before the hearing to the owners of the real properties in the project area and of the real properties immediately adjoining or across the street from the project area. The local legislative body may refer back to the authority any project area redevelopment plan, project area boundaries or modifications submitted to it, together with recommendations for changes in the plan, boundaries or modification, and if the recommended changes are adopted by the authority and approved by the local legislative body, the plan, boundaries or modifications as changed become the approved plan, boundaries or modification.

(b) Whenever the authority determines that a redevelopment plan with respect to a project area that has been approved and recorded in the register of deed's office is to be modified to permit land uses in the project area, other than those specified in the redevelopment plan, the authority shall notify all purchasers of property within the project area of the authority's intention to modify the redevelopment plan, and it shall hold a public hearing on the modification. Notice shall be given to the purchasers of the property by personal service at least 20 days before the holding of the public hearing, or if the purchasers cannot be found notice shall be given by registered mail to the purchasers at their last–known address. Notice of the public hearing shall also be given by publication as a class 2 notice, under ch. 985. The notice shall specify the project area and recite the proposed modification and its purposes. The public hearing is advisory to the authority. If the authority, following the public hearing, determines that the modification of the redevelopment plan will not affect the original objectives of the plan and that it will not produce conditions leading to a reoccurrence of blight within the project area, the authority may by resolution act to modify the plan to permit additional land uses in the project area, subject to approval by the legislative body by a two–thirds vote of the members–elect. If the local legislative body approves the modification to the redevelopment plan, an amendment to the plan containing the modification shall be recorded with the register of deeds of the county in which the project area is located and shall supplement the redevelopment plan previously recorded. Following the action with respect to modification of the redevelopment plan, the plan is amended and no legal rights accrue to any person or to any owner of property in the project area by reason of the modification of the redevelopment plan.

(c) The provisions of this subsection shall be construed liberally to effectuate its purposes and substantial compliance is adequate. Technical omissions do not invalidate the procedure in this subsection with respect to acquisition of real property necessary or incidental to a redevelopment project.

(12) LIMITATION UPON TAX EXEMPTION. The real and personal property of the authority is declared to be public property used for essential public and governmental purposes, and the property and an authority are exempt from all taxes of the state or any state public body. The city in which a redevelopment or urban renewal project is located may fix a sum to be paid annually in lieu of taxes by the authority for the services, improvements or facilities furnished to the project by the city if the authority is financially able to do so, but the sum may not exceed the amount which would be levied as the annual tax of the city upon the project. No real property acquired under this section by a private company, corporation, individual, limited liability company or partnership, either by lease or purchase, is exempt from taxation because of the acquisition.

(13) COOPERATION BY PUBLIC BODIES AND USE OF CITY FUNDS. To assist any redevelopment or urban renewal project located in the area in which the authority is authorized to act, a public body may, upon terms that it determines: furnish services or facilities, provide property, lend or contribute funds, perform any other action of a character which it may perform for other general purposes, and enter into cooperation agreements and related contracts in furtherance of the purposes enumerated. A city and a public body may levy taxes and assessments and appropriate funds and make expenditures that may be necessary to carry out the purposes of this subsection, but taxes and assessments may not be levied under this subsection by a public body which may not levy taxes and assessments for any other purpose.

(14) OBLIGATIONS. For the purpose of financially aiding an authority to carry out blight elimination, slum clearance and urban renewal programs and projects, the city in which the authority functions may issue and sell general obligation bonds under ch. 67, except that no referendum is required, and may levy taxes without limitation for the payment of the bonds, as provided in s. 67.035. The bonds authorized under this subsection are fully negotiable and except as provided in this subsection are not subject to any other law or charter pertaining to the issuance or sale of bonds.

(15) BUDGET. The local legislative body shall approve the budget for each fiscal year of the authority, and may alter or modify any item of the budget relating to salaries, office operation or facilities.

(16) LEGAL SERVICES TO AUTHORITY. The legal department of a city in which the authority functions can provide legal services to the authority and a member of the legal department having the necessary qualifications may, subject to approval of the authority, be its counsel. The authority may retain specialists to render legal services as required by it.

(17) CONSTRUCTION. This section shall be construed liberally to effectuate its purposes and the enumeration in this section of specific powers does not restrict the meaning of any general grant of power contained in this section or exclude other powers comprehended in the general grant.

History: 1973 c. 172; 1975 c. 4, 94, 350; 1979 c. 89, 110, 221; 1981 c. 20, 112, 232; 1983 a. 24, 189; 1985 a. 219; 1987 a. 27, 403; 1989 a. 31, 89; 1991 a. 316; 1993 a. 16, 112, 172, 184, 268, 301; 1995 a. 27, 225; 1999 a. 9; 1999 a. 150 ss. 441 to 446; Stats. 1999 s. 66.1333; 1999 a. 185 s. 58; 2001 a. 30; 2003 a. 43, 320; 2005 a. 453; 2007 a. 96; 2009 a. 28, 95; 2011 a. 32; 2015 a. 196.

The general rule of strict construction of eminent domain statutes does not apply due to the requirement of liberal construction of this section under sub. (17). Whether an area is "blighted" under this section may be determined by focusing on the general overall character of the area in the context of its surrounding neighbors. Grunwald v. City of West Allis, 202 Wis. 2d 471, 551 N.W.2d 36 (Ct. App. 1996), 95–2920.

When a property owner refuses access to property and an authority seeks to obtain a court order under sub. (5) (a) 3. authorizing entry for inspecting and testing, the opportunity must be provided to consider the necessity of the entry, the scope of the entry, and the time, place, and manner of the entry. Redevelopment Authority of the City of Milwaukee v. Uptown Arts and Education, Inc. 229 Wis. 2d 458, 599 N.W.2d 655 (Ct. App. 1999), 98–2389.

A city may reimburse a commissioner of the city redevelopment authority for his legal expenses incurred when charges are filed against him in his official capacity seeking his removal from office for cause and the charges are found by the common council to be unsupported. Such reimbursement is discretionary. The city redevelopment authority lacks statutory authority to authorize reimbursement for such legal expenses. 63 Atty. Gen. 421.

A redevelopment authority may condemn any property within the project area even though some portions of the urban renewal area are not in fact blighted. 65 Atty. Gen. 116.

Certain local governments and public agencies may issue obligations to provide mortgage loans on owner–occupied residences. However, compliance with the federal Mortgage Subsidy Bond Tax Act of 1980 is necessary to allow exemption of interest from federal taxation. 71 Atty. Gen. 74.

66.1335 Housing and community development authorities. (1) AUTHORIZATION. A city may, by a two–thirds vote of the members of the city council present at the meeting, adopt an ordinance or resolution creating a housing and community development authority which shall be known as the "Community Development Authority" of the city. It is a separate body politic for the purpose of carrying out blight elimination, slum clearance, urban renewal programs and projects and housing projects. The ordinance or resolution creating a housing and community development authority may also authorize the authority to act as the agent of the city in planning and carrying out community development programs and activities approved by the mayor and

common council under the federal housing and community development act of 1974 and as agent to perform all acts, except the development of the general plan of the city, which may be otherwise performed by the planning commission under s. 66.1105, 66.1301 to 66.1329, 66.1331 or 66.1337. A certified copy of the ordinance or resolution shall be transmitted to the mayor. The ordinance or resolution shall also do all of the following:

(a) Provide that any redevelopment authority created under s. 66.1333 operating in the city and any housing authority created under s. 66.1201 operating in the city, shall terminate its operation as provided in sub. (5).

(b) Declare in substance that a need for blight elimination, slum clearance, urban renewal and community development programs and projects and housing projects exists in the city.

(2) APPOINTMENT OF MEMBERS. Upon receipt of a certified copy of the ordinance or resolution, the mayor shall, with the confirmation of the council, appoint 7 resident persons having sufficient ability and experience in the fields of urban renewal, community development and housing, as commissioners of the community development authority.

(a) Two of the commissioners shall be members of the council and shall serve during their term of office as council members.

(b) The first appointments of the 5 noncouncil members shall be for the following terms: 2 for one year and one each for terms of 2, 3 and 4 years. Thereafter the terms of noncouncil members shall be 4 years and until their successors are appointed and qualified.

(c) Vacancies shall be filled for the unexpired term as provided in this subsection.

(d) Commissioners shall be reimbursed their actual and necessary expenses including local travel expenses incurred in the discharge of their duties, and may, in the discretion of the city council, receive other compensation.

(3) EVIDENCE OF AUTHORITY. The filing of a certified copy of the ordinance or resolution referred to in sub. (1) with the city clerk is prima facie evidence of the community development authority's right to transact business and the ordinance or resolution is not subject to challenge because of any technicality. In a suit, action or proceeding commenced against the community development authority, a certified copy of the ordinance or resolution is conclusive evidence that the community development authority is established and authorized to transact business and exercise its powers under this section.

(4) POWERS AND DUTIES. The community development authority has all powers, duties and functions set out in ss. 66.1201 and 66.1333 for housing and redevelopment authorities. As to all housing projects initiated by the community development authority it shall proceed under s. 66.1201, and as to all projects relating to blight elimination, slum clearance, urban renewal and redevelopment programs it shall proceed under ss. 66.1105, 66.1301 to 66.1329, 66.1331, 66.1333 or 66.1337 as determined appropriate by the common council on a project by project basis. As to all community development programs and activities undertaken by the city under the federal housing and community development act of 1974, the community development authority shall proceed under all applicable laws and ordinances not inconsistent with the laws of this state. In addition, if provided in the resolution or ordinance, the community development authority may act as agent of the city to perform all acts, except the development of the general plan of the city, which may be otherwise performed by the planning commission under ss. 66.1105, 66.1301 to 66.1329, 66.1331 or 66.1337.

(5) TERMINATION OF HOUSING AND REDEVELOPMENT AUTHORITIES. Upon the adoption of an ordinance or resolution creating a community development authority, all housing and redevelopment authorities previously created in the city under ss. 66.1201 and 66.1333 terminate.

(a) Any programs and projects which have been begun by housing and redevelopment authorities shall, upon adoption of the ordinance or resolution, be transferred to and completed by the community development authority. Any procedures, hearings, actions or approvals taken or initiated by the redevelopment authority under s. 66.1333 on pending projects are deemed to have been taken or initiated by the community development authority as if the community development authority had originally undertaken the procedures, hearings, actions or approvals.

(b) Any form of indebtedness issued by a housing or redevelopment authority shall, upon the adoption of the ordinance or resolution, be assumed by the community development authority except as indicated in par. (e).

(c) Upon the adoption of the ordinance or resolution, all contracts entered into between the federal government and a housing or redevelopment authority, or between these authorities and other parties shall be assumed and discharged by the community development authority except for the termination of operations by housing and redevelopment authorities. Housing and redevelopment authorities may execute any agreements contemplated by this subsection. Contracts for disposition of real property entered into by the redevelopment authority with respect to any project are deemed contracts of the community development authority without the requirement of amendments to the contracts. Contracts entered into between the federal government and the redevelopment authority or the housing authority bind the community development authority in the same manner as if originally entered into by the community development authority.

(d) A community development authority may execute appropriate documents to reflect its assumption of the obligations set forth in this subsection.

(e) A housing authority which has outstanding bonds or other securities that require the operation of the housing authority in order to fulfill its commitments with respect to the discharge of principal or interest or both may continue in existence solely for that purpose. The ordinance or resolution creating the community development authority shall delineate the duties and responsibilities which shall devolve upon the housing authority with respect to that purpose.

(f) The termination of housing and redevelopment authorities pursuant to this section is not subject to s. 66.1201 (26).

(5m) TAX EXEMPTION. Community development authority bonds issued on or after January 28, 1987, are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest on the bonds and income from the bonds, are exempt from taxes.

(6) CONTROLLING STATUTE. The powers conferred under this section are in addition and supplemental to the powers conferred by any other law. To the extent that this section is inconsistent with any other law, this section controls.

(7) CONSTRUCTION. This section shall be construed liberally to effectuate its purposes and the enumeration of specific powers in this section does not restrict the meaning of any general grant of power contained in this section nor does it exclude other powers comprehended in the general grant.

History: 1975 c. 311; 1979 c. 110; 1987 a. 27; 1999 a. 150 s. 448; Stats. 1999 s. 66.1335.

66.1337 Urban renewal. (1) SHORT TITLE. This section shall be known and may be cited as the "Urban Renewal Act".

(2) FINDINGS. It is found and declared that there exists in municipalities of the state slum, blighted and deteriorated areas which constitute a serious and growing menace injurious to the public health, safety, morals and welfare of the residents of the state, and the findings and declarations made in s. 66.1331 are affirmed and restated. Certain slum, blighted or deteriorated areas may require acquisition and clearance, as provided in s. 66.1331, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation in a manner that eliminates, remedies or prevents the conditions and evils of these areas. To the extent feasible salvable slum and blighted areas should be conserved and rehabilitated through vol-

VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 15-012

AN ORDINANCE AMENDING SECTION 2.214(d)(6) ENTITLED *COMMUNITY DEVELOPMENT AUTHORITY*

WHEREAS, Wis. Stat. 66.1335 authorizes the Village to create a housing and community development authority which shall be known as the "Community Development Authority" (CDA) of the Village; and

WHEREAS, the CDA is a separate body politic for the purpose of carrying out blight elimination, slum clearance, urban renewal programs and projects and housing projects; and

WHEREAS, the Village may authorize the CDA to act as an agent of the Village in planning and carrying out community development programs under the Federal Housing and Community Development Act of 1974 and "as agent to perform all acts, except the development of the general plan of the [Village], which may be otherwise performed by the planning commission under s. 66.1105 [Tax Increment Law], 66.1301 to 66.1329 [Urban Redevelopment Law], 66.1331 [Blighted Area Law] or 66.1337 [Urban Renewal Act]."; and

WHEREAS, the Village previously amended this ordinance in 2014 to merge the Economic Development Committee with the CDA; and

WHEREAS, the Village wishes to authorize the CDA to carry out the functions of the Economic Development Committee in addition to the CDA's primary statutory functions; and

WHEREAS, the Village Attorney has reviewed the current ordinance and found the ordinance to be inconsistent with current Wisconsin law; and

WHEREAS, the Village Attorney has proposed amending the ordinance as described below.

NOW, THEREFORE, the Village Board of Weston, Marathon County, Wisconsin, do ordain as follows:

SECTION 1: Section 2.214(d)(6) of the Village Of Weston Ordinances entitled *Community Development Authority* is hereby amended to provide as follows:

Section 2.214. Standing committees.

(d) *Established.* The following standing committees are established:

a. Need. The Village declares that a need for blight elimination, slum clearance, urban renewal programs and community development projects and housing projects exists in the Village of Weston.

b. Creation. Pursuant to Wis. Stat. 66.1335 the Village hereby creates a housing and community development authority which shall be known as the "Community Development Authority" of the Village of Weston. It is a separate body politic for the purpose of carrying out blight elimination, slum clearance, urban renewal programs and projects and housing projects.

c. Powers and Duties. The Community Development Authority has all powers, duties and functions set out in Wis. Stats. 66.1201 and 66.1333 for housing and redevelopment authorities. As to all housing projects initiated by the Community Development Authority it shall proceed under Wis. Stat. 66.1201. As to all projects relating to blight elimination, slum clearance, urban renewal and redevelopment programs the Community Development Authority shall proceed under Wis. Stats. 66.1105, 66.1301 to 66.1329, 66.1331, or 66.1337 as determined appropriate by the Village Board on a project by project basis. As to all Community Development Programs and activities undertaken by the Village under the Federal Housing and Community Development Act of 1974, the Community Development Authority shall proceed under all applicable laws and ordinances not inconsistent with the laws of this state. The Community Development Authority shall act as agent of the Village to perform all acts, except the development of the general plan of the Village, which may be otherwise performed by the plan commission under Wis. Stats. 66.1105, 66.1301 to 66.1329, 66.1331 or 66.1337.

d. Other Functions. In addition to the above duties, the Community Development Authority, as an agent of the Village, shall carry out the following additional functions:

1. Provide oversight and development of the Village's business and industrial parks which include business recruitment, land sales, grant development, and park design;
2. Provide technical support and counsel in the administration of revolving loans fund for business development; and
3. Recommend policy to the Village Board on the enhancement of Village infrastructure and zoning policy to spur economic growth.

e. Appointment of Members. The Village President shall, with the confirmation of the Board, appoint seven (7) resident persons having sufficient ability and experience in the fields of urban renewal, community development and housing, as Commissioners of the Community Development Authority. Two (2) of the Commissioners shall be members of the Board and shall serve during their term of office as Board trustees. The terms of non-Board members shall be four (4) years.

f. Consider any other matter the Board may refer.

SECTION 2: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 15th day of June, 2015

WESTON VILLAGE BOARD

By: Barbara Ermeling
Barbara Ermeling, its President

Attest:
Sherry Weinkauf
Sherry Weinkauf, its Clerk

APPROVED: 6/15/15

PUBLISHED: 6/17/15

VILLAGE OF WESTON
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Village of Weston Plan Commission, on Monday, May 11, 2020, at approximately, 6:00 p.m., or shortly thereafter, at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476 to take testimony relative to the following:

Project # 20200118 Mitchell & Polly Marcott, 8602 Ryan Street, Weston, requesting a Conditional Use Permit to allow for Sec. 94.4.02 (1) 7 and 8 to be waived and modified, on a property within the AR (Agriculture and Residential) Zoning District described as:

> Part of Lot 1 of Certified Survey Map Number 18424, recorded in Volume 91 of Certified Survey Maps on Page 55, as Document Number 1788003, located in the SE ¼ of the NW ¼ of Section 27 T28N R8E, Village of Weston, Marathon County, Wisconsin. The Parcel is identified as PIN 192 2808 272 0994.

The hearing notice with application materials are available for public inspection on the Village of Weston website located at http://westonwi.gov/421/Public-Hearing-Notices.

Written testimony must be submitted to the Village of Weston Plan Commission, Valerie Parker, Plan Commission Secretary, 5500 Schofield Avenue, Weston, WI 54476, or emailed to vparker@westonwi.gov, by noon, on Tuesday, May 5, 2020, to be included in the Plan Commission Meeting Packet. **All interested persons wishing to provide testimony during the Public Hearing will be given an opportunity to be heard. Due to the COVID-19 social distancing and Safer at Home measures currently in place, no more than 10 people will be allowed in attendance at the meeting at one time. Alternative measures will be provided on the final meeting agenda to allow those not in attendance to participate and comment.**

Any person with questions or planning to attend needing additional special accommodations in order to participate should call Valerie Parker, Planning Technician, Planning and Development Department, at 715-241-2607.

Dated this 23rd day of April 2020

Valerie Parker
Plan Commission Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, April 27, and Monday, May 4, 2020.

REQUEST FOR CONSIDERATION

Public Mtg/Date:	Plan Commission, May 11, 2020
Description:	Public Hearing – Project #20200118– Mitchell & Polly Marcott, 8602 Ryan Street, Weston, requesting a Conditional Use Permit to allow for Sec. 94.4.02 (1) 7 and 8 to be waived and modified, on a property within the AR (Agriculture and Residential) Zoning District at 8400 Ryan Street (PIN 192 2808 272 0994).
From:	Emily Wheaton, Assistant Planner Scott Tatro, Building Inspector Roman Maguire, Property Inspector
Question:	Should the Plan Commission approve the Conditional Use Permit application as requested by Mitchell and Polly Marcott for the construction of a single-family home that does not have any portion of the home facing the front yard?

BACKGROUND

The Marcott's are proposing building a single-family home on their property at 8400 Ryan Street. The home is proposed to have a 4-car attached garage that takes up one side of the house. The orientation of the home will place the garage doors facing the front street side of the property. This will cause the home to not meet the requirement that a portion of the home (excluding garage) be facing the front yard as well as will exceed the 60/40% ratio of garage to house facing the front yard. The single-family home will meet all other elements of the zoning code. The home is set back a ¼ mile from the road.

Attached Docs:	Draft Determination, Current Zoning Map, and Draft Conditional Use Permit #20200118, Site Plan and Building Elevations.
Committee Action:	None to date.
Fiscal Impact:	None
Recommendation:	The Plan Commission needs to complete the determination questions 1 through 4 on the Grant Determination Form, which is attached. Staff requests the Conditional Use Permit be approved with the following conditions: 1. The construction of the structure thereon shall be for those uses defined within and shall be constructed per the attached site plan as attached as "Exhibit A;" 2. Upon the use expanding beyond the terms listed within the site plan, attached as "Exhibit A," then the owner/applicant of said use shall resubmit a new Conditional Use Permit application; 3. The construction of the single-family home shall be in accordance with the building site plan approved by the Village Approval Authority within 6 months of the signing of this conditional use permit. Any future additions, modifications or changes in said site plan and/or building plan must be approved by the Village Approval Authority in advanced of any construction; 4. No use is hereby authorized unless the use is conducted in a lawful, orderly, and peaceful manner. Nothing herein shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption, or exception to any law,

ordinance, order or rule by the Village, Marathon County, State of Wisconsin, United States or other duly constituted authority, except only to the extent that it authorizes the use of the Subject Property in any specific respects described herein.

5. Should any paragraphs or phase of herein be determined by a court of competent jurisdiction to be unlawful, illegal, or unconstitutional, said determination as to the particular phrase or paragraph shall not void the remainder of this conditional use and the remainder shall continue in full force and effect..

RECOMMENDED LANGUAGE FOR OFFICIAL ACTION

I move to [approve / deny] Conditional Use Permit #20200118 allowing Sec. 94.4.02 (1) 7 and 8 to be waived and modified, on a property within the AR (Agriculture and Residential) Zoning District at 8400 Ryan St.

ADDITIONAL ACTION: Notify applicant of [approval / denial] [Staff]

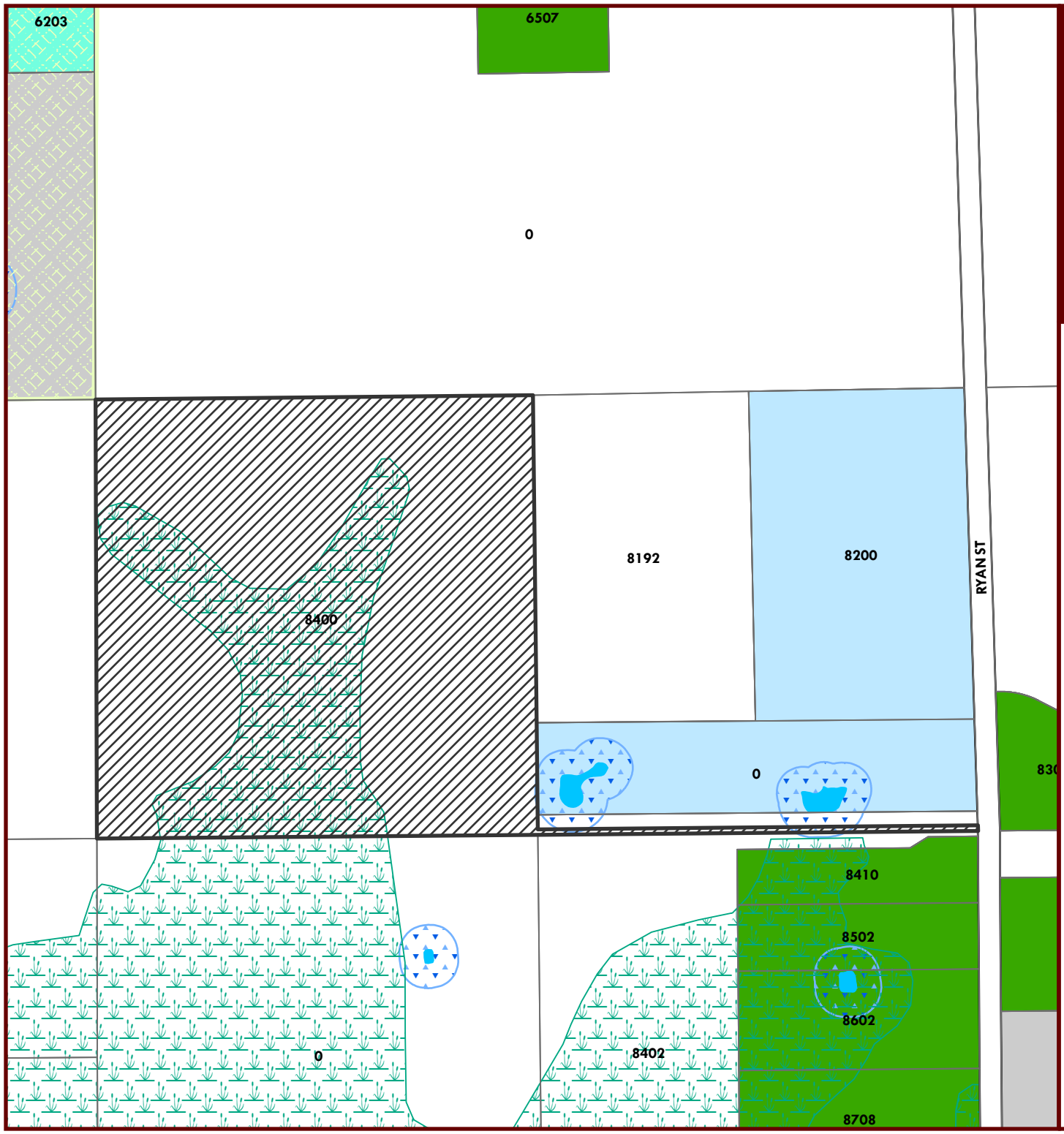
If approved, record CUP with the Marathon County Register of Deeds (MCROD) [Staff]

Village of Weston
Marathon County, WI

OFFICIAL ZONING MAP

Map Date: 4/27/2020
Adoption Date: 2/21/2019

Feet
0 250 500 1,000



LEGEND

8400 Ryan St

MUNICIPAL FEATURES

- Village of Weston Incorporated Boundary
- Right-of-Way
- Wetland Presence
- Surface Water
- Village of Weston Shoreland Overlay

ZONING DISTRICTS

- AR - Agriculture and Residential
- RR-2 - Rural Residential-2 Acre
- RR-5 - Rural Residential-5 Acre
- SF-L - Single Family Residential-Large Lot
- INT - Institutional

Application for Conditional Use Permit
CONDITIONAL GRANT DETERMINATION BY THE VILLAGE OF WESTON PLAN COMMISSION

Application/Petition No.:	**20200118**	Hearing Date:	**May 11, 2020**
Applicant:	**Mitchell and Polly Marcott, 8602 Ryan Street, Weston, WI 54476**		
Location:	**8400 Ryan Street, Weston, WI 54476**		
Description:	**A conditional use permit application proposing the construction of a Single-Family Detached Residence at the above stated property, which is proposed to not have any portion of the home facing the front yard.**		

The Department of Planning and Development of the Village of Weston, pursuant to the Village of Weston Zoning Code, Article 16 Processes, Section 94.16.06 Conditional Use Permits, hereby makes the following findings and evaluation to the Village of Weston Plan Commission:

GENERAL INFORMATION:

Zoning:	**Agricultural and Residential (AR) Zoning District**
Definition: 94.2.02(1)(b)	The **AR district** is primarily intended to preserve agricultural, forested, and other open lands until ripe for non-agricultural development, including residential, commercial, and industrial development, and to allow for very low-density residential development. The AR district is also intended for areas planned for denser development in the Comprehensive Plan, but not yet suited for such denser development due to lack of public utilities or services in the area, inadequate roads, a sufficient supply of lands zoned for development elsewhere, and other factors. (Predecessor districts: AG, RR-10)
Definition: 94.4.09(2)	**Single Family Detached Residence.** A dwelling unit designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit, and located on an individual lot. The dwelling unit must be a site-built structure built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or by federal law may be a manufactured dwelling (modular home) as permitted by the UDC or a manufactured home that has received a Federal Manufactured Housing Certificate label. Mobile homes that have not received a Federal Manufactured Housing Certificate label are not included within the Single-Family Detached Residence land use type.
Performance Standards:	1. Shall have minimum gross floor area of 1,000 square feet, not including an attached garage, carport, deck, porch, or unfinished basement. 2. Shall be served by a garage on the same lot of at least 400 square feet of gross floor area for each dwelling unit and meeting associated requirements in Section 94.4.09(2). 3. Shall have a roof with a pitch of at least 3 inches in height for each foot of width and an eave which extends at least 6 inches from the wall which supports the roof. 4. Each residence and attached building shall have a roof surfaced with any of the following: wood shakes; asphalt, composition, or wood shingles; clay, concrete or metal tiles; slate; built-up gravel materials; screw down metal roofing; rubber membrane (for flat roofs or roofs with no greater than a 1:12 pitch); or similar material approved by the Zoning Administrator. 5. Each residence and attached building shall be covered with siding made of wood, masonry, concrete, stucco, Masonite, vinyl, metal lap, or similar material approved by the Zoning Administrator. Exterior siding shall extend down to the top of the foundation. If the top of the foundation is below grade, the siding shall extend to the ground.

6. Shall be placed on a finished, permanent foundation, such as a poured concrete slab or basement meeting UDC requirements. Such foundation shall not extend more than 24 inches above the exterior finished grade of the lot, except that where the grade of the lot slopes, only that portion of the foundation which is on the highest point of the lot must meet this requirement.

7. The side of any residence facing the front yard shall not be less than 24 feet in width, not including attached garages, carports, and open decks. The ratio of each residence's length to its width shall be no greater than 5 to 2. Therefore, a minimum 24-foot long residence must be at least 9 feet 7 inches wide.

8. The width of attached garages with front yard facing garage doors shall be limited to a maximum of 60 percent of the overall width of the residence as it faces the front yard.

9. May not be split into two or more dwelling units, except for "In-Home Suites" meeting the requirements of this Article.

10. If in a subdivision platted after March 18, 2015, shall meet the single-family and two-family housing variety standards in Section 94.10.02.

11. No carport may be attached to a Single-Family Detached Residence after March 18, 2015. 12. Minimum Required Off-Street Parking: 2 outdoor spaces, such as in a driveway, plus garage space(s). All motor vehicles shall be parked on a hard surface as defined in Section 94.17.04, or on a graveled surface if such surface was permitted before January 1, 2014 and completed within one year of issuance.

DETERMINATION (To be completed by the Plan Commission):

1. Is the proposed conditional use is consistent with the Comprehensive Plan, this Chapter, and all other plans, programs, and ordinances adopted by the Village

   Yes, the proposed single-family detached residence, with waived performance standards, meets the Comprehensive plan by still maintaining a density of one house for every 20 acres. The request meets the purpose of the Zoning Code by preserving and enhancing property values. While two performance standards are being requested to be waived, the single-family home will still meet material standards as well as size minimums for the structure. The home will be situated over a ¼ of a mile back from Ryan Street.

2. The proposed conditional use, in its proposed location and as depicted on the required site plan, will not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or all other plans, programs, and ordinances adopted by the Village.

   Yes. This propose use would have no adverse impacts on the nearby area. The surround area is rural, and this home would be set back approximately a ¼ mile from the road. There is also existing tree cover to help shield the house from the road. The proposed home will not have any negative traffic impacts.

3. Does the proposed conditional use will maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

   Yes. The area is surrounding by property with rural homes. There rural homes are located on large lots that are spaced far apart from one another. This proposed use will match the surrounding uses.

4. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property.

   Yes. There are no public utilities in this area. The house would have to be serviced by a well and septic system. The road is maintained by the Village, however this land use would not have an adverse effect on the public street.

5. Do the potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.

   Yes. The adverse impacts of this request are purely aesthetic and much of that will be mitigated by distance from road and shielding from existing trees.

BACKGROUND INFORMATION:

The Marcott's are proposing building a single-family detached residence at their property at 8400 Ryan Street. They have submitted building plans that show one complete side of the structure with garage doors. The site plan shows the orientation of the structure with the garage doors facing the front yard (see site plan). The Marcott's are requesting a waiver from having 24 feet of the house facing the front yard, as well as requesting a waiver from having no more than 60% of the garage facing the front yard (Item #7 and #8 of the Single Family Home Detached Residence Performance Standards). The single-family detached residence is proposed to meeting materials standards as well as size requirements from the zoning code.

CURRENT PROPERTY CONDITIONS:

The property is a 40-acre flag lot, approximately ¼ mile off of Ryan Street. Most of the property is wooded, with a portion of cleared land at the neck of the property where the single-family detached residence is proposed to be located. There are currently no structures on the property. There is a swatch of wetlands through the middle of the property

PLAN COMMISION ACTION OPTIONS:

1) Approve the Conditional Use Grant for the use of Single-Family Detached Residence with no portion of the house facing the front yard, at 8400 Ryan Street, with the following conditions:

   1. **The construction of the structure thereon shall be for those uses defined within and shall be constructed per the attached site plan as attached as "Exhibit A;"**
   2. **Upon the use expanding beyond the terms listed within the site plan, attached as "Exhibit A," then the owner/applicant of said use shall resubmit a new Conditional Use Permit application;**
   3. **The construction of the single-family detached residence shall be in accordance with the building site plan approved by the Village Approval Authority within 6 months of the signing of this conditional use permit. Any future additions, modifications or changes in said site plan and/or building plan must be approved by the Village Approval Authority in advanced of any construction;**
   4. **No use is hereby authorized unless the use is conducted in a lawful, orderly, and peaceful manner. Nothing herein shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption, or exception to any law, ordinance, order or rule by the Village, Marathon County, State of Wisconsin, United States or other duly constituted authority, except only to the extent that it authorizes the use of the Subject Property in any specific respects described herein.**
   5. **Should any paragraphs or phase of herein be determined by a court of competent jurisdiction to be unlawful, illegal, or unconstitutional, said determination as to the particular phrase or paragraph shall not void the remainder of this conditional use and the remainder shall continue in full force and effect.**

2) Deny the Conditional Use Grant for the construction of Single-Family Detached Residence with no portion of the house facing the front yard, at 8400 Ryan Street.

VILLAGE OF WESTON, MARATHON COUNTY, WI
CONDITIONAL USE PERMIT #200118

This CONDITIONAL USE PERMIT is issued as of 11th day of May 2020, by the PLAN COMMISSION of the VILLAGE OF WESTON to MITCHELL AND POLLY MARCOTT of 8602 Ryan Street, Weston, Wisconsin, 54476.

WHEREAS, MITCHELL AND POLLY MARCOTT are the owners of the property described below in the Village of Weston, and which property is subject to an agreement whereby MITCHELL AND POLLY MARCOTT intend to build thereon a SINGLE-FAMILY DETACHED RESIDENCE, WITH WIAVED PERFORMANCE STANDARDS, related use. The said property upon which said activity is to take place is more particularly described as follows:

Part of Lot 1 of Certified Survey Map Number 18424, recorded in Volume 91 of Certified Survey Maps on Page 55, as Document Number 1788003, located in the SE ¼ of the NW ¼ of Section 27 T28N R8E Village of Weston, Marathon County, Wisconsin.

WHEREAS, the property described above is in the AR AGRICULTURAL AND RESIDENTIAL Zoning District of the Village of Weston, which permits the use of a SINGLE FAMILY DETAHCED RESIDENCE WITH WAIVED PERFORMANCE STANDARDS in said zoning district by conditional use permit; and

WHEREAS, MITCHELL AND POLLY MARCOTT have requested a condition use permit for the property, per Section 94.4.02(1) Single Family Detached Residence Performance Standards of the Village of Weston Zoning Ordinance, so as to allow the construction of a SINGLE FAMILY DETACHED RESIDENCE on said premise with the following performance standards waived:
Section 94.4.02(1)

7. The side of any residence facing the front yard shall not be less than 24 feet in width, not including attached garages, carports, and open decks. The ratio of each residence's length to its width shall be no greater than 5 to 2. Therefore, a minimum 24-foot long residence must be at least 9 feet 7 inches wide.
8. The width of attached garages with front yard facing garage doors shall be limited to a maximum of 60 percent of the overall width of the residence as it faces the front yard.

WHEREAS, a petition for a conditional use permit having been duly filed with the Village Zoning Administrator, and placed on the Plan Commission agenda after first being assured by Village professional staff review that the application is complete, and following staff review and Plan Commission review, investigation and a public hearing which was held May 11, 2020, the Plan Commission after giving full consideration to the criteria and standards for granting a conditional use permit, as set forth in the Village Ordinance, including Section 94.16.06, approve said application in writing; and

WHEREAS, upon the discontinuance of the use of a SINGLE-FAMILY DETACHED RESIDENCE WITH WAIVED PERFORMANCE STANDARDS on said premise for a period exceeding 365 days, the issuance of the conditional grant shall automatically become invalidated. The burden of proof shall be on the property owner to conclusively demonstrate that the conditional use was operating during this period; and

WHEREAS, all requirements of the approved conditional use permit shall be continued regardless of ownership of the subject property and shall run with the land, except where limited by the zoning code or by a specific condition attached to this conditional use grant herein.

NOW, THEREFORE, BE IT RESOLVED, the PLAN COMMISSION of the Village of Weston, in Marathon County, Wisconsin, here by grant MITCHELL AND POLLY MARCOTT a conditional use permit for the property described above, for the use of a SINGLE FAMILY DETACHED RESIDENCE WITH WAIVED PERFORMANCE STANDARDS as defined in Section 94.4.02(1) of the Village Zoning Ordinance. The conditions for the issuance of the conditional use permit are as follows:

1. The construction of the structure thereon shall be for those uses defined within and shall be constructed per the attached site plan as attached as "Exhibit A;"

DRAFT

2. Upon the use expanding beyond the terms listed within the site plan, attached as "Exhibit A," then the owner/applicant of said use shall resubmit a new Conditional Use Permit application;
3. The construction of the single-family detached residence shall be in accordance with the building site plan approved by the Village Approval Authority within 6 months of the signing of this conditional use permit. Any future additions, modifications or changes in said site plan and/or building plan must be approved by the Village Approval Authority in advanced of any construction;
4. No use is hereby authorized unless the use is conducted in a lawful, orderly, and peaceful manner. Nothing herein shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption, or exception to any law, ordinance, order or rule by the Village, Marathon County, State of Wisconsin, United States or other duly constituted authority, except only to the extent that it authorizes the use of the Subject Property in any specific respects described herein.
5. Should any paragraphs or phase of herein be determined by a court of competent jurisdiction to be unlawful, illegal, or unconstitutional, said determination as to the particular phrase or paragraph shall not void the remainder of this conditional use and the remainder shall continue in full force and effect.

All of the uses permitted in the AR AGRICULTURAL AND RESIDENTIAL Zoning District shall continue to be permitted on said premises and in addition thereto, the uses described in this Conditional Use Permit or Conditional Grant are hereby allowed on said premises.

Violation of any of the terms, provisions or conditions of this Conditional Use Permit may, pursuant to the Ordinances of the VILLAGE OF WESTON, result in termination of the rights and privileges granted herein

Dated this 11th day of May 2020

WESTON PLAN COMMISSION

By: _____

Wally Sparks, its Chair

ATTEST:

_____

Jennifer L. Higgins, Zoning Administrator

STATE OF WISCONSIN)
)ss.
COUNTY OF MARATHON)

Personally, came before this _____ day of May 2020, the above-named Wally Sparks, Chair, and Jennifer L. Higgins, Zoning Administrator, to me known to be the persons who execute the forgoing instrument and acknowledge the same.

_____

Notary Public

My Commission expires on _____.

DRAFT

THIS INSTRUMENT DRAFTED BY:
Emily Wheaton, Village of Weston
Assistant Planner, Planning and Development
Weston, WI 54476

DRAFT

1 MAIN FLOOR PLAN
1/4" = 1'-0"

Window Schedule

LEVEL	TAG	WIDTH	HEIGHT	TYPE
MAIN FLOOR PLAN	2	5' - 0"	5' - 0"	Window_Casement-2-Wide_Kolbe
MAIN FLOOR PLAN	4	5' - 0"	5' - 0"	Window_Casement-2-Wide_Kolbe
MAIN FLOOR PLAN	7	5' - 0"	5' - 0"	Window_Casement-2-Wide_Kolbe
MAIN FLOOR PLAN	10	2' - 6"	3' - 6"	Window_Casement-1-Wide_Kolbe
MAIN FLOOR PLAN	11	7' - 6"	5' - 0"	Window_Casement-3-Wide_Kolbe
MAIN FLOOR PLAN	12	2' - 6"	3' - 6"	Window_Casement-1-Wide_Kolbe
MAIN FLOOR PLAN	13	2' - 6"	3' - 6"	Window_Casement-1-Wide_Kolbe
MAIN FLOOR PLAN	14	2' - 6"	3' - 6"	Window_Casement-1-Wide_Kolbe
MAIN FLOOR PLAN	15	2' - 6"	3' - 6"	Window_Casement-1-Wide_Kolbe
MAIN FLOOR PLAN	16	5' - 0"	5' - 0"	Window_Casement-2-Wide_Kolbe
MAIN FLOOR PLAN	18	5' - 0"	5' - 0"	Window_Casement-2-Wide_Kolbe
MAIN FLOOR PLAN	21	5' - 0"	5' - 0"	Window_Casement-2-Wide_Kolbe
MAIN FLOOR PLAN	22	5' - 0"	5' - 0"	Window_Casement-2-Wide_Kolbe
ATTIC TRUSS	17	2' - 6"	5' - 0"	Window_Casement-1-Wide_Kolbe
ATTIC TRUSS	19	2' - 6"	5' - 0"	Window_Casement-1-Wide_Kolbe

PGA INC.
Plumbing
Heating
Cooling
Electrical
Excavating
Insulation
7306 Zinser Street ◆ Weston, WI 54476-4546
Phone: (715) 355-6717 ◆ FAX: (715) 355-4062
E-mail: pga@pgainc.net ◆ www.pgainc.net

AUTODESK REVIT

No.	Description	Date

MARCOTT RESIDENCE

RYAN RD - WESTON, WI

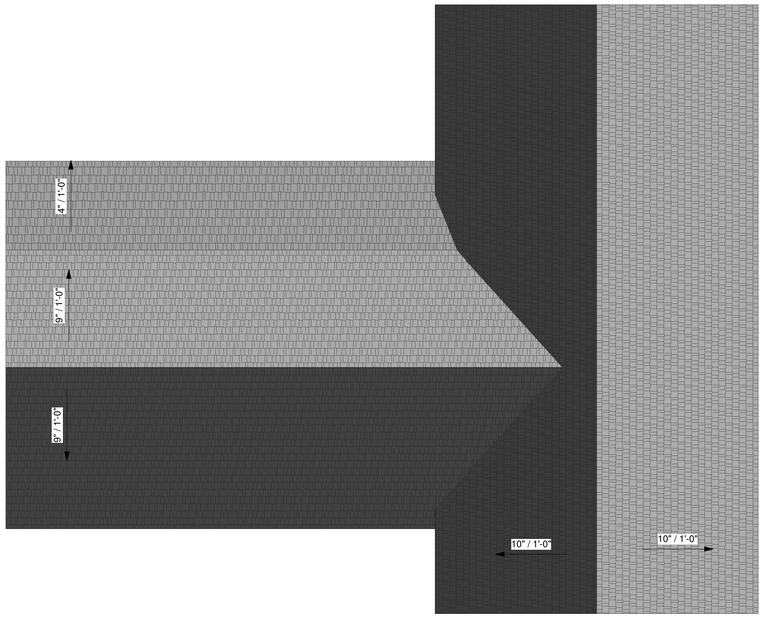
MAIN FLOOR PLAN

Project number	2020-02
Date	MARCH 9, 2020
Drawn by	WCBII
Revised	-

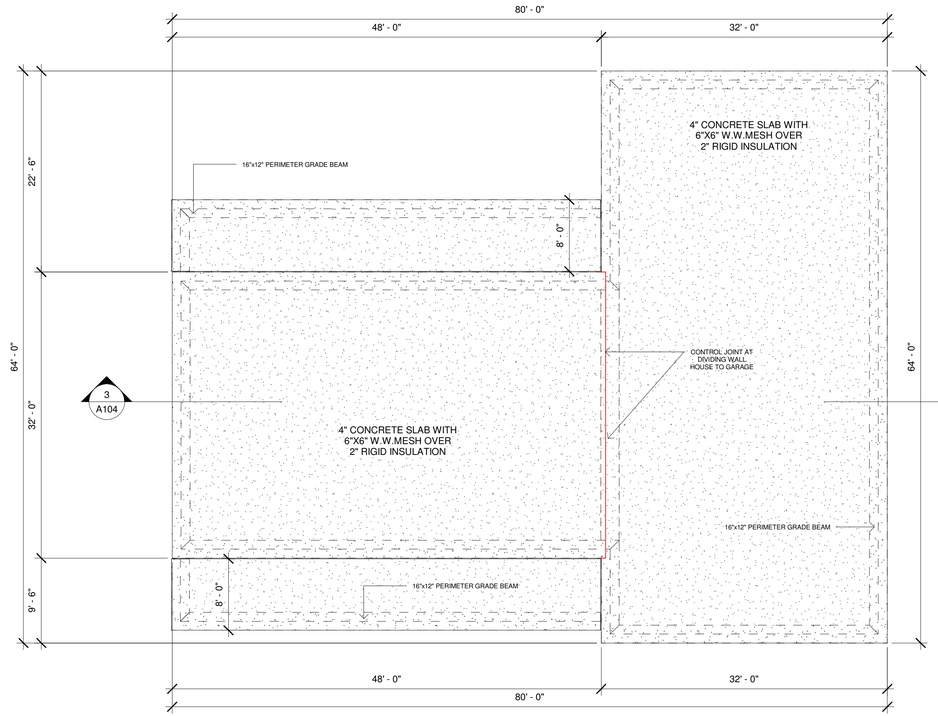
A101

Scale 1/4" = 1'-0"

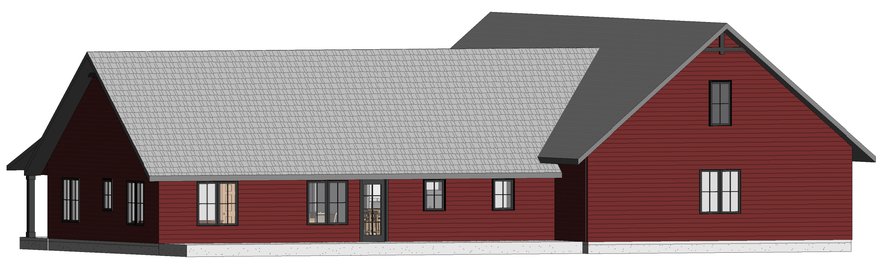
5/5/2020 9:10:10 AM



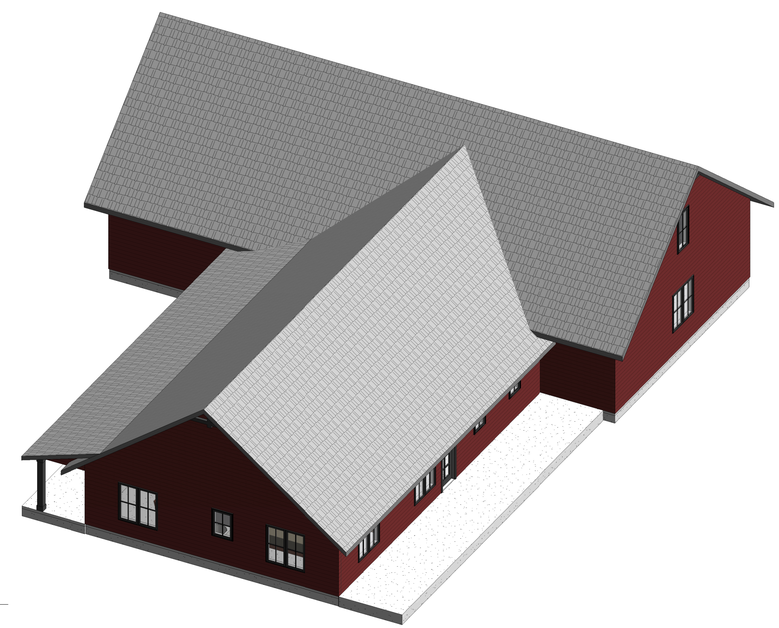
2 ROOF PLAN
1/8" = 1'-0"



1 FOUNDATION PLAN
1/8" = 1'-0"



3 ISO VIEW 1



4 ISO VIEW 2

PGA INC.
Plumbing
Heating
Cooling
Electrical
Excavating
Insulation
7306 Zinser Street ◆ Weston, WI 54476-4546
Phone: (715) 355-6717 ◆ FAX: (715) 355-4062
E-mail: pga@pgainc.net ◆ www.pgainc.net

AUTODESK
REVIT

No.	Description	Date

MARCOTT RESIDENCE

RYAN RD - WESTON, WI

FOUNDATION & ROOF PLAN

Project number	2020-02
Date	MARCH 9, 2020
Drawn by	WCBII
Revised	MAY 05, 2020

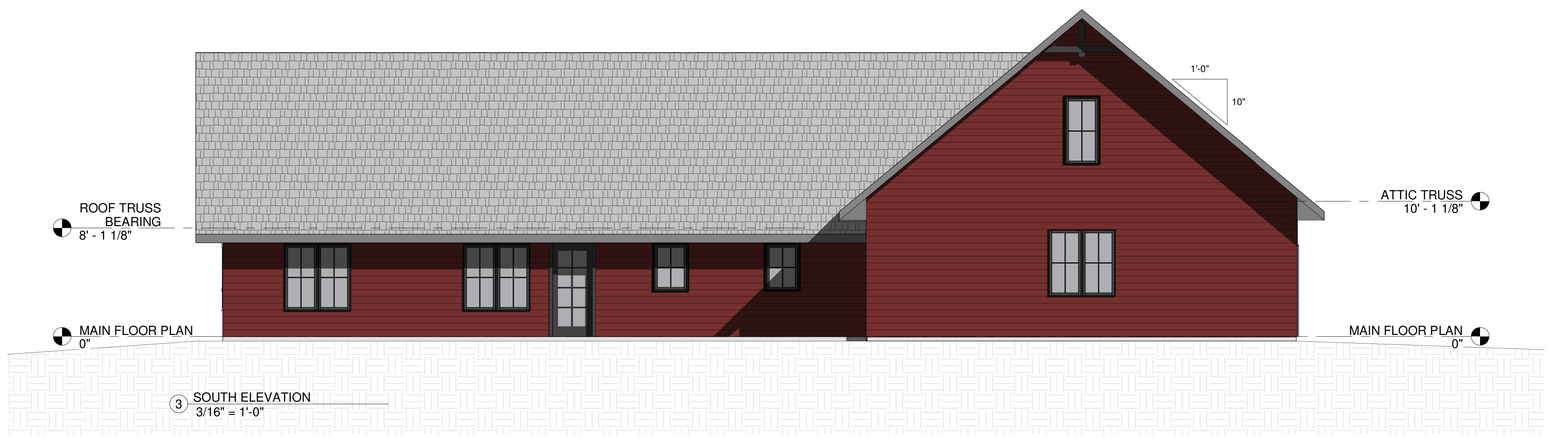
A102

Scale 1/8" = 1'-0"

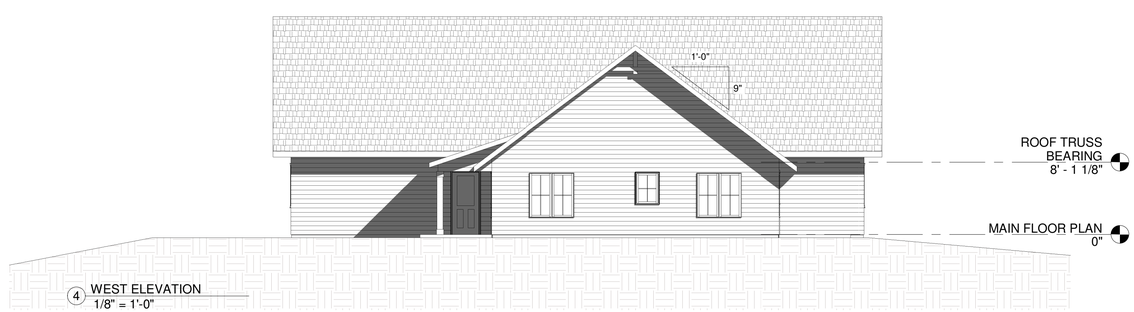
5/5/2020 9:10:12 AM

1 EAST ELEVATION
1/8" = 1'-0"

2 NORTH ELEVATION
1/8" = 1'-0"



3 SOUTH ELEVATION
3/16" = 1'-0"



4 WEST ELEVATION
1/8" = 1'-0"

PGA INC.
Plumbing
Heating
Cooling
Electrical
Excavating
Insulation
7306 Zinser Street ◆ Weston, WI 54476-4546
Phone: (715) 355-6717 ◆ FAX: (715) 355-4062
E-mail: pga@pgainc.net ◆ www.pgainc.net

AUTODESK
REVIT

No.	Description	Date

MARCOTT RESIDENCE

RYAN RD - WESTON, WI

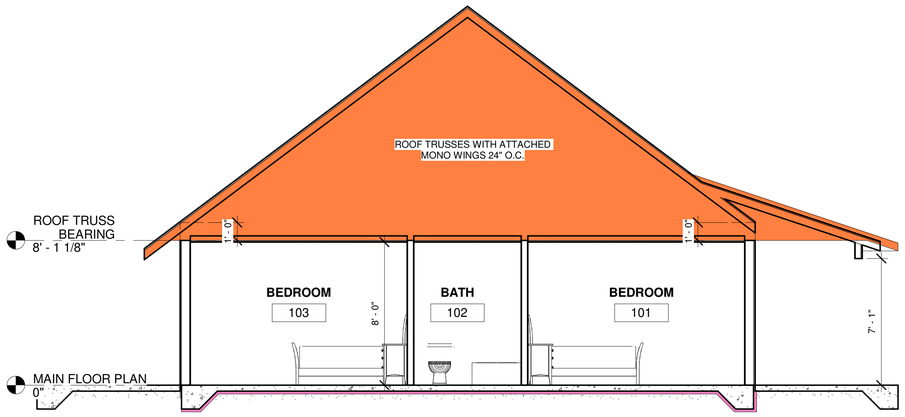
ELEVATIONS

Project number	2020-02
Date	MARCH 9, 2020
Drawn by	WCBII
Revised	MAY 05, 2020

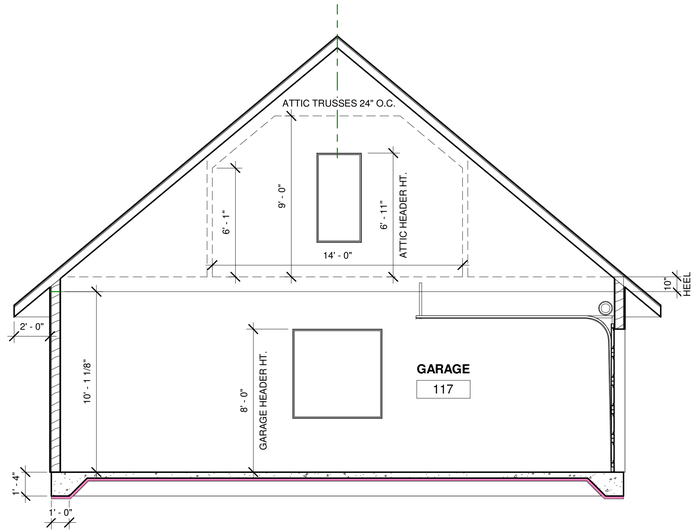
A103

Scale	As indicated

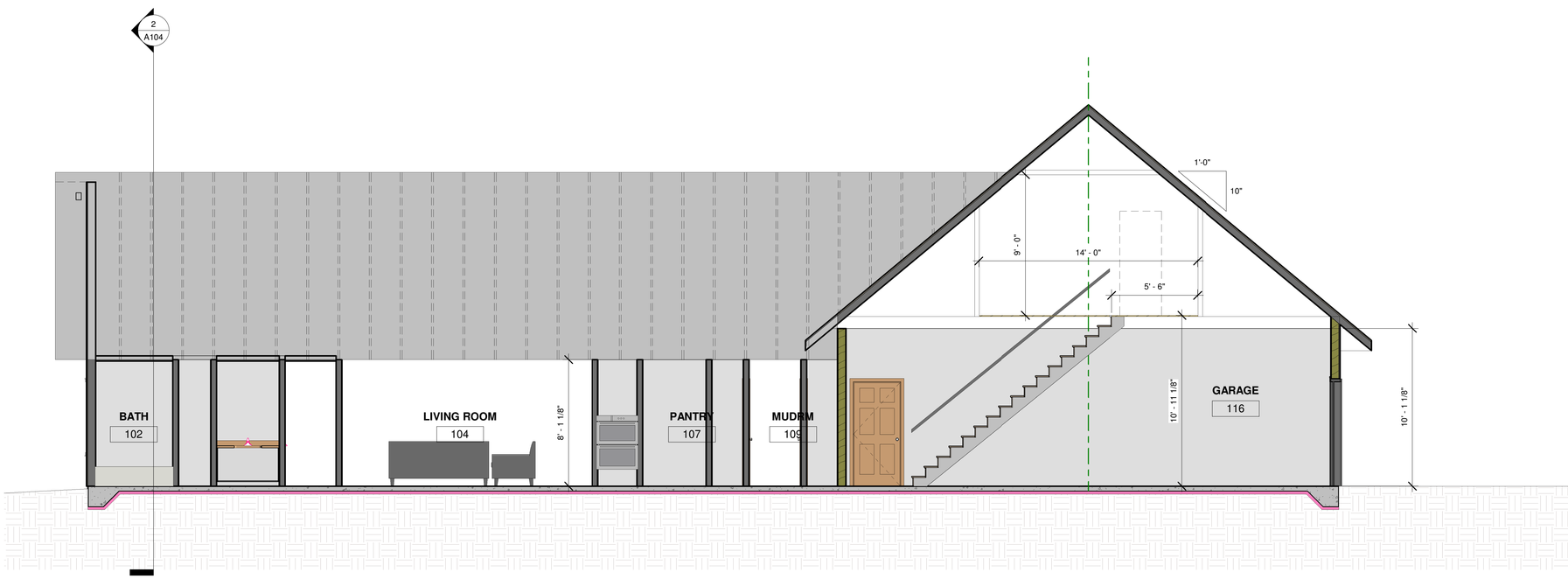
5/5/2020 9:10:14 AM



2 HOUSE BUILDING SECTION
1/4" = 1'-0"



1 GARAGE SECTION WITH ATTIC TRUSSES
1/4" = 1'-0"



3 BUILDING SECTION AT GARAGE
1/4" = 1'-0"

PGA INC.
Plumbing
Heating
Cooling
Electrical
Excavating
Insulation
7306 Zinser Street ◆ Weston, WI 54476-4546
Phone: (715) 355-6717 ◆ FAX: (715) 355-4062
E-mail: pga@pgainc.net ◆ www.pgainc.net

AUTODESK REVIT

No.	Description	Date

MARCOTT RESIDENCE

RYAN RD - WESTON, WI

BUILDING SECTIONS

Project number	2020-02
Date	MARCH 9, 2020
Drawn by	WCBII
Revised	MAY 05, 2020

A104

Scale 1/4" = 1'-0"

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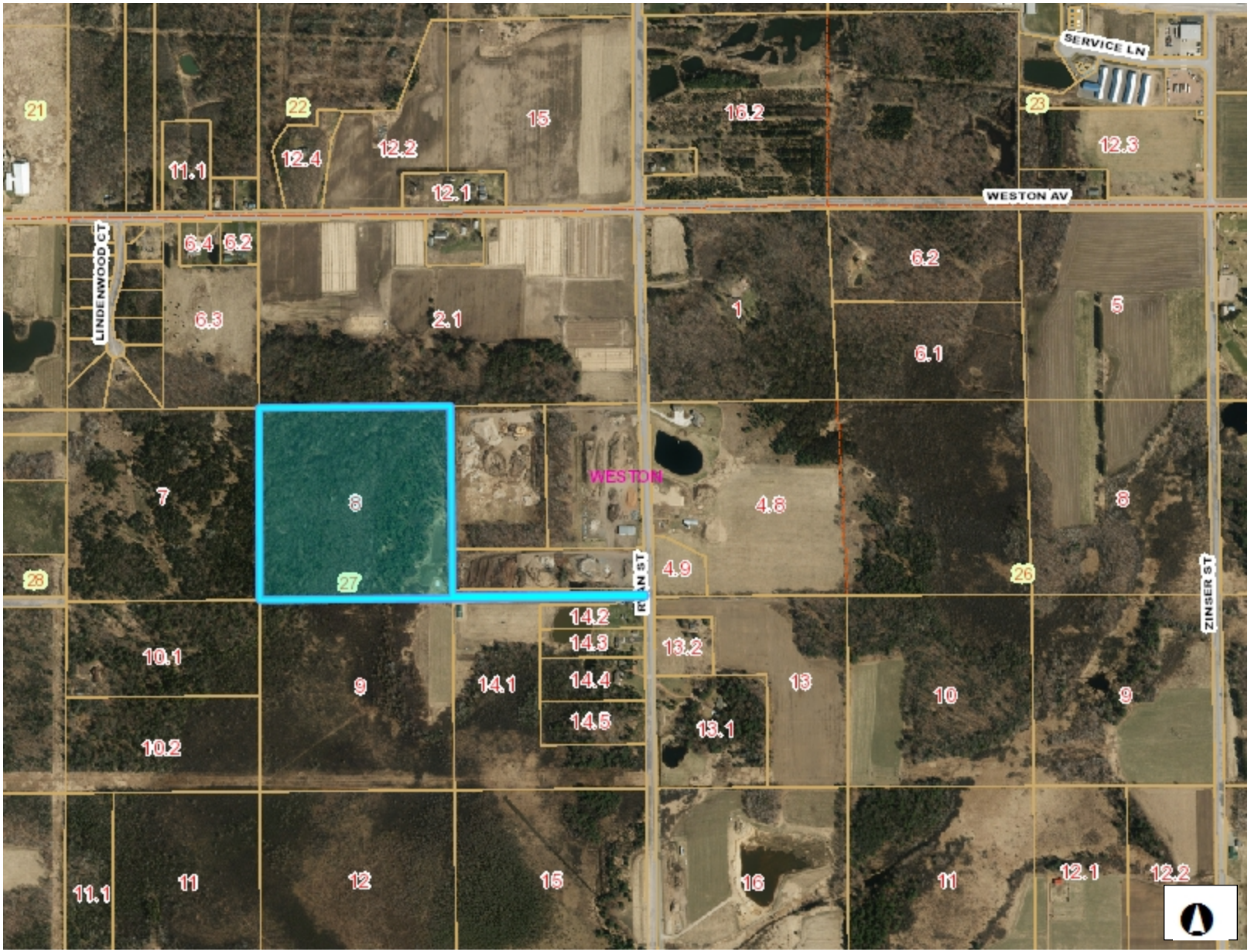
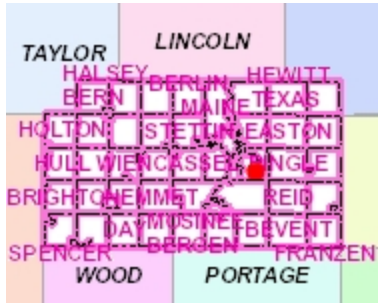
Land Information Mapping System





Legend

- Parcel Annotations
- Parcels
- Land Hooks
- Section Lines/Numbers
- Right Of Ways
- Municipalities

2015 Orthos

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Surrounding_Counties

- CLARK
- LANGLADE
- LINCOLN
- PORTAGE
- SHAWANO
- TAYLOR
- WAUPACA
- WOOD

511.76 0 511.76 Feet

NAD_1983_HARN_WISCRS_Marathon_County_Feet

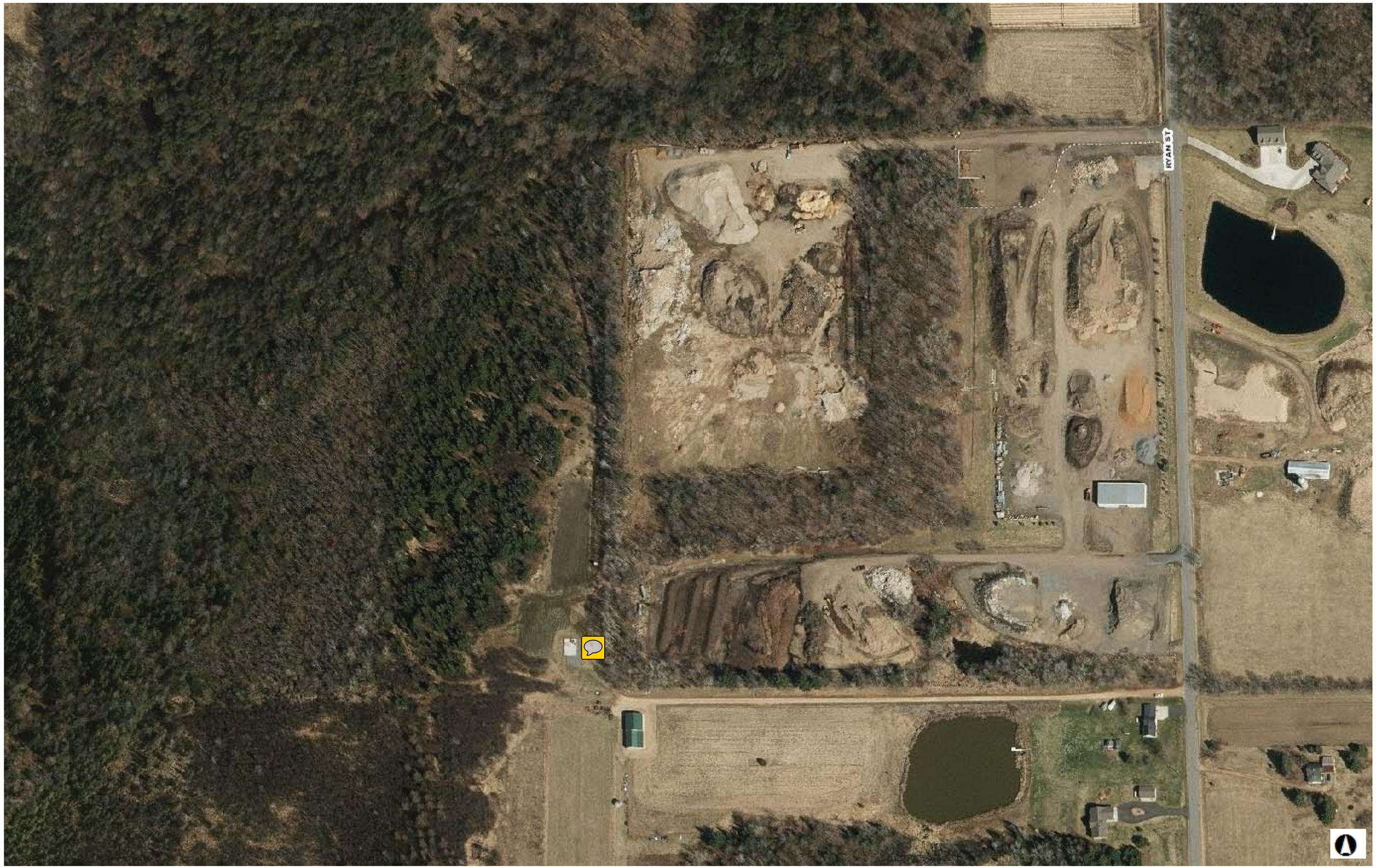
DISCLAIMER: The information and depictions herein are for informational purposes and Marathon County-City of Wausau specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Marathon County-City of Wausau will not be responsible for any damages which result from third party use of the information and depictions herein or for use which ignores this warning.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

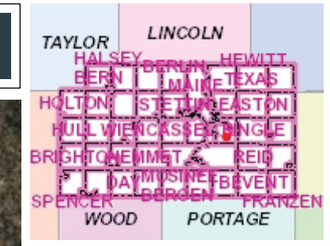
Notes

DRY COMPOST SITE
WELL O
GRAVEL
GRAVEL
ROAD
1/4 MILE TO RYAN STREET

WELL O
DNR COMPOST SITE
GRAVEL
MOUND
GRAVEL
TRANS FORMER
1/4 MILE TO RYAN STREET

Land Information Mapping System





Legend

2015 Orthos

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Surrounding_Counties

- CLARK
- LANGLADE
- LINCOLN
- PORTAGE
- SHAWANO
- TAYLOR
- WAUPACA
- WOOD

112.47 0 112.47 Feet

NAD_1983_HARN_WISCRS_Marathon_County_Feet

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Section 94.4.01: Purpose

(1) Article 4 includes descriptions and performance standards for the land use types listed in Figures 3.04 and 3.05 as permitted, conditional, or temporary uses in at least one standard zoning district. Where provided, performance standards shall be met as part of the establishment, expansion, and operation of land uses within the corresponding land use type.

(2) While the number of parking spaces for each land use type is provided in this Article, other specifications for parking lots and spaces are provided in Section 94.12.09.

Section 94.4.02: Residential Land Use Types

(1) **Single-Family Detached Residence.**

A dwelling unit designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit, and located on an individual lot. The dwelling unit must be a site-built structure built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or by federal law may be a manufactured dwelling (modular home) as permitted by the UDC or a manufactured home that has received a Federal Manufactured Housing Certificate label. Mobile homes that have not received a Federal Manufactured Housing Certificate label are not included within the Single-Family Detached Residence land use type.

Performance Standards: The following performance standards shall apply to each Single-Family Detached Residence constructed or expanded as defined by Section 94.10.02 after March 18, 2015, except that any of the standards 1 through 8 may be waived or modified by conditional use permit, upon a finding that the architectural style of the proposed residence provides compensating design features and that the proposed residence will be compatible and harmonious with other residences in the vicinity. If alterations are made to any of the individual standards listed below, then said standard shall be met.

1. Shall have minimum gross floor area of 1,000 square feet, not including an attached garage, carport, deck, porch, or unfinished basement.
2. Shall be served by a garage on the same lot of at least 400 square feet of gross floor area for each dwelling unit and meeting associated requirements in Section 94.4.09(2).
3. Shall have a roof with a pitch of at least 3 inches in height for each foot of width and an eave which extends at least 6 inches from the wall which supports the roof.
4. Each residence and attached building shall have a roof surfaced with any of the following: wood shakes; asphalt, composition, or wood shingles; clay, concrete or metal tiles; slate; built-up gravel materials; screw down metal roofing; rubber membrane (for flat roofs or roofs with no greater than a 1:12 pitch); or similar material approved by the Zoning Administrator.
5. Each residence and attached building shall be covered with siding made of wood, masonry, concrete, stucco, Masonite, vinyl, metal lap, or similar material approved by the Zoning Administrator. Exterior siding shall extend down to the top of the foundation. If the top of the foundation is below grade, the siding shall extend to the ground.
6. Shall be placed on a finished, permanent foundation, such as a poured concrete slab or basement meeting UDC requirements. Such foundation shall not extend more than 24 inches above the exterior finished grade of the lot, except that where the grade of the lot slopes, only that portion of the foundation which is on the highest point of the lot must meet this requirement.
7. The side of any residence facing the front yard shall not be less than 24 feet in width, not including attached garages, carports, and open decks. The ratio of each residence's length to its

width shall be no greater than 5 to 2. Therefore, a minimum 24-foot long residence must be at least 9 feet 7 inches wide.

8. The width of attached garages with front yard facing garage doors shall be limited to a maximum of 60 percent of the overall width of the residence as it faces the front yard.
9. May not be split into two or more dwelling units, except for "In-Home Suites" meeting the requirements of this Article.
10. If in a subdivision platted after March 18, 2015, shall meet the single-family and two-family housing variety standards in Section 94.10.02.
11. No carport may be attached to a Single-Family Detached Residence after March 18, 2015.
12. Minimum Required Off-Street Parking: 2 outdoor spaces, such as in a driveway, plus garage space(s). All motor vehicles shall be parked on a hard surface as defined in Section 94.17.04, or on a graveled surface if such surface was permitted before January 1, 2014 and completed within one year of issuance.

[Amended via Ord. 17-035, 12/20/2017; Ord. 19-015, 9/19/19]

(2) **Two-Family Residence.**

A single structure containing two separate dwelling units, each unit having a private individual exterior access, and with no shared internal access within the building. Two-Family Residences can be constructed as attached side-by-side units each with a ground floor and roof (duplex), or as a two-story structure with one unit above the other (flats). Where side-by-side, both dwelling units may either share the same lot or be on separate lots as a "zero lot line" structure, such as that depicted in the top panel of Figure 4.02. If alterations are made to any of the individual standards listed below, then said standard shall be met.

Performance Standards:

1. Each Two-Family Residence constructed or expanded as defined by Section 94.10.02 after March 18, 2015 shall meet performance standards 1 through 8 in subsection (1) above, except where otherwise allowed by conditional use permit.
2. The structure must be in compliance with the Wisconsin Uniform Dwelling Code (UDC).
3. Where side by side, a building code-required, fire rated wall must separate the two dwelling units from the lowest level to flush against the underside of the roof.
4. Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.
5. The minimum gross floor area of each dwelling unit shall be 700 square feet, exclusive of attached garages, carports, and open decks/porches.
6. If in a subdivision platted after March 18, 2015, shall meet the single-family and two-family housing variety standards in Section 94.10.02.
7. Each unit within each new Two-Family Residence shall be served by a separate driveway, or minimum driveway width for any shared driveway shall be not less than 30 feet at the front lot line.
8. No carport may be attached to a Two-Family Residence after July 26, 2017.
9. Minimum Required Off-Street Parking: 2 outdoor spaces per dwelling unit, such as in a driveway, plus spaces in garage(s). All motor vehicles shall be parked on a hard surface, or on a graveled surface if such surface was permitted before January 1, 2014 and completed within one year of issuance.
10. Zero Lot Line Structures (see Figure 4.02(1)). For buildings containing two separate dwelling units constructed side-by-side, with each unit located on a separate lot, having a private

REQUEST FOR CONSIDERATION

Public Mtg/Date:	Plan Commission, May 11, 2020
Description:	Discussion and Action on Eau Claire River, LLC's PGA Excavation Facility Site Plan; Developer's request of Waivers for Site Plan Standards (Project #20200119) at 7315 Zinser Street.
From:	Jennifer Higgins, Zoning Administrator Emily Wheaton, Assistant Planner
Question:	Should the Plan Commission approve the request to waive the site plan design standards requested by the applicant?

BACKGROUND

PGA is proposing building a new shop to house the exaction division of the business, located at 7315 Zinser Street. The site would consist of an office building and a screen storage yard. After review of the submitted items, staff have found the following items do not meet the Zoning Code:

- Landscaping points for Hard Surfaces Areas, Building Foundations, and General Yard Areas. These three components do not meet the required number of points.
- The Landscaping Plan includes Red Maple (a prohibited species).
- The secondary driveway is proposed gravel, no asphalt as required by code.
- There is no curb and gutter shown for the parking area on the site plan.
- No bicycle parking provided. No pedestrian or bicycle facilities provided.
- Intensity of lighting is 1.6 footcandles along east lot line (code requires less than 1.0 footcandle).

PGA is also in the process of acquiring addition property of adjoining land to expand the proposed storage yard. Once the acquisition is completed, an amended site plan will need to be brought forth to incorporate this new land. At that time, Staff can work with the Applicant to fix the issues with the landscaping, lighting, and driveway.

Attached Docs:	Site Plan, Landscaping Plan, Lighting Plan Building Elevations, Staff Site Plan Review Form
Committee Action:	None to date.
Fiscal Impact:	None
Recommendation:	

RECOMMENDED LANGUAGE FOR OFFICIAL ACTION

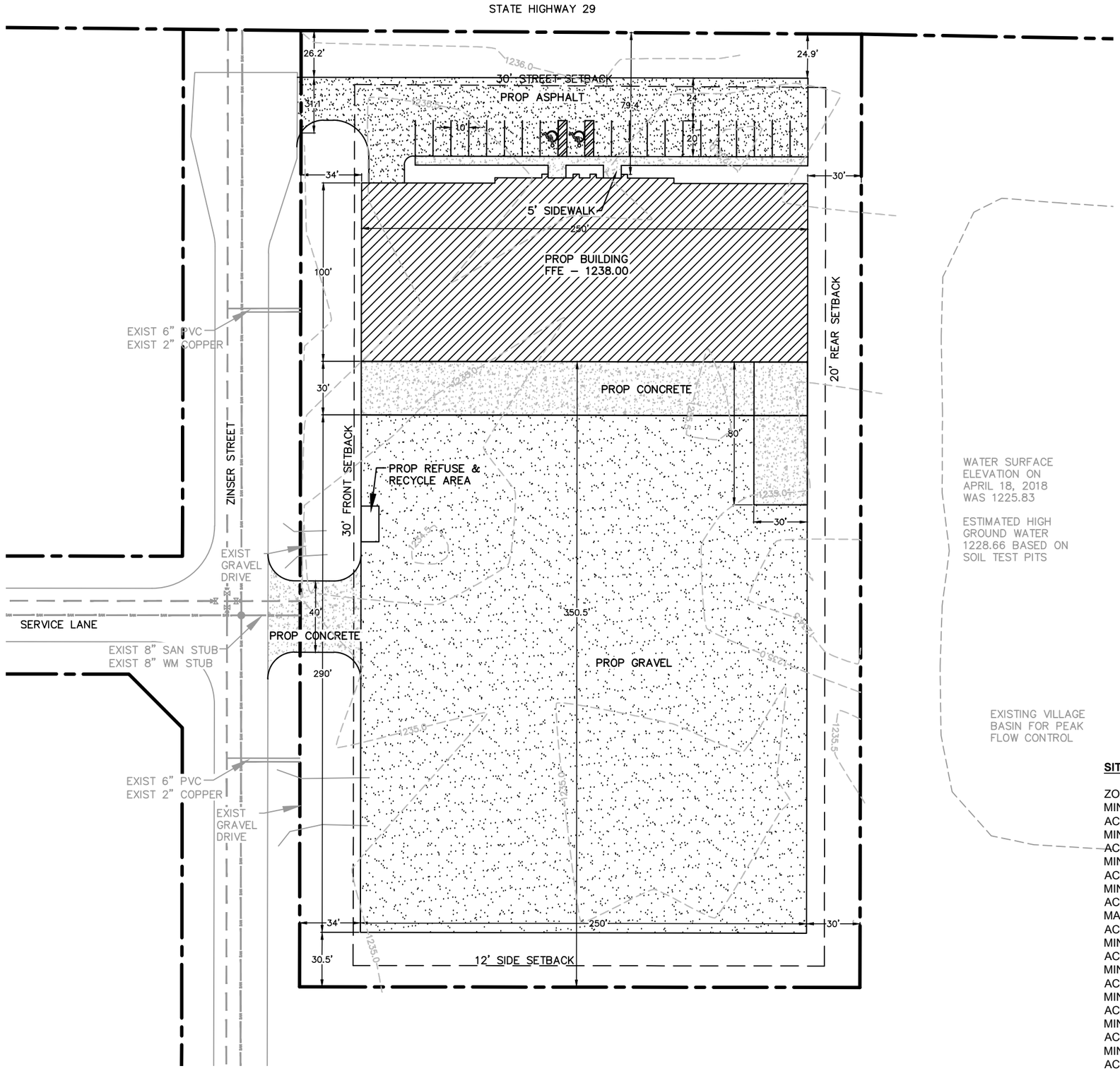
I move to [approve / deny] the site plan for 7315 Zinser Street with the following items waived/addressed:

- **Waive the curb and gutter requirement around the paved parking lot**
- **Waive the requirement for bicycle and pedestrian facilities on the site**

REQUEST FOR CONSIDERATION

- **Applicant shall provide a revised landscaping plan and lighting plan at the time of construction of the expansion of the storage yard**
- **Applicant shall provide a revised hard surface/storage area plan at the time of construction of the expansion of the storage yard**

ADDITIONAL ACTION: Notify applicant of [approval / denial] [Staff]



SITE INFORMATION

ZONED - LI - LIMITED INDUSTRIAL
MINIMUM LOT AREA - 30,000 SQ FT
ACTUAL LOT AREA - 168,007 SQ FT / 3.86 ACRES
MINIMUM LOT WIDTH - 80'
ACTUAL LOT WIDTH - 535.9'
MINIMUM STREET FRONTAGE - 40'
ACTUAL STREET FRONTAGE - 849.9'
MINIMUM LANDSCAPED SURFACE AREA - 20%
ACTUAL LANDSCAPED SURFACE AREA - 29.0%
MAXIMUM FLOOR AREA RATIO - 0.5
ACTUAL FLOOR AREA RATIO - 0.15
MINIMUM BUILDING FRONT/STREET SETBACK - 30'
ACTUAL BUILDING FRONT/STREET SETBACK - 34'
MINIMUM BUILDING INTERIOR SETBACK - 12'
ACTUAL BUILDING INTERIOR SETBACK - 350.5'
MINIMUM BUILDING REAR SETBACK - 20'
ACTUAL BUILDING REAR SETBACK - 30'
MINIMUM HARD SURFACE FRONT/SETBACK - 5'
ACTUAL HARD SURFACE FRONT/STREET SETBACK - 26.2'
MINIMUM HARD SURFACE INTERIOR/REAR SETBACK - 10'
ACTUAL HARD SURFACE INTERIOR/REAR SETBACK - 30'

MARATHON TECHNICAL SERVICES LLC
CONSULTING ENGINEERS
404 FRANKLIN ST - WAUSAU, WI 54403
PHONE & FAX - (715)843-7292
WWW.MTSLLC.NET

REVISION DATE
06-04-2019
06-19-2019

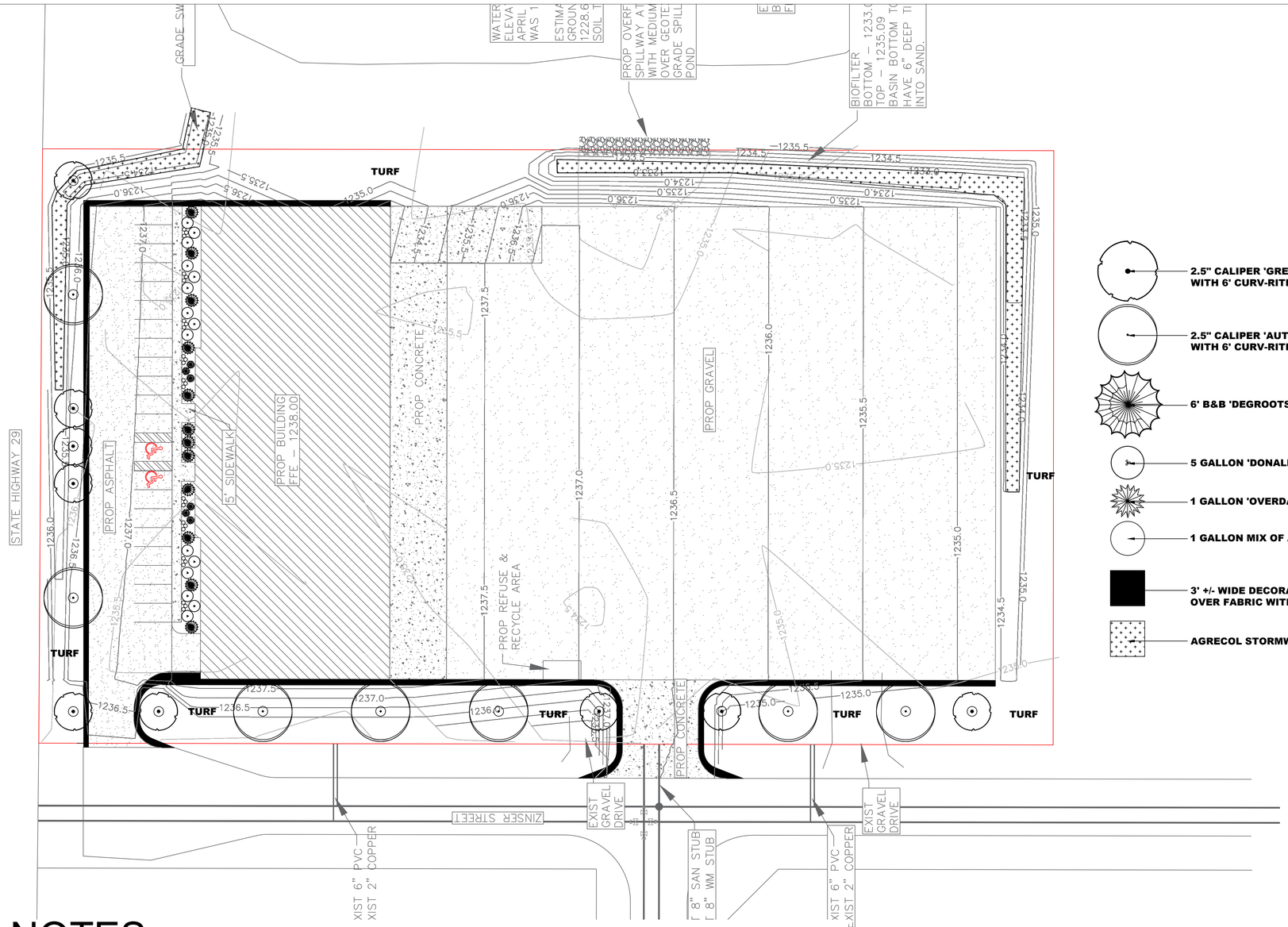
SURVEYED: PGA
DESIGNED: MTS
DRAWN BY: NSB
APPROVED: MWT

SITE PLAN

PGA INC - ZINSER STREET
VILLAGE OF WESTON, MARATHON CO.

SCALE
1" = 60'

SHEET NO.
3
OF 6 SHEETS



2.5" CALIPER 'GREENSPIRE' LINDEN (9)
WITH 6' CURV-RITE ALUMINUM EDGED MULCH RINGS

2.5" CALIPER 'AUTUMN RADIANCE' RED MAPLE (7)
WITH 6' CURV-RITE ALUMINUM EDGED MULCH RINGS

6' B&B 'DEGROOTS SPIRE' ARBORVITAE (12)

5 GALLON 'DONALD WYMAN' LILAC (15)

1 GALLON 'OVERDAM' FEATHER REED GRASS (6)

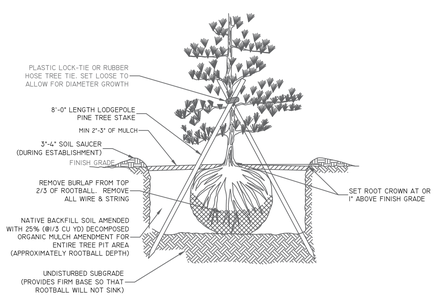
1 GALLON MIX OF ASTILBE VARIETIES (27)

3' +/- WIDE DECORATIVE ROCK MAINTENANCE STRIP
OVER FABRIC WITH CURV-RITE ALUMINUM SURROUND

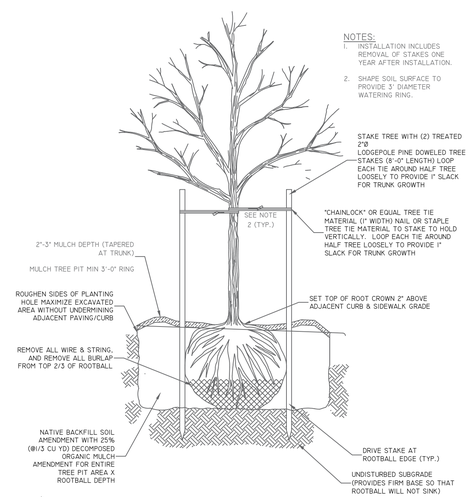
AGRECOL STORMWATER/BIOINFILTRATION SEED MIX

GENERAL NOTES:

- CONTACT DIGGER'S HOTLINE 5 WORKING DAYS PRIOR TO THE START OF DEMOLITION/CONSTRUCTION.
- CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS FOR PLANTING IN ALL R.O.W.
- LANDSCAPE CONTRACTOR SHALL VERIFY ALL UTILITIES WHICH MAY EFFECT HIS/HER WORK.
- LANDSCAPE CONTRACTOR SHALL COORDINATE HIS WORK WITH OTHERS AT SITE AND COMPLETE HIS WORK PER OWNERS CONSTRUCTION SCHEDULE.
- ALL PLANT MATERIALS SHALL BE GUARANTEED ONE (1) FULL YEAR UPON TOTAL COMPLETION AND ACCEPTANCE BY OWNER, WITH ONE TIME REPLACEMENT AT APPROPRIATE TIME OR UPON REQUEST OF OWNER.
- REPLACEMENT TOPSOIL SHALL BE CLEAN, FREE OF STONES, WEEDS AND OTHER UNDESIRABLE DEBRIS.
- PLANTING SOIL MIX (INCIDENTAL COST ITEM)
  1. MIX 1 LB. 5-20-20 COMMERCIAL FERTILIZER PER CU. YD. TOPSOIL.
  2. THOROUGHLY MIX 1-PART SAND AND 1-PART PEAT MOSS WITH 5-PARTS FERTILIZER AND TOPSOIL.
- USE PLANTING SOIL AT ALL LOCATIONS PER DETAILS THIS SHEET.
- LANDSCAPE CONTRACTOR SHALL VERIFY TOPSOIL DEPTH AND NOTIFY OWNER OF ANY DEFICIENCY.
- ALL AREAS CALLED OUT FOR TURF SHALL BE PROVIDED AND INSTALLED PER "DELUXE 50" SPEC FROM REINDERS INC.
- WHERE EXISTING CONCRETE/ASPHALT AREAS ARE TO BE REPLACED WITH LANDSCAPING, PROVISIONS SHOULD BE TAKEN TO COORDINATE EXCAVATION OF SUBSOIL TO A DEPTH OF 2' WITH GRADING CONTRACTOR. REPLACE WITH COMPACTED TOPSOIL. ALL AREAS TO BE LANDSCAPED AND SODDED SHALL BE GRADED SMOOTH AND EVEN.
- LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR SODDING ALL AREAS WHICH ARE DISTURBED BY CONSTRUCTION INCLUDING ALL R.O.W. AND ADJACENT PROPERTIES.
- LANDSCAPE CONTRACTOR TO INSTALL 'CURV-RITE' $\frac{1}{8}$" X 4" ALUMINUM EDGING - BRONZE COLOR AROUND ALL PLANTING BEDS AS SHOWN ON THIS PLAN.
- USE FINELY SHREDDED HARDWOOD BARK MULCH (HW). NO DYED MULCHES. INSTALL 3" DEPTH. NO FILTER FABRIC OR EDGING AROUND TREES OUTSIDE SHRUB BEDS.
- GRAVEL MULCH SHALL BE 4"-6" FRACTURED RED RIP RAP STONE (RR). INSTALL 4" DEPTH MINIMUM WITH APPROVED WEED BARRIER FABRIC.
- LANDSCAPE CONTRACTOR SHALL CLEAN ALL PAVEMENT AREAS AFTER ALL LANDSCAPE INSTALLATION IS COMPLETE AND ACCEPTED BY OWNER. DAILY AS DEEMED NECESSARY BY THE CITY.
- GENERAL CONTRACTOR TO SWEEP PAVEMENT AREAS PRIOR TO TURN OVER TO OWNER.



1 / 101 EVERGREEN PLANTING DETAIL
NTS



1 / 101 DECIDUOUS TREE PLANTING DETAIL
NTS

REVI DESIGN

outdoor designers & artists

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715-355-7384
revi-design.com

N

CLIENT
PGA
Weston, WI

SCALE
1" = 30'-0"

ISSUE
04/14/2020

EDIT
na

PROJ.#
607.1

TITLE
excavation shop

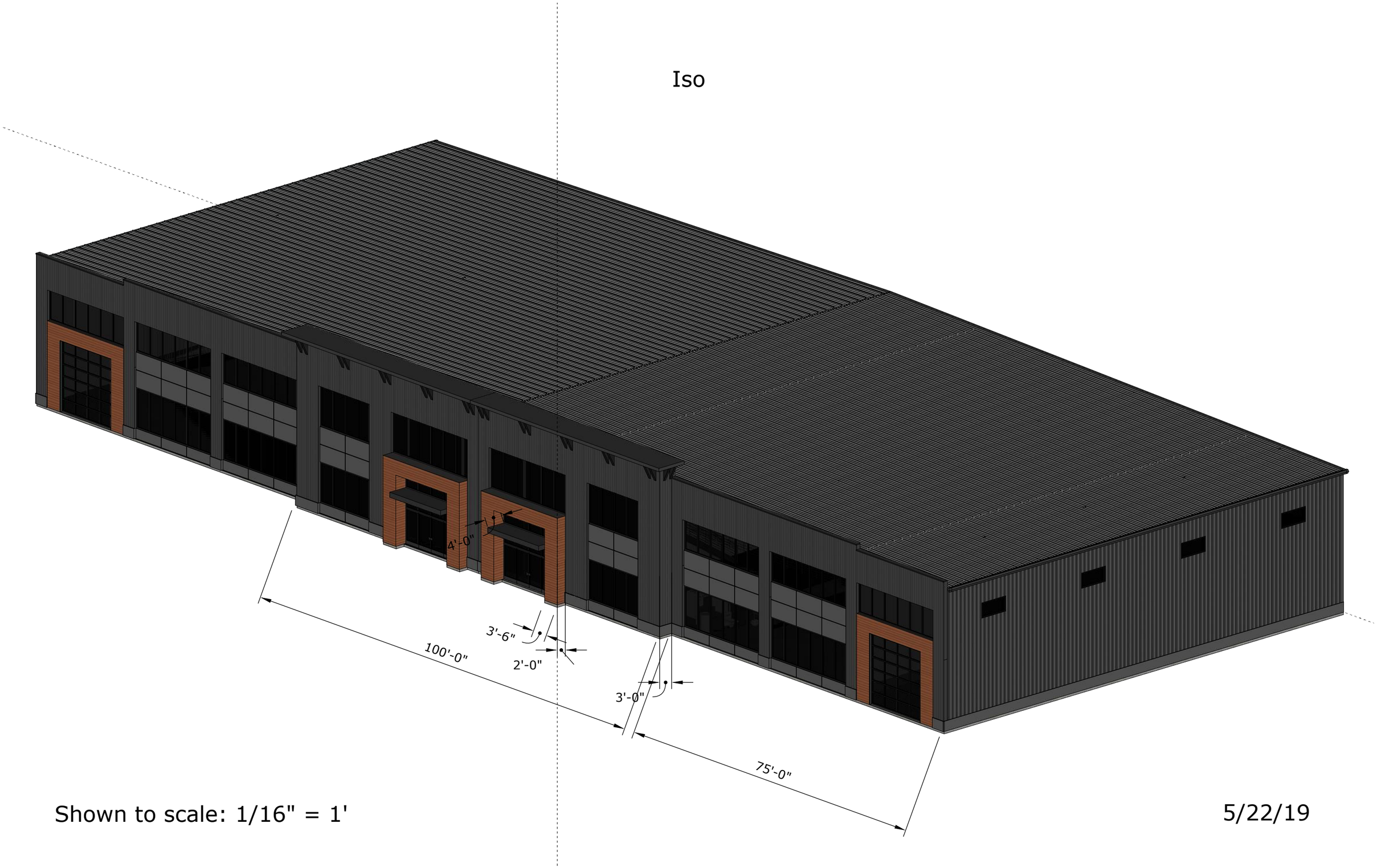
DRAWN BY: dbs

CHECK BY: dbs

la

1

Iso



Shown to scale: 1/16" = 1'

5/22/19

Material Percentages
Total Area: 8388 sq ft

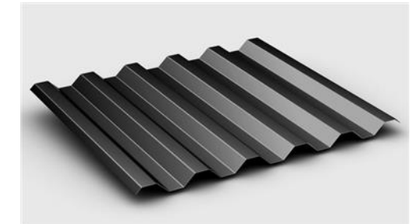
Glass: 2995 sq ft (35.7%)
Arch. EIFS: 1128 sq ft (13.45%)
HD Print Wood-look Siding: 988 sq ft (11.8%)

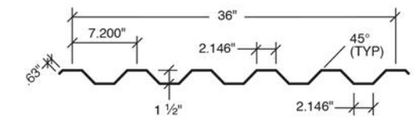
Total Area Approved: 5111 sq ft (60.93%)

Metal Siding: 3,275.5 (39.05%)

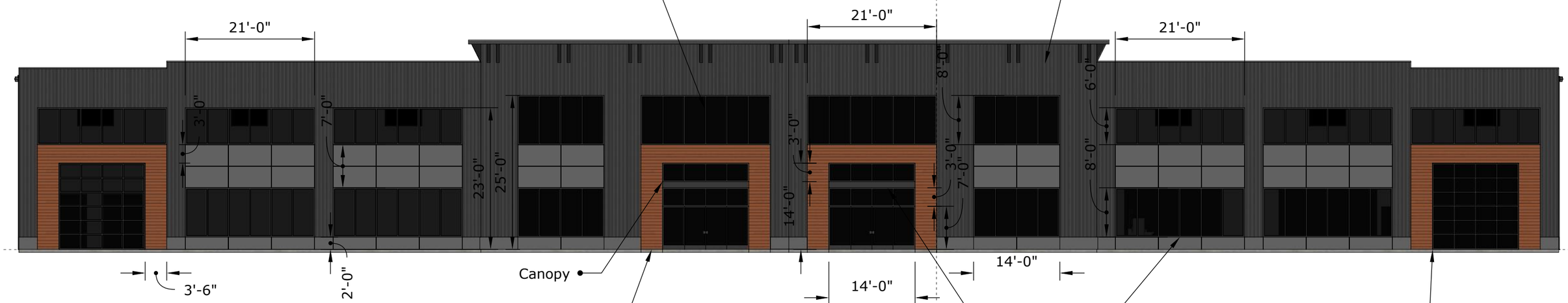
North

Metal Panel
MBCI 7.2 Panel
Color; Charcoal
Vertical
Application



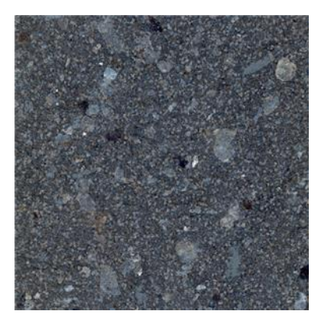


Tinted Low- Glass
Black Frame



HD Printed Aluminum Siding
DIZAL 6" Channel Siding
COlor IPE Cognac

Architectually-Finished EIFS
TerraNeo by DryVit
Color: Vesuvius



Glass Garage Door
14 x 14

Canopy Clad
in Black Prefinished Metal

Shown to scale: 1/16" = 1'

5/22/19

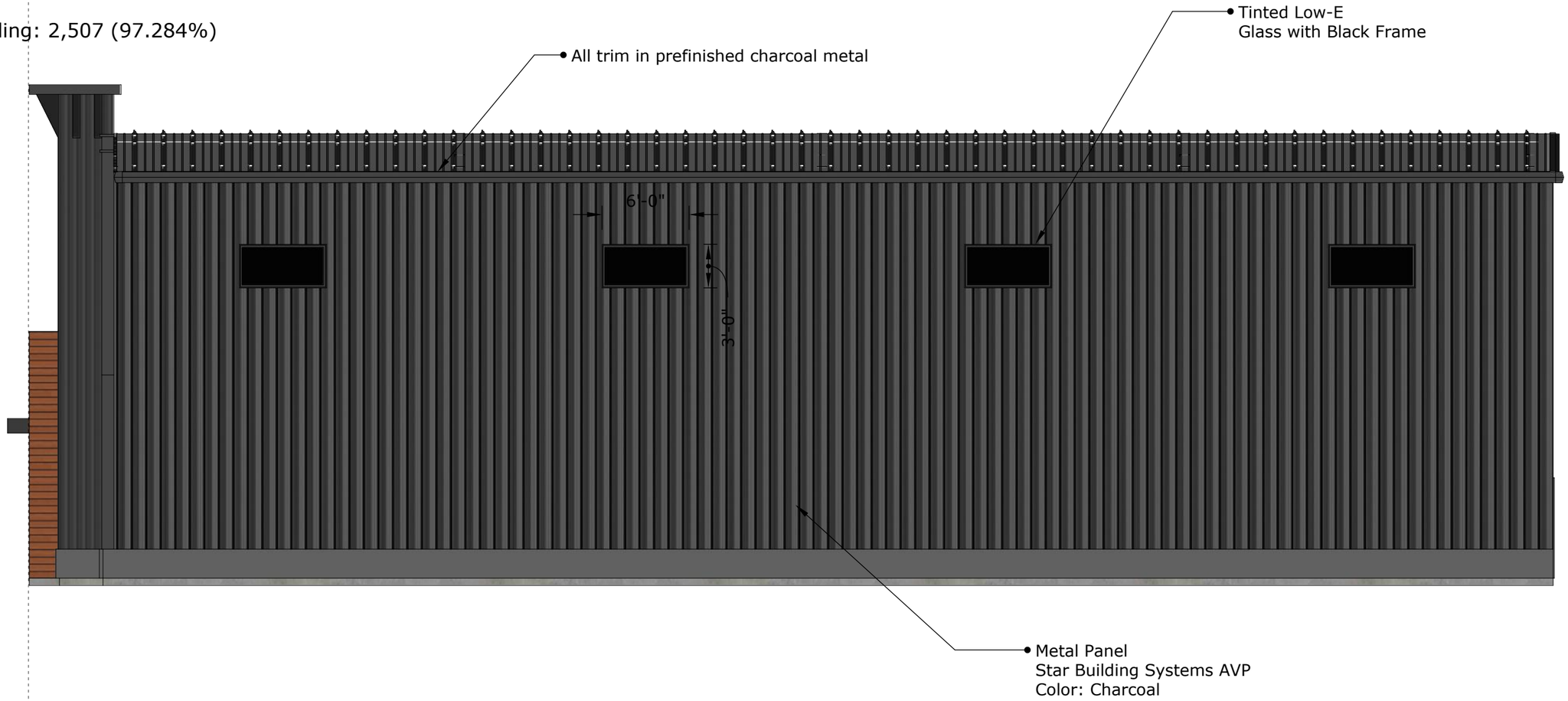
Material Percentages
Total Area: 2577 sq ft (each)

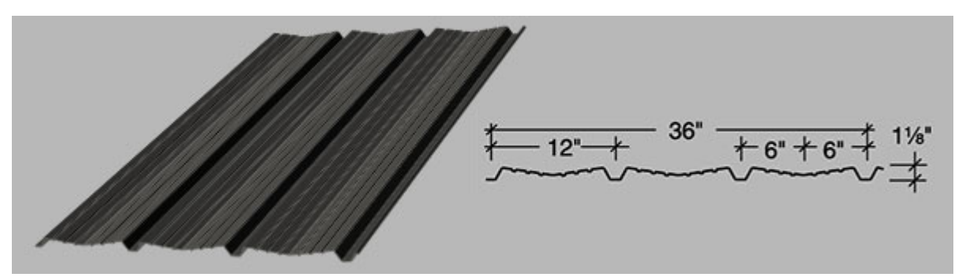
Glass: 70 sq ft (2.716%)

Total Area Approved: 70 sq ft (2.716%)

Metal Siding: 2,507 (97.284%)

West (Typical)





Shown to scale: 1/8" = 1'

5/22/19

Material Percentages
Total Area: 7317 sq ft

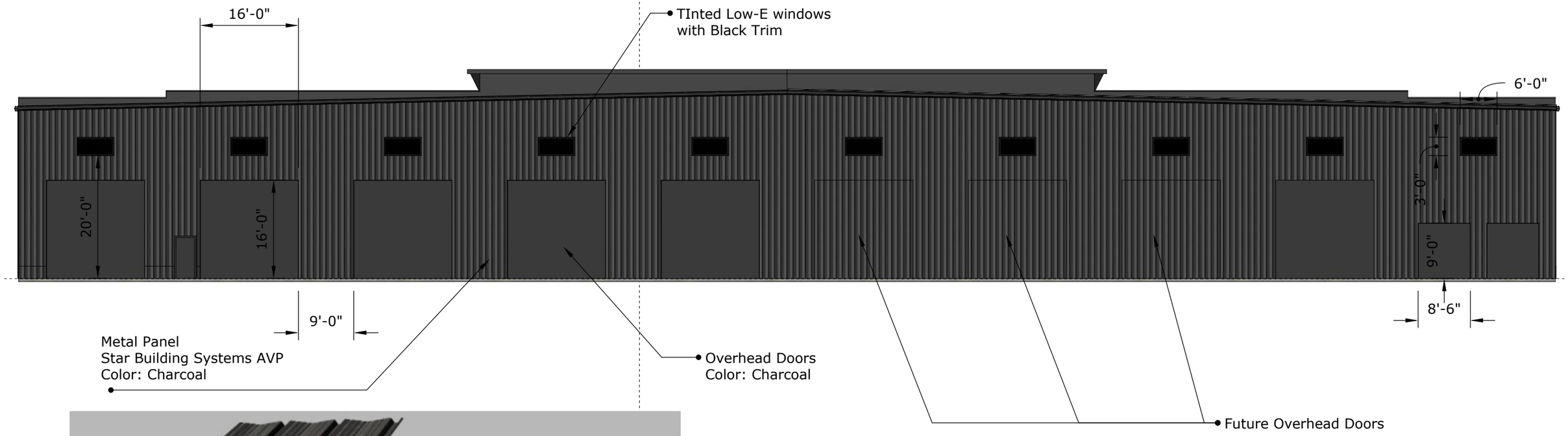
Glass: 180 sq ft (2.46%)

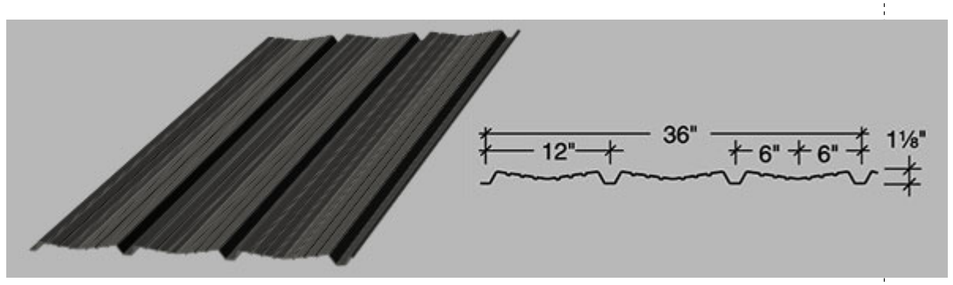
Total Area Approved: 180 sq ft (2.46%)

Overhead/ Service Doors: 1,708 sq ft (23.34%)
*Future 768 sq ft planned

Metal Siding: 5,492 (74.2%)

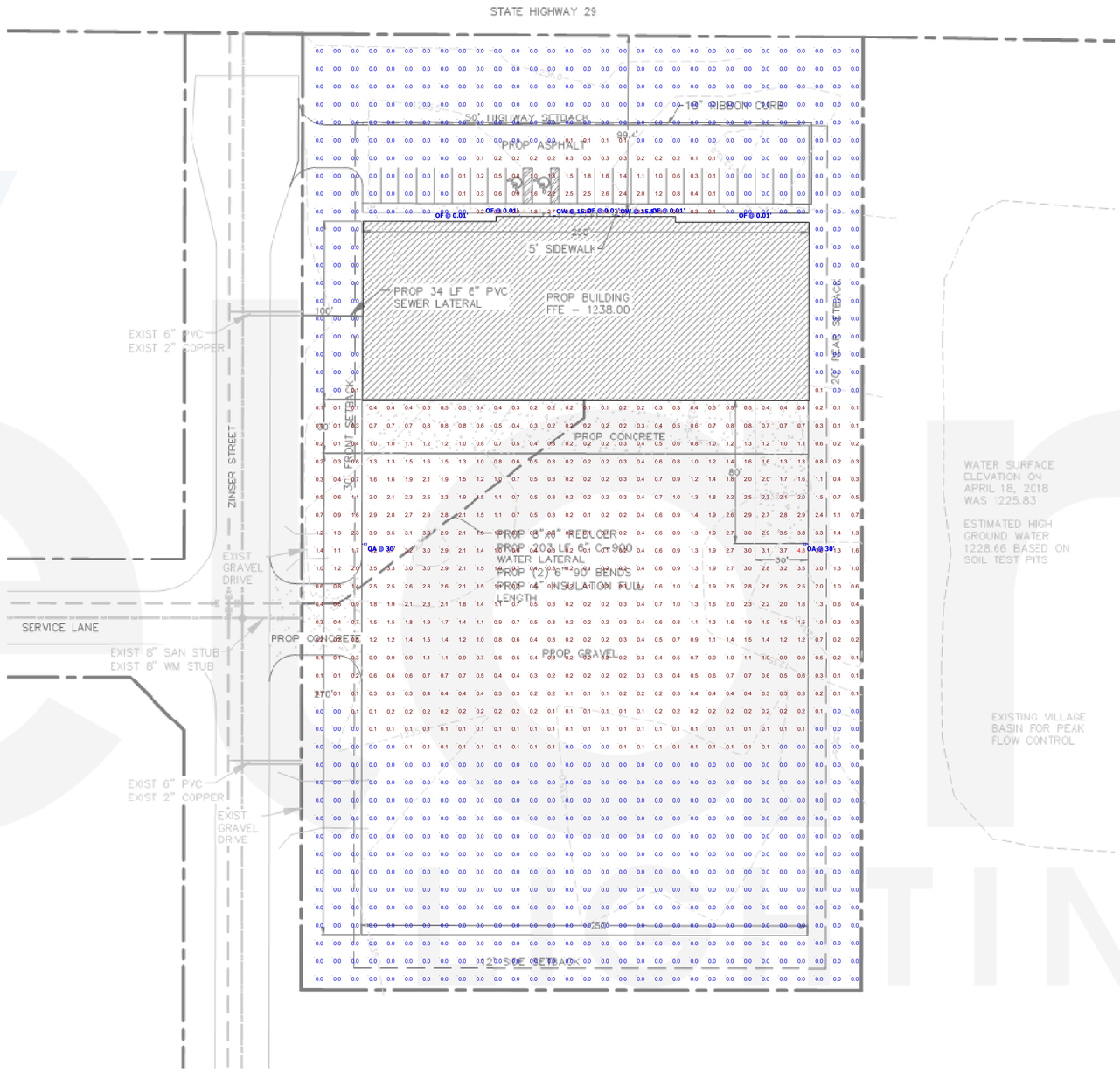
South





Shown to scale: 1/16" = 1'

5/22/19



Plan View
Scale - 1" = 35ft

Schedule

Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Filename	Lumens Per Lamp	Light Loss Factor	Wattage
	OF	5	Lithonia Lighting	DSXF1 LED P1 50K WFL	DSXF1 LED P1 50K WFL	LED	1	DSXF1_LED_P1_50K_WFL.ies	Absolute	0.9	21
	OW	2	Lithonia Lighting	OLW 31	LED GENERAL PURPOSE WALLPACK WITH TYPE III OPTICS; Scaled From LTL25215	LED	1	OLW_31.ies	3964	0.9	44.2
	OA	2	Lithonia Lighting	DSX2 LED P4 50K TFTM MVOLT	DSX2 LED P4 50K TFTM MVOLT	LED	1	DSX2_LED_P4_50K_TFTM_MVOLT.ies	33810	0.9	270

elan LIGHTING
Your Trusted Source for Innovative Lighting Solutions
Milwaukee Main Office
16530 W. Glendale Dr.
New Berlin, WI 53151
Phone: 262-785-9144
Fax: 262-785-9153

PGA EXCAVATION BUILDING SITE

Designer
Date 6/20/2019
Scale Not to Scale
Drawing No.
Summary

Viking Electric Supply

VIKING ELECTRIC SUPPLY
100 E BRIDGE ST
WAUSAU,WI 54403-3597
715-845-7312 ***Fax*** **715-842-2189**

travis.mlodik@vikingelectric.com

Quotation

QUOTE DATE	QUOTE NUMBER
06/26/19	S002713389
PAGE NO.	
1 of 1	

QUOTE TO:
PGA INC
7306 ZINSER ST
WESTON, WI 54476-4500
715-355-6717

SHIP TO:
PGA INC
7306 ZINSER ST
WESTON, WI 54476-4500
715-355-6717

CUSTOMER NUMBER	CUSTOMER ORDER NUMBER	JOB NAME	QUOTED TO
14413	PGA Shop		Matt

SALESPERSON	SHIP VIA	FREIGHT ALLOWED	EXPIRATION DATE
TRAVIS MLODIK	WAU-701A	No	06/25/19

ORDER QTY	UPC	DESCRIPTION	UNIT PRICE	U	EXT PRICE
5ea		^DSXF1 LED P1 50K WFL MVOLT YKC62 DDBXD TYPE OF Item is subject to NS return policy	175.000	e	875.00
2ea		^OLW 31 TYPE OW	305.000	e	610.00
2ea		^DSX2 LED P4 50K TFTM MVOLT SPA DDBXD TYPE OA	1050.000	e	2100.00

TERMS & CONDITIONS **TAXES NOT INCLUDED**

Prices firm for 5 days unless otherwise stated. Pricing for commodities such as conduit and wire are subject to change and will be in effect at time of shipment unless otherwise noted. Prices are subject to change if order quantities change. Stock quantities are subject to availability at time of order.

Subtotal	**3585.00**
S&H CHGS	**0.00**
Amount Due	**3585.00**

D-Series Size 2
LED Area Luminaire

Catalog Number: DSX2 LED P4 50K TFTM MVOLT SPA DDBXD

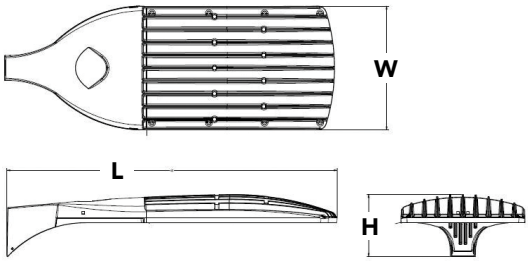
Notes

Type

Hit the Tab key or mouse over the page to see all interactive elements.

Specifications

EPA:	1.1 ft² (0.10 m²)
Length:	40″ (101.6 cm)
Width:	15″ (38.1 cm)
Height:	7-1/4″ (18.4 cm)
Weight (max):	36 lbs (16.3 kg)



A+ Capable Luminaire

This item is an A+ capable luminaire, which has been designed and tested to provide consistent color appearance and system-level interoperability.

- All configurations of this luminaire meet the Acuity Brands' specification for chromatic consistency
- This luminaire is A+ Certified when ordered with DTL® controls marked by a shaded background. DTL DLL equipped luminaires meet the A+ specification for luminaire to photocontrol interoperability1
- This luminaire is part of an A+ Certified solution for ROAM® or XPoint™ Wireless control networks, providing out-of-the-box control compatibility with simple commissioning, when ordered with drivers and control options marked by a shaded background[1]

To learn more about A+, visit www.acuitybrands.com/aplus.

1. See ordering tree for details.
2. A+ Certified Solutions for ROAM require the order of one ROAM node per luminaire. Sold Separately: Link to Roam; Link to DTL DLL

A+ Capable options indicated by this color background.

Ordering Information

EXAMPLE: DSX2 LED P7 T3M MVOLT SPA DDBXD

DSX2 LED	P4	50K	TFTM	MVOLT	SPA
Series	**LEDs**	**Color temperature**	**Distribution**	**Voltage**	**Mounting**

Series: DSX2 LED

LEDs

Forward optics
P1, P2, P3, P4, P5, P6, P7, P8

Rotated optics[1]
P10, P11, P12, P13, P14

Color temperature

30K	3000 K
40K	4000 K
50K	5000 K
AMBPC	Amber phosphor converted[2,3]

Distribution

T1S	Type I Short	T5VS	Type V Very Short
T2S	Type II Short	T5S	Type V Short
T2M	Type II Medium	T5M	Type V Medium
T3S	Type III Short	T5W	Type V Wide
T3M	Type III Medium	BLC	Backlight control[2,3]
T4M	Type IV Medium	LCCO	Left corner cutoff[2,3]
TFTM	Forward Throw Medium	RCCO	Right corner cutoff[2,3]

Voltage

MVOLT[4,5]
120[6]
208[5,6]
240[5,6]
277[6]
347[5,6,7]
480[5,6,7]

Mounting

Shipped included

SPA	Square pole mounting
RPA	Round pole mounting
WBA	Wall bracket
SPUMBA	Square pole universal mounting adaptor[8]
RPUMBA	Round pole universal mounting adaptor[8]

Shipped separately

KMA8 DDBXD U	Mast arm mounting bracket adaptor (specify finish)[9]

Control options

Shipped installed

NLTAIR2	nLight AIR generation 2 enabled[10]
PER	NEMA twist-lock receptacle only (no controls)[11]
PER5	Five-wire receptacle only (no controls)[11,12]
PER7	Seven-wire receptacle only (no controls)[11,12]
DMG	0-10V dimming extend out back of housing for external control (no controls)
DS	Dual switching[13,14]
PIRH	Bi-level, motion/ambient sensor, 15-30' mounting height, ambient sensor enable at 5fc[5,15]
PIRHN	Network, Bi-Level motion/ambient sensor[16]
PIRH1FC3V	Bi-level, motion sensor, 15'-30' mounting height, ambient sensor enabled at 1fc[5,15]
BL30	Bi-level switched dimming, 30%[5,13,17]
BL50	Bi-level switched dimming, 50%[5,13,17]
PNMTDD3	Part night, dim till dawn[5,18]
PNMT5D3	Part night, dim 5 hrs[5,18]
PNMT6D3	Part night, dim 6 hrs[5,18]
PNMT7D3	Part night, dim 7 hrs[5,18]
FAO	Field Adjustable Output[19]

Other options

Shipped installed

HS	House-side shield[20]
SF	Single fuse (120, 277, 347V)[6]
DF	Double fuse (208, 240, 480V)[6]
L90	Left rotated optics[1]
R90	Right rotated optics[1]

Shipped separately

BS	Bird spikes[21]
EGS	External glare shield[21]

Finish *(required)*

DDBXD	Dark bronze
DBLXD	Black
DNAXD	Natural aluminum
DWHXD	White
DDBTXD	Textured dark bronze
DBLBXD	Textured black
DNATXD	Textured natural aluminum
DWHGXD	Textured white

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Ordering Information

Accessories

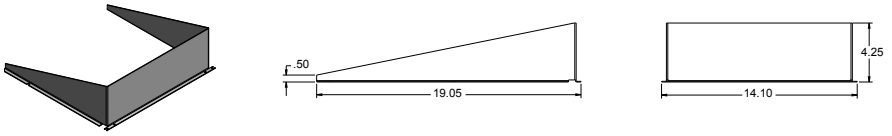
Ordered and shipped separately.

DLL127F 1.5 JU	Photocell - SSL twist-lock (120-277V) [22]
DLL347F 1.5 CUL JU	Photocell - SSL twist-lock (347V) [22]
DLL480F 1.5 CUL JU	Photocell - SSL twist-lock (480V) [22]
DSHORT SBK U	Shorting cap [22]
DSX2HS 80C U	House-side shield for 80 LED unit [20]
DSX2HS 90C U	House-side shield for 90 LED unit [20]
DSX2HS 100C U	House-side shield for 100 LED unit [20]
PUMBA DDBXD U*	Square and round pole universal mounting bracket (specify finish) [23]
KMA8 DDBXD U	Mast arm mounting bracket adaptor (specify finish) [8]

For more control options, visit DTL and ROAM online.

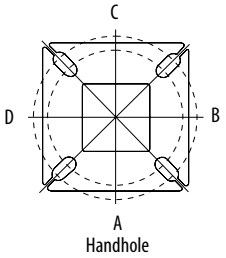
NOTES
1 P10, P11, P12 or P14 and rotated optics (L90, R90) only available together.
2 AMBPC not available with BLC, LCCO, RCCO, HS or P5, P7, P8, P13 or P14.
3 Not available with HS.
4 MVOLT driver operates on any line voltage from 120-277V (50/60 Hz).
5 Any PIRx with BL30, BL50 or PNMT, is not available with 208V, 240V, 347V, 480V or MVOLT. It is only available in 120V or 277V specified.
6 Single fuse (SF) requires 120V, 277V or 347V. Double fuse (DF) requires 208V, 240V or 480V.
7 Not available with BL30, BL50 or PNMT options.
8 Existing drilled pole only. Available as a separate combination accessory; for retrofit use only: PUMBA (finish) U; 1.5 G vibration load rating per ANCI C136.31.
9 Must order fixture with SPA otion.Must be ordered as a separate accessory; see Accessories information. For use with 2-3/8" mast arm (not included).
10 Must be ordered with PIRHN.
11 Photocell ordered and shipped as a separate line item from Acuity Brands Controls. See accessories. Not available with DS option. Shorting Cap included.
12 If ROAM® node required, it must be ordered and shipped as a separate line item from Acuity Brands Controls. Node with integral dimming. Shorting Cap included.
13 Requires (2) separately switched circuits. See Outdoor Control Technical Guide for details.
14 Provides 50/50 fixture operation via (2) independent drivers. Not available with PER, PER5, PER7, PIR or PIRH.
15 Reference Motion Sensor table on page 3.
16 Must be ordered with NLTAIR2. For more information on nLight Air 2 visit this link.
17 Not available with 347V, 480V, DS and PNMT. For PER5 or PER7 see PER Table on page 3. Requires isolated neutral.
18 Not available with 347V, 480V, DS, BL30, BL50. For PER5 or PER7 see PER Table on page 3. Separate Dusk to Dawn required.
19 Not available with other dimming controls options.
20 Not available with BLC, LCCO and RCCO distribution. Also available as a separate accessory; see Accessories information.
21 Must be ordered with fixture for factory pre-drilling.
22 Requires luminaire to be specified with PER, PER5 and PER7 option. Ordered and shipped as a separate line item from Acuity Brands Controls.
23 For retrofit use only.

External Glare Shield

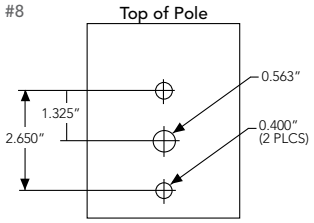


Drilling

HANDHOLE ORIENTATION



Template #8



Tenon Mounting Slipfitter **

Tenon O.D.	Single Unit	2 at 180°	2 at 90°	3 at 120°	3 at 90°	4 at 90°
2-3/8"	AST20-190	AST20-280	AST20-290	AST20-320	AST20-390	AST20-490
2-7/8"	AST25-190	AST25-280	AST25-290	AST25-320	AST25-390	AST25-490
4"	AST35-190	AST35-280	AST35-290	AST35-320	AST35-390	AST35-490

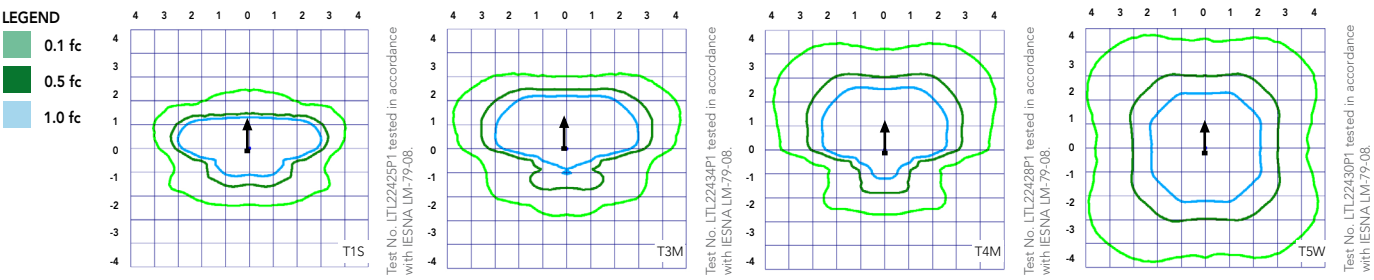
Pole drilling nomenclature: # of heads at degree from handhole (default side A)					
DM19AS	DM28AS	DM29AS	DM32AS	DM39AS	DM49AS
1 @ 90°	2 @ 280°	2 @ 90°	3 @ 120°	3 @ 90°	4 @ 90°
Side B	Side B & D	Side B & C	Round pole only	Side B, C, & D	Sides A, B, C, D
Note: Review luminaire spec sheet for specific nomenclature					

Pole top or tenon O.D.	4.5" @ 90°	4" @ 90°	3.5" @ 90°	3" @ 90°	4.5" @ 120°	4" @ 120°	3.5" @ 120°	3" @ 120°
DSX SPA	Y	Y	Y	N	-	-	-	-
DSX RPA	Y	Y	N	N	Y	Y	Y	Y
DSX SPUMBA	Y	N	N	N	-	-	-	-
DSX RPUMBA	N	N	N	N	Y	Y	Y	N
					*3 fixtures @120 require round pole top/tenon.			

Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit Lithonia Lighting's D-Series Area Size 2 homepage.

Isofootcandle plots for the DSX2 LED 80C 1000 40K. Distances are in units of mounting height (30').



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Performance Data

Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).

Ambient		Lumen Multiplier
0°C	32°F	1.04
5°C	41°F	1.04
10°C	50°F	1.03
15°C	50°F	1.02
20°C	68°F	1.01
25°C	**77°F**	**1.00**
30°C	86°F	0.99
35°C	95°F	0.98
40°C	104°F	0.97

Projected LED Lumen Maintenance

Data references the extrapolated performance projections for the platforms noted in a **25°C ambient**, based on 10,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-11).

To calculate LLF, use the lumen maintenance factor that corresponds to the desired number of operating hours below. For other lumen maintenance values, contact factory.

Operating Hours	0	25000	50000	100000
Lumen Maintenance Factor	1.00	0.96	0.92	0.85

Electrical Load

					Current (A)					
	Performance Package	LED Count	Drive Current	Wattage	120	208	240	277	347	480
Forward Optics (Non-Rotated)	P1	80	530	140	1.18	0.68	0.59	0.51	0.40	0.32
	P2	80	700	185	1.56	0.90	0.78	0.66	0.52	0.39
	P3	80	850	217	1.82	1.05	0.90	0.80	0.63	0.48
	P4	80	1050	270	2.27	1.31	1.12	0.99	0.79	0.59
	P5	80	1250	321	2.68	1.54	1.34	1.17	0.93	0.68
	P6	100	1050	343	2.89	1.66	1.59	1.37	1.00	0.71
	P7	100	1250	398	3.31	1.91	1.66	1.45	1.16	0.81
	P8	100	1350	431	3.61	2.07	1.81	1.57	1.25	0.91
Rotated Optics (Requires L90 or R90)	P10	90	530	156	1.30	0.76	0.65	0.62	0.45	0.32
	P11	90	700	207	1.75	1.01	0.87	0.74	0.60	0.46
	P12	90	850	254	2.12	1.22	1.06	0.94	0.73	0.55
	P13	90	1200	344	2.88	1.65	1.44	1.25	1.00	0.73
	P14	90	1400	405	3.39	1.95	1.71	1.48	1.18	0.86

Motion Sensor Default Settings						
Option	Dimmed State	High Level (when triggered)	Phototcell Operation	Dwell Time	Ramp-up Time	Ramp-down Time
PIR or PIRH	3V (37%) Output	10V (100%) Output	Enabled @ 5FC	5 min	3 sec	5 min
*PIR1FC3V or PIRH1FC3V	3V (37%) Output	10V (100%) Output	Enabled @ 1FC	5 min	3 sec	5 min
*for use with Inline Dusk to Dawn or timer.						

PER Table						
Control	PER (3 wire)	PER5 (5 wire)		PER7 (7 wire)		
			Wire 4/Wire5		Wire 4/Wire5	Wire 6/Wire7
Photocontrol Only (On/Off)	✔	⚠	Wired to dimming leads on driver	⚠	Wired to dimming leads on driver	Wires Capped inside fixture
ROAM	⊘	✔	Wired to dimming leads on driver	⚠	Wired to dimming leads on driver	Wires Capped inside fixture
ROAM with Motion (ROAM on/off only)	⊘	⚠	Wires Capped inside fixture	⚠	Wires Capped inside fixture	Wires Capped inside fixture
Future-proof*	⊘	⚠	Wired to dimming leads on driver	✔	Wired to dimming leads on driver	Wires Capped inside fixture
Future-proof* with Motion	⊘	⚠	Wires Capped inside fixture	✔	Wires Capped inside fixture	Wires Capped inside fixture

✔ Recommended
⊘ Will not work
⚠ Alternate

*Future-proof means: Ability to change controls in the future.

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Performance Data

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

Forward Optics

LED Count	Drive Current	Power Package	System Watts	Dist. Type	30K (3000 K, 70 CRI)					40K (4000 K, 70 CRI)					50K (5000 K, 70 CRI)					AMBPC (Amber Phosphor Converted)				
					Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW
80	530	**P1**	140W	T1S	17,575	3	0	3	126	18,933	3	0	3	135	19,173	3	0	3	137	10,578	2	0	2	78
				T2S	17,556	3	0	3	125	18,913	3	0	3	135	19,152	3	0	3	137	10,554	2	0	2	77
				T2M	17,647	3	0	3	126	19,010	3	0	3	136	19,251	3	0	3	138	10,571	2	0	2	77
				T3S	17,090	3	0	3	122	18,411	3	0	3	132	18,644	3	0	3	133	10,548	2	0	2	77
				T3M	17,604	3	0	3	126	18,964	3	0	3	135	19,204	3	0	3	137	10,569	2	0	2	77
				T4M	17,221	3	0	3	123	18,552	3	0	4	133	18,787	3	0	4	134	10,547	2	0	2	77
				TFTM	17,593	3	0	3	126	18,952	3	0	4	135	19,192	3	0	4	137	10,741	1	0	2	78
				T5VS	18,297	4	0	1	131	19,711	4	0	1	141	19,961	4	0	1	143	11,155	3	0	0	81
				T5S	18,312	4	0	2	131	19,727	4	0	2	141	19,977	4	0	2	143	11,149	3	0	0	81
				T5M	18,266	4	0	2	130	19,677	4	0	2	141	19,926	4	0	2	142	11,096	3	0	2	81
				T5W	18,146	5	0	3	130	19,548	5	0	3	140	19,796	5	0	3	141	10,957	3	0	2	80
				BLC	14,424	2	0	2	103	15,539	2	0	3	111	15,736	2	0	3	112					
				LCCO	10,733	1	0	3	77	11,562	1	0	3	83	11,709	2	0	3	84					
				RCCO	10,733	1	0	3	77	11,562	1	0	3	83	11,709	2	0	3	84					
80	700	**P2**	185W	T1S	22,305	3	0	3	121	24,029	3	0	3	130	24,333	3	0	3	132	13,147	2	0	2	71
				T2S	22,281	3	0	4	120	24,003	3	0	4	130	24,307	3	0	4	131	13,116	2	0	2	70
				T2M	22,396	3	0	3	121	24,127	3	0	3	130	24,432	3	0	3	132	13,138	2	0	2	70
				T3S	21,690	3	0	4	117	23,366	3	0	4	126	23,662	3	0	4	128	13,110	2	0	2	70
				T3M	22,342	3	0	4	121	24,068	3	0	4	130	24,373	3	0	4	132	13,135	2	0	3	70
				T4M	21,857	3	0	4	118	23,545	3	0	4	127	23,844	3	0	4	129	13,108	2	0	2	70
				TFTM	22,328	3	0	4	121	24,054	3	0	4	130	24,358	3	0	4	132	13,349	2	0	2	71
				T5VS	23,222	5	0	1	126	25,016	5	0	1	135	25,333	5	0	1	137	13,864	3	0	1	74
				T5S	23,241	4	0	2	126	25,037	4	0	2	135	25,354	4	0	2	137	13,856	3	0	1	74
				T5M	23,182	5	0	3	125	24,974	5	0	3	135	25,290	5	0	3	137	13,790	3	0	2	73
				T5W	23,030	5	0	4	124	24,810	5	0	4	134	25,124	5	0	4	136	13,617	4	0	2	72
				BLC	18,307	2	0	3	99	19,721	2	0	3	107	19,971	2	0	3	108					
				LCCO	13,622	2	0	3	74	14,674	2	0	4	79	14,860	2	0	4	80					
				RCCO	13,622	2	0	3	74	14,674	2	0	4	79	14,860	2	0	4	80					
80	850	**P3**	217W	T1S	26,202	3	0	3	121	28,226	3	0	3	130	28,584	3	0	3	132	17,833	3	0	3	66
				T2S	26,174	3	0	4	121	28,196	3	0	4	130	28,553	3	0	4	132	17,791	3	0	3	66
				T2M	26,309	3	0	3	121	28,342	3	0	3	131	28,700	3	0	3	132	17,821	3	0	3	66
				T3S	25,479	3	0	4	117	27,448	3	0	4	126	27,795	3	0	4	128	17,782	3	0	3	66
				T3M	26,245	3	0	4	121	28,273	3	0	4	130	28,631	3	0	4	132	17,817	3	0	3	66
				T4M	25,675	3	0	4	118	27,659	3	0	4	127	28,009	3	0	4	129	17,779	3	0	3	66
				TFTM	26,229	3	0	4	121	28,255	3	0	4	130	28,613	3	0	4	132	18,107	3	0	3	67
				T5VS	27,279	5	0	1	126	29,387	5	0	1	135	29,759	5	0	1	137	18,805	4	0	1	70
				T5S	27,301	4	0	2	126	29,410	5	0	2	136	29,783	5	0	2	137	18,794	4	0	1	70
				T5M	27,232	5	0	3	125	29,336	5	0	3	135	29,707	5	0	3	137	18,705	4	0	2	69
				T5W	27,053	5	0	4	125	29,144	5	0	4	134	29,513	5	0	4	136	18,470	5	0	3	68
				BLC	21,504	2	0	3	99	23,166	2	0	3	107	23,459	2	0	4	108					
				LCCO	16,001	2	0	4	74	17,238	2	0	4	79	17,456	2	0	4	80					
				RCCO	16,001	2	0	4	74	17,238	2	0	4	79	17,456	2	0	4	80					
80	1050	**P4**	270W	T1S	30,963	4	0	4	115	33,355	4	0	4	124	33,777	4	0	4	125					
				T2S	30,930	4	0	4	115	33,320	4	0	4	123	33,742	4	0	4	125					
				T2M	31,089	3	0	4	115	33,491	3	0	4	124	33,915	3	0	4	126					
				T3S	30,108	4	0	4	112	32,435	4	0	5	120	32,845	4	0	5	122					
				T3M	31,014	3	0	4	115	33,410	3	0	4	124	33,833	3	0	4	125					
				T4M	30,340	3	0	5	112	32,684	3	0	5	121	33,098	3	0	5	123					
				TFTM	30,995	3	0	5	115	33,390	3	0	5	124	33,812	3	0	5	125					
				T5VS	32,235	5	0	1	119	34,726	5	0	1	129	35,166	5	0	1	130					
				T5S	32,261	5	0	2	119	34,754	5	0	2	129	35,194	5	0	2	130					
				T5M	32,180	5	0	4	119	34,667	5	0	4	128	35,105	5	0	4	130					
				T5W	31,969	5	0	4	118	34,439	5	0	5	128	34,875	5	0	5	129					
				BLC	25,412	2	0	4	94	27,376	2	0	4	101	27,722	2	0	4	103					
				LCCO	18,909	2	0	4	70	20,370	2	0	4	75	20,628	2	0	4	76					
				RCCO	18,909	2	0	4	70	20,370	2	0	4	75	20,628	2	0	4	76					

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Performance Data

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

Forward Optics

LED Count	Drive Current	Power Package	System Watts	Dist. Type	30K (3000 K, 70 CRI)					40K (4000 K, 70 CRI)					50K (5000 K, 70 CRI)					AMBPC (Amber Phosphor Converted)				
					Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW
80	1250	**P5**	321W	T1S	35,193	4	0	4	110	37,912	4	0	4	118	38,392	4	0	4	120					
				T2S	35,155	4	0	5	110	37,872	4	0	5	118	38,351	4	0	5	119					
				T2M	35,336	4	0	4	110	38,067	4	0	4	119	38,549	4	0	4	120					
				T3S	34,222	4	0	5	107	36,866	4	0	5	115	37,333	4	0	5	116					
				T3M	35,251	3	0	4	110	37,974	3	0	5	118	38,455	4	0	5	120					
				T4M	34,485	3	0	5	107	37,149	4	0	5	116	37,620	4	0	5	117					
				TFTM	35,229	3	0	5	110	37,951	3	0	5	118	38,431	3	0	5	120					
				T5VS	36,639	5	0	1	114	39,470	5	0	1	123	39,970	5	0	1	125					
				T5S	36,669	5	0	2	114	39,502	5	0	2	123	40,002	5	0	2	125					
				T5M	36,576	5	0	4	114	39,403	5	0	4	123	39,901	5	0	4	124					
				T5W	36,336	5	0	5	113	39,144	5	0	5	122	39,640	5	0	5	123					
				BLC	28,884	3	0	4	90	31,115	3	0	4	97	31,509	3	0	4	98					
				LCCO	21,492	2	0	4	67	23,153	2	0	5	72	23,446	3	0	5	73					
				RCCO	21,492	2	0	4	67	23,153	2	0	5	72	23,446	3	0	5	73					
100	1050	**P6**	343W	T1S	37,824	4	0	4	110	40,747	4	0	4	119	41,263	4	0	4	120	21,838	1	0	1	64
				T2S	37,784	4	0	5	110	40,704	4	0	5	119	41,219	4	0	5	120	21,787	1	0	1	64
				T2M	37,979	4	0	4	111	40,913	4	0	4	119	41,431	4	0	4	121	21,824	1	0	1	64
				T3S	36,780	4	0	5	107	39,623	4	0	5	116	40,124	4	0	5	117	21,776	1	0	1	63
				T3M	37,886	3	0	5	110	40,814	4	0	5	119	41,331	4	0	5	120	21,819	1	0	1	64
				T4M	37,063	4	0	5	108	39,927	4	0	5	116	40,433	4	0	5	118	22,175	1	0	1	65
				TFTM	37,863	3	0	5	110	40,789	4	0	5	119	41,305	4	0	5	120	21,773	1	0	1	63
				T5VS	39,379	5	0	1	115	42,422	5	0	1	124	42,959	5	0	1	125	23,029	2	0	0	67
				T5S	39,411	5	0	2	115	42,456	5	0	2	124	42,993	5	0	2	125	23,016	2	0	0	67
				T5M	39,311	5	0	4	115	42,349	5	0	4	123	42,885	5	0	4	125	22,906	2	0	1	67
				T5W	39,053	5	0	5	114	42,071	5	0	5	123	42,604	5	0	5	124	22,619	2	0	1	66
				BLC	31,043	3	0	4	91	33,442	3	0	4	97	33,865	3	0	4	99					
				LCCO	23,099	2	0	5	67	24,884	3	0	5	73	25,199	3	0	5	73					
				RCCO	23,099	2	0	5	67	24,884	3	0	5	73	25,199	3	0	5	73					
100	1250	**P7**	398W	T1S	42,599	4	0	4	107	45,890	4	0	4	115	46,471	4	0	4	117					
				T2S	42,553	4	0	5	107	45,842	4	0	5	115	46,422	4	0	5	117					
				T2M	42,773	4	0	4	107	46,078	4	0	4	116	46,661	4	0	5	117					
				T3S	41,423	4	0	5	104	44,624	4	0	5	112	45,189	4	0	5	114					
				T3M	42,669	4	0	5	107	45,966	4	0	5	115	46,548	4	0	5	117					
				T4M	41,742	4	0	5	105	44,967	4	0	5	113	45,537	4	0	5	114					
				TFTM	42,643	4	0	5	107	45,938	4	0	5	115	46,519	4	0	5	117					
				T5VS	44,350	5	0	1	111	47,777	5	0	1	120	48,381	5	0	1	122					
				T5S	44,385	5	0	2	112	47,815	5	0	3	120	48,420	5	0	3	122					
				T5M	44,273	5	0	4	111	47,695	5	0	4	120	48,298	5	0	4	121					
				T5W	43,983	5	0	5	111	47,382	5	0	5	119	47,982	5	0	5	121					
				BLC	34,962	3	0	4	88	37,664	3	0	5	95	38,140	3	0	5	96					
				LCCO	26,015	3	0	5	65	28,025	3	0	5	70	28,380	3	0	5	71					
				RCCO	26,015	3	0	5	65	28,025	3	0	5	70	28,380	3	0	5	71					
100	1350	**P8**	448W	T1S	45,610	4	0	4	106	49,135	4	0	4	114	49,757	4	0	4	115					
				T2S	45,562	4	0	5	106	49,083	4	0	5	114	49,704	4	0	5	115					
				T2M	45,797	4	0	4	106	49,336	4	0	5	114	49,960	4	0	5	116					
				T3S	44,352	4	0	5	103	47,779	4	0	5	111	48,384	4	0	5	112					
				T3M	45,686	4	0	5	106	49,216	4	0	5	114	49,839	4	0	5	116					
				T4M	44,693	4	0	5	104	48,147	4	0	5	112	48,756	4	0	5	113					
				TFTM	45,657	4	0	5	106	49,186	4	0	5	114	49,808	4	0	5	116					
				T5VS	47,485	5	0	1	110	51,155	5	0	1	119	51,802	5	0	1	120					
				T5S	47,524	5	0	3	110	51,196	5	0	3	119	51,844	5	0	3	120					
				T5M	47,404	5	0	4	110	51,067	5	0	5	118	51,713	5	0	5	120					
				T5W	47,093	5	0	5	109	50,732	5	0	5	118	51,374	5	0	5	119					
				BLC	37,434	3	0	5	87	40,326	3	0	5	94	40,837	3	0	5	95					
				LCCO	27,854	3	0	5	65	30,006	3	0	5	70	30,386	3	0	5	71					
				RCCO	27,854	3	0	5	65	30,006	3	0	5	70	30,386	3	0	5	71					

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Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

Rotated Optics

LED Count	Drive Current	Power Package	System Watts	Dist. Type	30K (3000 K, 70 CRI)					40K (4000 K, 70 CRI)					50K (5000 K, 70 CRI)					AMBPC (Amber Phosphor Converted)				
					Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW
90	530	**P10**	156W	T1S	20,145	4	0	4	129	21,702	4	0	4	139	21,977	4	0	4	141	11,475	3	0	3	77
				T2S	20,029	4	0	4	128	21,577	4	0	4	138	21,850	4	0	4	140	11,448	3	0	3	76
				T2M	20,391	4	0	4	131	21,967	4	0	4	141	22,245	4	0	4	143	11,467	3	0	3	76
				T3S	19,719	4	0	4	126	21,242	4	0	4	136	21,511	4	0	4	138	11,442	3	0	3	76
				T3M	20,379	4	0	4	131	21,954	4	0	4	141	22,232	4	0	4	143	11,464	4	0	4	76
				T4M	19,995	4	0	4	128	21,540	4	0	4	138	21,812	5	0	5	140	11,440	4	0	4	76
				TFTM	20,511	4	0	4	131	22,096	5	0	5	142	22,376	5	0	5	143	11,651	4	0	4	78
				T5VS	20,655	4	0	1	132	22,251	4	0	1	143	22,533	4	0	1	144	12,288	3	0	1	82
				T5S	20,482	4	0	2	131	22,064	4	0	2	141	22,343	4	0	2	143	11,978	3	0	1	80
				T5M	20,477	5	0	3	131	22,059	5	0	3	141	22,338	5	0	3	143	12,301	4	0	2	82
				T5W	20,293	5	0	3	130	21,861	5	0	3	140	22,138	5	0	4	142	12,109	4	0	2	81
				BLC	16,846	4	0	4	108	18,148	4	0	4	116	18,378	4	0	4	118					
				LCCO	12,032	2	0	3	77	12,961	2	0	3	83	13,125	2	0	3	84					
				RCCO	12,016	4	0	4	77	12,944	4	0	4	83	13,108	4	0	4	84					
90	700	**P11**	207W	T1S	25,518	4	0	4	123	27,490	4	0	4	133	27,837	4	0	4	134	14,387	3	0	3	70
				T2S	25,371	5	0	5	123	27,331	5	0	5	132	27,677	5	0	5	134	14,354	3	0	3	70
				T2M	25,829	4	0	4	125	27,825	4	0	4	134	28,177	4	0	4	136	14,378	4	0	4	70
				T3S	24,977	5	0	5	121	26,907	5	0	5	130	27,248	5	0	5	132	14,347	4	0	4	70
				T3M	25,814	5	0	5	125	27,809	5	0	5	134	28,161	5	0	5	136	14,374	4	0	4	70
				T4M	25,327	5	0	5	122	27,284	5	0	5	132	27,629	5	0	5	133	14,344	4	0	4	70
				TFTM	25,981	5	0	5	126	27,989	5	0	5	135	28,343	5	0	5	137	15,408	4	0	1	75
				T5VS	26,164	5	0	1	126	28,185	5	0	1	136	28,542	5	0	1	138	15,019	4	0	1	73
				T5S	25,943	4	0	2	125	27,948	5	0	2	135	28,302	5	0	2	137	15,424	4	0	2	75
				T5M	25,937	5	0	3	125	27,941	5	0	3	135	28,295	5	0	3	137	14,609	4	0	4	71
				T5W	25,704	5	0	4	124	27,691	5	0	4	134	28,041	5	0	4	135	15,182	4	0	2	74
				BLC	21,339	4	0	4	103	22,988	4	0	4	111	23,279	4	0	4	112					
				LCCO	15,240	2	0	4	74	16,418	2	0	4	79	16,626	2	0	4	80					
				RCCO	15,220	5	0	5	74	16,396	5	0	5	79	16,604	5	0	5	80					
90	850	**P12**	254W	T1S	29,912	4	0	4	118	32,223	4	0	4	127	32,631	5	0	4	128					
				T2S	29,740	5	0	5	117	32,038	5	0	5	126	32,443	5	0	5	128					
				T2M	30,277	4	0	4	119	32,616	5	0	5	128	33,029	5	0	5	130					
				T3S	29,278	5	0	5	115	31,540	5	0	5	124	31,940	5	0	5	126					
				T3M	30,259	5	0	5	119	32,597	5	0	5	128	33,010	5	0	5	130					
				T4M	29,688	5	0	5	117	31,982	5	0	5	126	32,387	5	0	5	128					
				TFTM	30,455	5	0	5	120	32,808	5	0	5	129	33,224	5	0	5	131					
				T5VS	30,669	5	0	1	121	33,039	5	0	1	130	33,457	5	0	1	132					
				T5S	30,411	5	0	2	120	32,761	5	0	2	129	33,176	5	0	2	131					
				T5M	30,404	5	0	3	120	32,753	5	0	4	129	33,168	5	0	4	131					
				T5W	30,131	5	0	4	119	32,459	5	0	4	128	32,870	5	0	4	129					
				BLC	25,013	4	0	4	98	26,946	4	0	4	106	27,287	4	0	4	107					
				LCCO	17,865	2	0	4	70	19,245	2	0	4	76	19,489	2	0	4	77					
				RCCO	17,841	5	0	5	70	19,220	5	0	5	76	19,463	5	0	5	77					
90	1200	**P13**	344W	T1S	38,768	5	0	5	113	41,764	5	0	5	121	42,292	5	0	5	123					
				T2S	38,545	5	0	5	112	41,523	5	0	5	121	42,049	5	0	5	122					
				T2M	39,241	5	0	5	114	42,273	5	0	5	123	42,808	5	0	5	124					
				T3S	37,947	5	0	5	110	40,879	5	0	5	119	41,396	5	0	5	120					
				T3M	39,218	5	0	5	114	42,249	5	0	5	123	42,783	5	0	5	124					
				T4M	38,478	5	0	5	112	41,451	5	0	5	120	41,976	5	0	5	122					
				TFTM	39,472	5	0	5	115	42,522	5	0	5	124	43,060	5	0	5	125					
				T5VS	39,749	5	0	1	116	42,821	5	0	1	124	43,363	5	0	1	126					
				T5S	39,415	5	0	2	115	42,461	5	0	2	123	42,998	5	0	2	125					
				T5M	39,405	5	0	4	115	42,450	5	0	4	123	42,988	5	0	4	125					
				T5W	39,052	5	0	5	114	42,069	5	0	5	122	42,602	5	0	5	124					
				BLC	32,419	5	0	5	94	34,925	5	0	5	102	35,367	5	0	5	103					
				LCCO	23,154	3	0	5	67	24,943	3	0	5	73	25,259	3	0	5	73					
				RCCO	23,124	5	0	5	67	24,910	5	0	5	72	25,226	5	0	5	73					
90	1400	**P14**	405W	T1S	42,867	5	0	5	106	46,180	5	0	5	114	46,764	5	0	5	115					
				T2S	42,621	5	0	5	105	45,914	5	0	5	113	46,495	5	0	5	115					
				T2M	43,390	5	0	5	107	46,743	5	0	5	115	47,335	5	0	5	117					
				T3S	41,959	5	0	5	104	45,201	5	0	5	112	45,773	5	0	5	113					
				T3M	43,365	5	0	5	107	46,716	5	0	5	115	47,307	5	0	5	117					
				T4M	42,547	5	0	5	105	45,834	5	0	5	113	46,414	5	0	5	115					
				TFTM	43,646	5	0	5	108	47,018	5	0	5	116	47,614	5	0	5	118					
				T5VS	43,952	5	0	1	109	47,349	5	0	1	117	47,948	5	0	1	118					
				T5S	43,583	5	0	2	108	46,950	5	0	2	116	47,545	5	0	3	117					
				T5M	43,572	5	0	4	108	46,939	5	0	4	116	47,533	5	0	4	117					
				T5W	43,181	5	0	5	107	46,518	5	0	5	115	47,107	5	0	5	116					
				BLC	35,847	5	0	5	89	38,617	5	0	5	95	39,106	5	0	5	97					
				LCCO	25,602	3	0	5	63	27,580	3	0	5	68	27,930	3	0	5	69					
				RCCO	25,569	5	0	5	63	27,544	5	0	5	68	27,893	5	0	5	69					

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FEATURES & SPECIFICATIONS

INTENDED USE
The sleek design of the D-Series Area Size 2 reflects the embedded high performance LED technology. It is ideal for applications like car dealerships and large parking lots adjacent to malls, transit stations, grocery stores, home centers, and other big-box retailers.

CONSTRUCTION
Single-piece die-cast aluminum housing has integral heat sink fins to optimize thermal management through conductive and convective cooling. Modular design allows for ease of maintenance and future light engine upgrades. The LED drivers are mounted in direct contact with the casting to promote low operating temperature and long life. Housing is completely sealed against moisture and environmental contaminants (IP65). Low EPA (1.1 ft^2) for optimized pole wind loading.

FINISH
Exterior parts are protected by a zinc-infused Super Durable TGIC thermoset powder coat finish that provides superior resistance to corrosion and weathering. A tightly controlled multi-stage process ensures a minimum 3 mils thickness for a finish that can withstand extreme climate changes without cracking or peeling. Available in both textured and non-textured finishes.

OPTICS
Precision-molded proprietary acrylic lenses are engineered for superior area lighting distribution, uniformity, and pole spacing. Light engines are available in 3000 K, 4000 K, or 5000 K (70 CRI) configurations. The D-Series Size 2 has zero uplight and qualifies as a Nighttime Friendly™ product, meaning it is consistent with the LEED® and Green Globes™ criteria for eliminating wasteful uplight.

ELECTRICAL
Light engine configurations consist of high-efficacy LEDs mounted to metal-core circuit boards to maximize heat dissipation and promote long life (up to L85/100,000 hrs at 25°C). Class 1 electronic drivers are designed to have a power factor >90%, THD <20%, and an expected life of 100,000 hours with <1% failure rate. Easily-serviceable 10kV surge protection device meets a minimum Category C Low operation (per ANSI/IEEE C62.41.2).

INSTALLATION
Included mounting block and integral arm facilitate quick and easy installation. Stainless steel bolts fasten the mounting block securely to poles and walls, enabling the D-Series Size 2 to withstand up to a 2.0 G vibration load rating per ANSI C136.31. The D-Series Size 2 utilizes the AERIS™ series pole drilling pattern (Template #8). NEMA photocontrol receptacle is available.

LISTINGS
UL Listed for wet locations. Light engines are IP66 rated; luminaire is IP65 rated. Rated for -40°C minimum ambient. U.S. Patent No. D670,857 S. International patent pending.

DesignLights Consortium® (DLC) Premium qualified product and DLC qualified product. Not all versions of this product may be DLC Premium qualified or DLC qualified. Please check the DLC Qualified Products List at www.designlights.org/QPL to confirm which versions are qualified.

International Dark-Sky Association (IDA) Fixture Seal of Approval (FSA) is available for all products on this page utilizing 3000K color temperature only.

WARRANTY
5-year limited warranty. Complete warranty terms located at:
www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.

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d#series

D-Series Size 1
LED Flood Luminaire

Catalog Number	DSXF1 LED P1 50K WFL MVOLT YKC62 DDI
Notes	
Type	

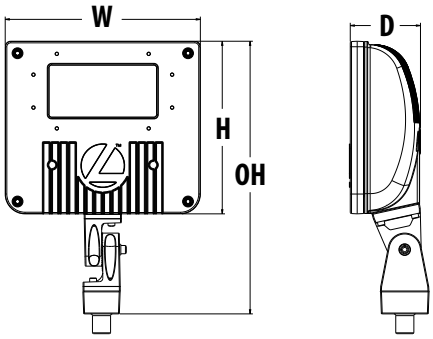
Hit the Tab key or mouse over the page to see all interactive elements.

Introduction

D-Series Size 1 Flood features advanced optics and precision illumination in a sleek and compact form that seamlessly blends with the environment. State of the art reflector design with cutting edge chip-on-board LED technology produces excellent uniformity using precision beam patterns. Provides long-life replacement for 70-150W metal halide floodlights offering up to 77% energy savings with expected service life of over 100,000 hours.

Specifications

EPA:	0.6 ft² (0.05 m²)
Depth:	3-1/8″ (8.0 cm)
Width:	8-7/8″ (22.4 cm)
Height:	7-3/4″ (19.8 cm)
Overall Height	12″ (30.5 cm)
Weight:	7.2 lbs (3.3 kg)



Ordering Information

EXAMPLE: DSXF1 LED P1 40K MSP MVOLT THK DDBXD

DSXF1 LED	P1	50K	WFL	MVOLT	YKC62		DDBX
Series	**Performance Package**	**Color Temperature**	**Distribution**	**Voltage**	**Mounting**	**Options**	**Finish** *(required)*
DSXF1 LED	P1 P2	30K 3000K 40K 4000K 50K 5000K	NSP Narrow spot MSP Medium spot MFL Medium flood FL Flood WFL Wide flood WFR Wide flood, rectangular HMF Horizontal flood	MVOLT [1] 120 [2] 208 [2] 240 [2] 277 [2] 347 [2]	**Shipped included** THK Knuckle with 1/2″ NPS threaded pipe IS Integral slipfitter (fits 2-3/8″ O.D. tenon) YKC62 Yoke with 16-3 SO cord **Shipped separately** [3] DSXF1/2TS Tenon slipfitter (2-3/8″ O.D. THK required) FTS CG6 Tenon Slipfitter (fits 2-3/8″ to 2-7/8″ O.D. tenon. YKC62 required)	**Shipped installed** PE Photocontrol, button style [4,5] PEX Photocontrol external threaded adjustable [5] SF Single fuse (120, 277, 347V) [2] DF Double fuse (208, 240) [2] DMG 0-10v dimming wires pulled outside fixture (for use with an external control, ordered separately) **Shipped separately** [3] UBV Upper/bottom visor (universal) FV Full visor VG Vandal guard	DDBXD Dark bronze DBLXD Black DNAXD Natural aluminum DWHXD White

Accessories

Ordered and shipped separately.

DSXF1/2TS DDBXD U	Slipfitter for 1-1/4″ to 2-3/8″ OD tenons; mates with 1/2″ threaded knuckle (specify finish)
FRWB DDBXD U	Radius wall bracket, 2-3/8″ OD tenon (specify finish)
FSPB DDBXD U	Steel square pole bracket, 2-3/8″ OD tenon (specify finish)
DSXF1UBV DDBXD U	Upper/bottom visor accessory (specify finish)
DSXF1FV DDBXD U	Full visor accessory (specify finish)
DSXF1VG U	Vandal guard accessory

For more mounting options, visit our Floodlighting Accessories pages.

Stock configurations are offered for shorter lead times:

Standard Part Number	Stock Part Number	CI Code
DSXF1 LED P1 40K WFL MVOLT THK DDBXD	DSXF1 LED P1 40K	*240TJH
DSXF1 LED P1 50K WFL MVOLT THK DDBXD	DSXF1 LED P1 50K	*240TJG
DSXF1 LED P1 40K WFL MVOLT YKC62 DDBXD	DSXF1 LED P1 40K YK	*263KL9
DSXF1 LED P1 50K WFL MVOLT YKC62 DDBXD	DSXF1 LED P1 50K YK	*263UJE
DSXF1 LED P2 40K WFL MVOLT THK DDBXD	DSXF1 LED P2 40K	*240TJL
DSXF1 LED P2 50K WFL MVOLT THK DDBXD	DSXF1 LED P2 50K	*240TJJ
DSXF1 LED P2 40K WFL MVOLT YKC62 DDBXD	DSXF1 LED P2 40K YK	*263KLA
DSXF1 LED P2 50K WFL MVOLT YKC62 DDBXD	DSXF1 LED P2 50K YK	*263UJG
DSXF1/2 Slip-fitter Tenon Accessory DDBXD	DSXF1/2TS DDBXD U	*216G5K

NOTES

1. MVOLT driver operates on line voltage from 120-277V.
2. Single fuse (SF) requires 120V, 277V or 347V. Double fuse (DF) requires 208V, 240V or 480V.
3. Also available as accessories; see Accessories information at left.
4. Rated 25C maximum ambient for performance package P2. Specify PEX for higher ambient temperatures.
5. Photocontrol (PE, PEX) requires 120, 208, 240, 277 or 347 voltage option.
6. Must specify 120, 277 or 347 voltage option.

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Performance Data

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Actual performance may differ as a result of end-user environment and application. Actual wattage may differ by +/- 8% when operating between 120-480V +/- 10%. Contact factory for performance data on any configurations not shown here.

Performance Package	System Watts	Dist. Type	Field Angle		Beam Angle		30K (3000K, 70 CRI)			40K (4000K, 70 CRI)			50K (5000K, 70 CRI)		
			°H	°V	°H	°V	Max Cd	Lumens	LPW	Max Cd	Lumens	LPW	Max Cd	Lumens	LPW
P1	21W	NSP	37	38	18	19	16,316	2,601	124	18,039	2,876	137	18,039	2,876	137
		MSP	51	51	27	28	9,908	2,578	123	10,954	2,850	136	10,954	2,850	136
		MFL	60	60	46	45	4,027	2,435	116	4,452	2,692	128	4,452	2,692	128
		FL	84	91	59	72	2,255	2,682	128	2,494	2,965	141	2,494	2,965	141
		WFL	109	101	86	85	1,494	2,766	132	1,652	3,058	146	1,652	3,058	146
		WFR	103	92	80	71	1,809	2,794	133	2,000	3,089	147	2,000	3,089	147
		HMF	124	63	100	48	2,001	2,329	111	2,212	2,575	123	2,212	2,575	123
P2	42W	NSP	37	38	18	19	29,740	4,741	113	32,881	5,242	125	32,881	5,242	125
		MSP	51	51	27	28	18,060	4,699	112	19,967	5,195	124	19,967	5,195	124
		MFL	60	50	46	45	7,340	4,439	106	8,115	4,908	117	8,115	4,908	117
		FL	84	91	59	72	4,111	4,889	116	4,545	5,406	129	4,545	5,405	129
		WFL	109	101	86	85	2,568	4,753	113	3,011	5,573	133	3,011	5,573	133
		WFR	103	92	80	71	3,297	5,094	121	3,645	5,631	134	3,645	5,632	134
		HMF	124	63	100	48	3,647	4,245	101	4,032	4,693	112	4,032	4,693	112

IF REPLACING OLD BELOW	USE NEW BELOW	RECOMMENDED	ALSO CONSIDER
DSXF1 LED 1	DSXF1 LED P1	Summary, customer gets ~ 900 more lumens* at slightly higher watts	---
DSXF1 LED 2	DSXF1 LED P2	Summary, customer gets ~ 1500 more lumens* at higher watts	Consider dropping down to DSXF1 LED P1, however 900 lumens less VS. older design, but at half the watts
DSXF2 LED 3	DSXF1 LED P2	Summary, use size 1-P2 at lower watts, roughly same lumens	If staying with size two, same watts, but 2000 more lumens
DSXF2 LED 4	DSXF2 LED P1	Summary, use size 2-P1 at lower watts, roughly same lumens	---

Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).

Ambient	
0°C	32°F
10°C	50°F
20°C	68°F
25°C	**77°F**
30°C	86°F
40°C	104°F

Projected LED Lumen Maintenance

Data references the extrapolated performance projections for the **DSXF1 LED P2** platform noted in a 25C ambient, based on 10,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-11).

To calculate LLF, use the lumen maintenance factor that corresponds to the desired number of operating hours below. For other lumen maintenance values, contact factory.

Operating Hours	0	25,000	50,000	100,000
Lumen Maintenance Factor	1.0	0.97	0.96	0.95

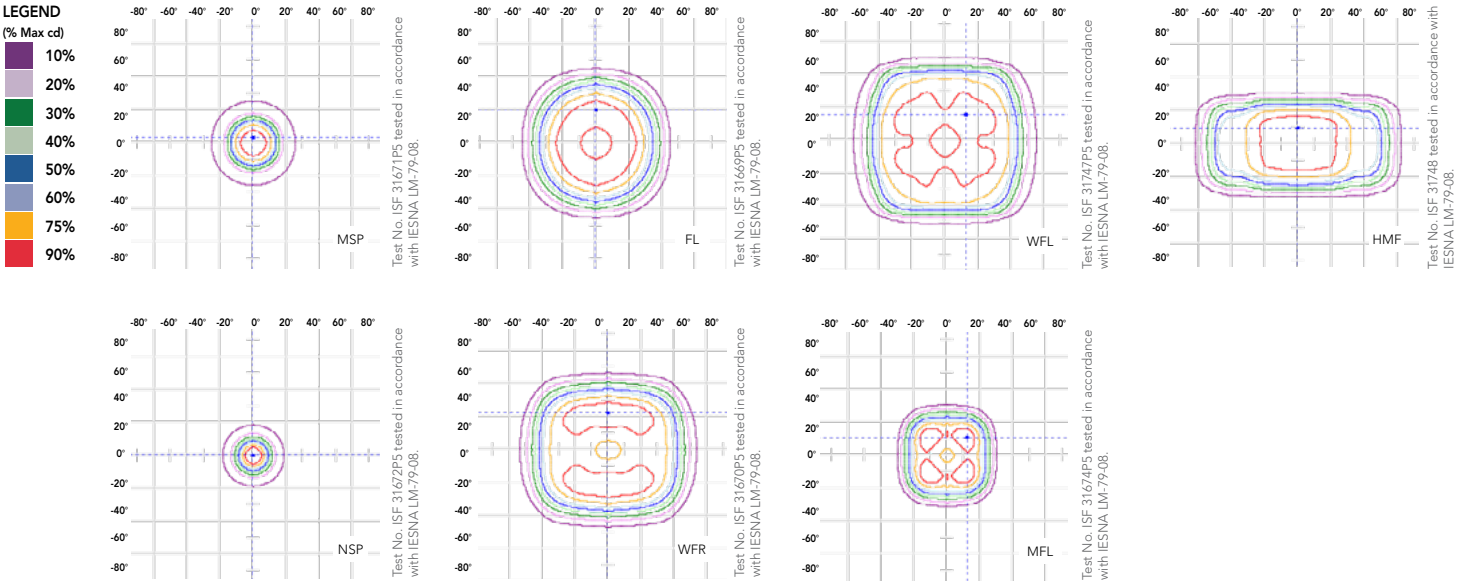
Electrical Load

		Current (A)					
Light Engines	System Watts	120	208	240	277	347	480
P1	21W	0.18	0.1	0.09	0.08	0.07	-
P2	42W	0.35	0.20	0.18	0.15	0.12	-

Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit Lithonia Lighting's D-Series Flood Size 1 homepage.

Isocandela plots for the DSXF1 LED P2 40K.



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Mounting, Options and Accessories

THK - Knuckle with 1/2" NPS threaded pipe

YKC62 - Yoke with SO cord
H= 4-1/4" (10.7 cm)
D= 2-1/4" (5.7 cm)

IS – Integral slipfitter
H= 2-1/2" (6.3 cm)
ID= 2-3/8" (6.0 cm)
OD= 3-1/2" (8.8 cm)

UBV – Upper/bottom visor
W= 5-1/4" (13.3 cm)
H= 2-1/2" (6.3 cm)
D= 3" (7.6 cm)

FV – Full visor
W= 5-1/4" (13.3 cm)
H= 2-1/2" (6.3 cm)
D= 3" (7.6 cm)

VG – Vandal guard
W= 6-1/2" (16.5 cm)
H= 4" (10.1 cm)

FEATURES & SPECIFICATIONS

INTENDED USE
The sleek design of the D-Series Size 1 Flood reflects the embedded high performance LED technology. It is ideal for landscape, signage and accent lighting in many commercial and residential applications.

CONSTRUCTION
Die-cast aluminum housing has integral heat sink fins to optimize thermal management through conductive and convective cooling. The LED driver is mounted in direct contact with the casting to promote low operating temperature and long life. Housing is completely sealed against moisture and environmental contaminants using a tempered glass lens(IP66). Low EPA (0.6 ft^2) for optimized wind loading.

FINISH
Exterior parts are protected by a zinc-infused Super Durable TGIC thermoset powder coat finish that provides superior resistance to corrosion and weathering. A tightly controlled multi-stage process ensures a minimum 3 mils thickness for a finish that can withstand extreme climate changes without cracking or peeling.

OPTICS
A variety of precision-molded vacuum-metallized specular reflectors are engineered for superior target illumination, uniformity and spacing. Light engines are available in 3000K (70 CRI min.), 4000K (70 CRI min.) or 5000K (70 CRI min.) configurations. Optional visors offer additional versatility.

ELECTRICAL
Light engine(s) consist of chip-on-board (COB) LEDs directly coupled to the housing to maximize heat dissipation and promote long life (100,000 hrs, L80). Single-engine unit uses a Class 2 electronic driver; dual-engine unit uses a Class 1 electronic driver. Both drivers have a power factor >90%, THD <20%, and an expected life of 100,000 hours. Standard 6KV surge protection meets a minimum Category C Low operation (per ANSI/IEEE C62.41.2).

INSTALLATION
Integral adjustable knuckle with 1/2-14NPS threaded pipe, tenon slipfitter, or integral slipfitter, facilitates quick and easy installation to a variety of mounting accessories. This secure connection enables the D-Series Size 1 to withstand up to a 1.5 G vibration load rating per ANSI C136.31.

LISTINGS
CSA certified to U.S. and Canadian standards. Luminaire is IP66 rated. Rated for -40°C minimum ambient.

DesignLights Consortium® (DLC) Premium qualified product and DLC qualified product. Not all versions of this product may be DLC Premium qualified or DLC qualified. Please check the DLC Qualified Products List at www.designlights.org/QPL to confirm which versions are qualified.

WARRANTY
5-year limited warranty. Complete warranty terms located at:
www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx.

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.

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LITHONIA LIGHTING®

Catalog Number	OWL 31
Notes	
Type	

Outdoor General Purpose

OLW

LED WALL PACK

NIGHTTIME FRIENDLY™ Consistent with LEED® goals & Green Globes™ criteria for light pollution reduction

DLC QPL LISTED

c UL us LISTED

LED

LED lighting facts LED Product Partner

FEATURES & SPECIFICATIONS

INTENDED USE

Provides maintenance-free general illumination for outdoor use in residential and commercial applications such as retail, education, multi-unit housing and storage. Ideal for lighting building facades, parking areas, walkways, garages, loading areas and any other outdoor space requiring reliable security lighting.

CONSTRUCTION

Sturdy weather-resistant aluminum housing with a dark bronze finish.

High performance LEDs are powered by an MVOLT driver providing 2720 and 3970 delivered lumens at 5000K. 100,000 hours LED lifespan based on IESNA LM-80-08 results and calculated per IESNA TM-21-11 methodology. Fixture is maintenance-free.

Rated for outdoor installations -40°C minimum ambient.

Adjustable Dusk-to-Dawn, photocell standard automatically turns light on at dusk and off at dawn for convenience and energy savings.

Photocell can be disabled by rotating the photocell cover.

OPTICS

Precision-molded acrylic lenses provide optimal luminaire spacing with Type 3 distribution.

Nighttime Friendly™ full cutoff above 90° angle, standard.

INSTALLATION

Wall or arm mount (mounting arm sold separately).

All mounting hardware included.

LISTINGS

UL Certified to US safety standards. C-UL Certified to Canadian safety standards. Wet location listed.

Tested in accordance with IESNA LM-79 and LM-80 standards. DLC qualified product.

WARRANTY

5-year limited warranty. Complete warranty terms located at www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx

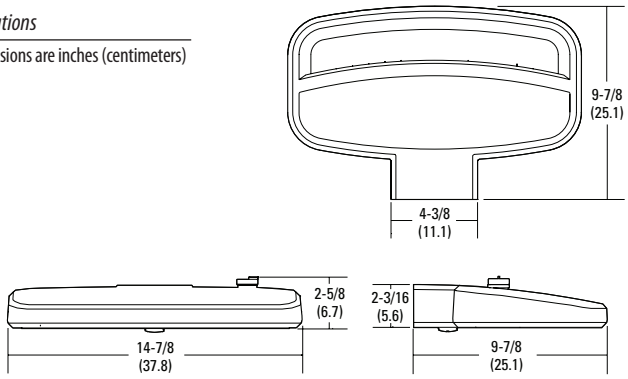
Actual performance may differ as a result of end-user environment and application.

All values are design or typical values, measured under laboratory conditions at 25 °C.

NOTE: Specifications are subject to change without notice.

Specifications

All dimensions are inches (centimeters)



ORDERING INFORMATION For shortest lead times, configure products using **bolded options**.

Example: OLW 23

OLW	31			
Series	**Lumens / Color temperature (CCT)**	**Voltage**	**Features**	**Finish**
OLW LED Wall Light	**23** 2720 delivered lumens / 5000K[1] **31** 3970 delivered lumens / 5000K[1]	**(blank)** MVOLT (120V-277V)	**(blank)** Photocell included	**(blank)** DDB Dark Bronze

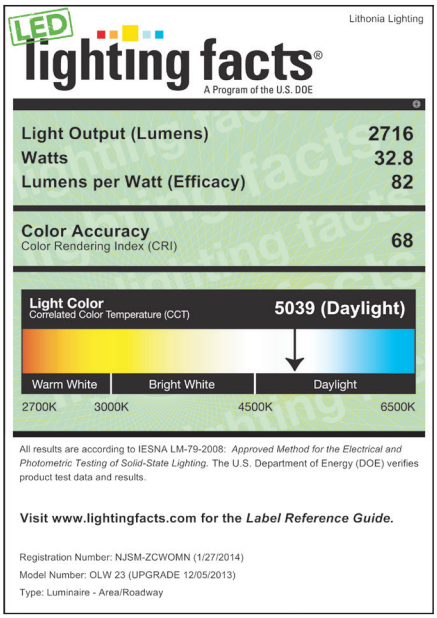
Accessories: *Order as separate catalog number.*	
OMA 18 DDB U	18" Steel mounting arm

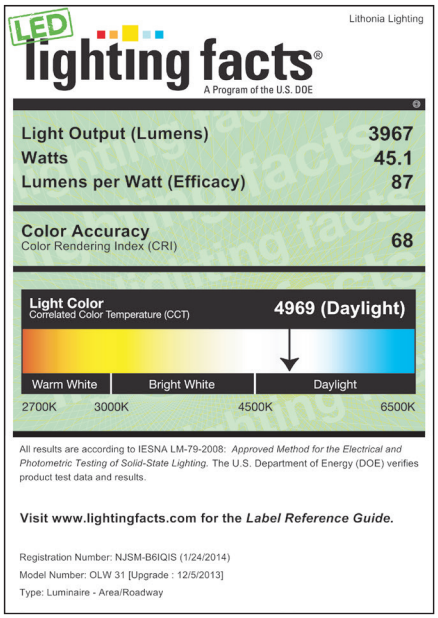
Notes

1 Correlated Color Temperature (CCT) shown is nominal per ANSI C78,377-2008.

PHOTOMETRICS

Full photometric data report available within 2 weeks from request. Consult factory.
Tested in accordance with IESNA LM-79 and LM-80 standards.





LITHONIA LIGHTING®
An AcuityBrands Company
COMMERCIAL OUTDOOR: One Lithonia Way, Conyers, GA 30012 Phone: 800-279-8041 Fax: 770-860-3903 www.lithonia.com
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SITE PLAN REVIEW - STAFF REPORT

Project # 20200119

Planning and Development Department

Submitted on: 4/23/2020

PROJECT ADDRESS: 7315 Zinser Street, WESTON, WI 54476

STAFF DETERMINATION:

APPROVAL EXPIRATION DATE:

RELATED CASES:

GENERAL			
Applicant/Company:	PGA Inc		
Address:	7306 Zinser St Weston WI 54476		
Phone:	715-302-0334	Email:	garyg@pgainc.net
Site Owner:	Eau Claire River LLC		
Address:	7306 Zinser Street 54476		
Phone:	715-302-0334	Email:	garyg@pgainc.net
Engineer/Company:	Nick Bancuk, Marathon Technical Services		
Address:			
Phone:	715-843-7292	Email:	nick@mtsllc.net
General Contractor:	Randy Wanta, Wanta & Sons		
Address:			
Phone:	715-454-6681	Email:	wanta@wanta.com
Architect:			
Address:			
Phone:		Email:	
Landscape:	Revi Design		
Address:			
Phone:		Email:	
Existing Zoning:	General Industrial		
Adjacent Zoning:	NORTH:	General industrial	
	SOUTH:	Agricultural and Residential	
	EAST:	General Industrial	
	WEST:	Agricultural and Residential	
Existing Land Use:	Vacant		
Adjacent Land Use:	NORTH:	Industrial trucking	
	SOUTH:	Vacant	
	EAST:	Pond/vacant	
	WEST:	Commercial use, storage units	
Future Land Use:			

LEGAL DESCRIPTION OF SUBJECT PROPERTY:

SEC 23-28-08 PT OF SW 1/4 SE 1/4 - LOT 2 CSM VOL 83 PG 95 (#17438) (DOC# 1715999)

GENERAL DESCRIPTION OF PROJECT:

Construct an excavation facility along with contractor storage yard. There is a potential for an additional two tenant spaces in the building.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

STAFF ANALYSIS PROVIDED BY:
S.A.F.E.R. DISTRICT (Inspector Christiansen), **EVEREST METRO POLICE DEPARTMENT** (Chief Schultz), **DEPARTMENT OF PUBLIC WORKS** (Michael Wodalski, Director of Public Works), DEPARTMENT OF **PARKS, RECREATION AND URBAN FORESTRY** (Shawn Osterbrink), **DEPARTMENT OF PLANNING AND DEVELOPMENT** (Jennifer Higgins, Director of Planning & Development; Scott Tatro, Building Inspector; Roman Maguire, Property Inspector and Emily Wheaton, Assistant Planner).

STAFF REVIEW COMMENTS HAVE BEEN INCORPERATED BELOW.

DENSITY, INTENSITY AND BUL REGULATIONS: Article 5 **LOT SPECIFICATIONS**		**REQUIRED**	**PROPOSED**
Minimum Lot Size:		40,000 square feet	165,528 square feet
Minimum Lot Width:		100 feet	535 feet
Minimum Street Frontage:		50 feet	535 feet
Minimum Landscape Surface Ratio:		10%	Waiting on landscaping point calculations
Maximum Floor Area Ratio:		1.0%	0.15%
SETBACKS		**REQUIRED**	**PROPOSED**
Principal Structure:	Front / Street Side Yard:	40 feet	34 feet
	Interior Yard:	15 feet	79 and 350 feet
	Rear Yard:	30 feet	30 feet
Accessory Structure:	Rear / Side Yard:	10 feet	No accessory buildings on site
Hard Surface:	Front / Street Side Yard:	10 feet	34 feet
	Interior / Rear Yard:	5 feet	25, 30, and 30.5 feet
Minimum Principal Building Separation:		10 feet	Only one building shown on site plan
Principal Structure Height:		60 feet	Not shown on building elevations –Was shown on Floor Plan Cross Section sheet and was verified by Nick at MTS that the highest point is the parapet are 34 ft
Accessory Structure Height:		35 feet	No accessory buildings on site

LAND USE STANDARDS: Article 4 **Section 94.4.XX**	**PROPOSED**

OVERLAY ZONING STANDARDS: Section 94.6.XX	**PROPOSED**
	There are no overlay districts on property

FLOODPLAIN ZONING STADARDS: Section 94.7.XX	**PROPOSED**
	There are no floodplain on property

SHORELAND ZONING STANDARDS: Section 94.8.XX	**PROPOSED**
	There are no shorelands on property

SHORELAND-WETLAND ZONING STADARDS: Section 94.9.XX	**PROPOSED**
	There are no wetlands on property

DESIGN STANDARDS: Article 10 Section 94.10.03 Design Standards for Non-Residential and Multi-Family Development	PROPOSED
(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).	(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.	(2) This is a new building for commercial use.
(3) **Licensed Architect Required.** All proposed new construction and building additions 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.	(3) The building elevations submitted are not stamped by an architect. However since the use of the property falls under an industrial land use in Section 94.4.08 this requirement is not required.
(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.	(4) The building size (25,000 sq ft) is relative to the surrounding area.
(5) **Building Facade 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).	(5) Changes of building material occur at points related to the overall design of building. Three sides of the building will look similar to the surrounding buildings. The side facing I-29 will have additional design features.
(6) **Building Design Proportions**.	(a) The width and height of the front elevation of compatible with the surrounding buildings.

(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.	(b) This building has larger and more windows than the surrounding area. (c) (d) (e) Yes, this will be met.
(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). The remaining sides shall be matching masonry brick, store or concrete panel for the first 4 feet from the finished floor elevation where abutting an all-weather surface and/or not screened by landscaping. 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 (i) abutting Schofield Avenue, Camp Phillips Road, Weston Avenue, Ross Avenue and/or State Highway 29 or (ii) within the Weston Business and Technology Park or any additions thereto. (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 architecturally finished and decorative versions of such materials if approved by the site plan 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	(a) The applicant received building façade approval from the Plan Commission on June 10th, 2019. (b) The applicant received building façade approval from the Plan Commission on June 10th, 2019. (c) The applicant received building façade approval from the Plan Commission on June 10th, 2019. (d) The applicant received building façade approval from the Plan Commission on June 10th, 2019. (e) N/A

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.	(f) The applicant received building façade approval from the Plan Commission on June 10th, 2019. (g) N/A
(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 exposed fastener systems, metal sheets, panels or 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.	(8) The applicant received building façade approval from the Plan Commission on June 10th, 2019.
(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).	(9) The building is significantly darker than the surrounding area.
(10) **Design.** Building design features, materials and articulations shall be continued in all sides.	(10) The applicant received building façade approval from the Plan Commission on June 10th, 2019.
(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.	(11) The applicant received building façade approval from the Plan Commission on June 10th, 2019.
(12) **Corner Lot Buildings.** Buildings on corner lots shall continue the major front elevation design elements around the corner elevation.	(12) The applicant received building façade approval from the Plan Commission on June 10th, 2019.
(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	(13) N/A

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. All new loading docks shall be screened from public view to the extent practical. No truck canopies with visible wall hangers are permitted.	(14) Per site plan, more desirable façade is on north side of property, along I-29.
(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.	(15) Waste/recycling containers are shown on site plan within the contractor yard. No details are given for refuse container. Applicant states the yard will be fenced in and screened so no additional details will be required at this time.
(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.	(16) Waivers were approved for applicant for fasteners and building materials on June 10, 2019.
LARGE RETAIL/SERVICE STANDARDS: Section 94.10.04	**PROPOSED**
(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.	(1) N/A
(2) **Traffic Impact Analysis.** A traffic impact analysis is required for each Large Retail and Commercial Service Development exceeding 75,000 square feet in total building gross floor area. The traffic impact analysis shall be completed by a consultant approved by the Village and holding appropriate experience and in accordance with the most current revision of the Traffic Impact Analysis Guidelines published by the State of Wisconsin DOT, except as otherwise approved by the Village Engineer. Where the Traffic Impact Analysis indicates that a project may cause off-site public roads, intersections, or interchanges to function below level of service (LOS) C, the Village may deny the application, may require a size reduction in the proposed development, and/or may require the developer to construct and/or pay for required off-site improvements to achieve LOS C for a planning horizon of a minimum of ten years assuming full build-out of the development.	(2) N/A
(3) **Neighborhood Plan.** Applicants for Large Retail and Commercial Service Developments exceeding 75,000 square feet in total building gross floor area shall prepare a neighborhood plan including the subject site and an impact area beyond the boundary of the development site as determined by the Zoning Administrator. The neighborhood plan must be submitted prior to or with the application for conditional use permit. The Zoning Administrator may waive this requirement if	(a) N/A (b) N/A

a neighborhood plan that anticipated the development has already been adopted or if the impact area is already substantially developed. The neighborhood plan shall be of sufficient detail to establish the mix of land uses and their relationship to the Large Retail and Commercial Service Development with regard to provision of street, bicycle/pedestrian, and bus transit connectivity, utilities, stormwater management, and community character, and a general layout that support the objectives of the Comprehensive Plan. The neighborhood plan shall contain the following elements: (a) General types of land use types with specific zoning districts and/or land uses. (b) Transitional treatments such as berms and/or landscaping between areas with differing land uses or character. (c) Complete public road network. (d) Pedestrian and bicycle network. (e) Transit routes and stops, where applicable. (f) Conceptual stormwater management network. (g) Public facility sites including parks, schools, conservation areas, public safety facilities and public utility facilities. (h) Recommendations for community character themes including building materials, landscaping, streetscaping, and signage.	(c) N/A	
	(d) N/A	
	(e) N/A	
	(f) N/A	
	(g) N/A	
	(h) N/A	
(4) **Facilities and Associated Features.** The following requirements are applicable to each Large Retail and Commercial Service Development, in addition to other applicable standards in this Chapter: (a) **Building Location.** Where buildings are proposed to be distant from a public street, as determined by the Plan Commission, the overall development design shall include smaller buildings on pads or secondary lots closer to the street. Placement and orientation must facilitate appropriate land use transitions and appropriate traffic flow to adjoining roads, and neighboring commercial areas and neighborhoods, and must forward any community character objectives in the Comprehensive Plan. (b) **Building Materials.** Exterior building materials shall be of comparable aesthetic quality on all sides. Building materials such as glass, brick, tinted and decorative concrete block, wood, stucco, and exterior insulation and finish systems (EIFS) shall be used, as determined appropriate by the Plan Commission. Decorative architectural metal with concealed fasteners or decorative tilt-up concrete panels may be approved if incorporated into the overall design of the building. See Figure 10.04(1). (c) **Building Design.** The building design shall complement other buildings in the vicinity, meet Section 94.10.03(6), and include the following (see also examples in Figure 10.04(1)): 1. The building shall employ varying setbacks, heights, roof treatments, doorways, window openings, and other structural or decorative elements to reduce apparent building size and scale.	(a) N/A	
	(b) N/A	
	(c)	1. N/A
		2. N/A
		3. N/A
		4. N/A
		5. N/A
		6. N/A
		7. N/A

2. A minimum of 20 percent of the structure's facades that are visible from a public street shall employ actual protrusions or recesses with a depth of at least four feet. No uninterrupted facade shall extend more than 100 feet. 3. A minimum of 20 percent of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being four feet or more as measured eave to eave or parapet to parapet. 4. Roofs with particular slopes may be required to complement existing buildings or otherwise establish a particular aesthetic objective. 5. Ground floor facades that face public streets shall have arcades (a series of outdoor spaces located under a roof or overhang and supported by columns or arches), display windows, entry areas, awnings, or other such features along no less than 50 percent of their horizontal length. The integration of windows into building design is required, and shall be transparent, clear glass (not tinted) or spandrel glass between three to eight feet above the walkway along any facades facing a public street. The use of blinds shall be acceptable where there is a desire for opacity. 6. Building facades shall include a repeating pattern that includes no less than three of the following elements: (i) color change, (ii) texture change, (iii) material modular change, (iv) expression of architectural or structural bay through a change in plane no less than 24 inches in width, such as an offset, reveal or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically. 7. All buildings on secondary lots or sites within the development shall be of architectural quality comparable to or exceeding that of the primary building. (d) **Building Entrances.** Public building entryways shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns. Two or more of the following design features shall be incorporated into all public building entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, outdoor patios, display windows, distinct architectural details. (e) **Building Colors.** Building facade colors shall be non-reflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, fluorescent colors or black on facades shall be prohibited. Building trim and architectural accent elements may feature bright colors or black, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on signage. See Figure 10.04(1) for examples. (f) **Screening.** 1. All ground-mounted and wall-mounted mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials complementing those used on the building exterior.	(d) N/A	
	(e) N/A	
	(f)	1. N/A
		2. N/A
		3. N/A
		4. N/A
	(g)	1. N/A
		2. N/A
		3. N/A
	(h)	1. N/A
		2. N/A
		3. N/A
	(i)	1. N/A
		2. N/A
		3. N/A
		4. N/A

2. All rooftop mechanical equipment shall be screened by parapets, upper stories, or other areas of exterior walls or roofs so as to not be visible from public streets adjacent or within 1,000 feet of the subject property. Fences or similar rooftop screening devices may not be used to meet this requirement. 3. Loading docks shall be completely screened from surrounding roads and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls, which match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above. 4. Gates and fencing may be used for security and access, but not for screening, and they shall be of high aesthetic quality.	5. N/A 6. N/A
(g) **Parking.** 1. Parking lots in which the number of spaces exceeds the minimum number of parking spaces required for the specific use or uses in Article 4 by more than 50 percent shall be allowed only with specific justification based on actual parking demand for similar uses in other locations. 2. Parking lots shall be designed to create distinct parking areas of not more than 120 parking stalls each through use of landscaped and curbed medians or other approved techniques. 3. Each landscaped island or peninsula shall contain a minimum of 360 square feet in landscaped area. Landscaped islands or peninsulas shall be spaced at intervals no greater than one island per every 20 spaces in that aisle.	(j) N/A
(h) **Vehicular Access.** 1. All such projects shall have direct access to an arterial or collector street. 2. Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length, width, design, location, and number; traffic control devices; and sidewalks. 3. The site design shall provide direct vehicular connections to adjacent land uses if required by the Village.	(k) N/A
(i) **Bicycle and Pedestrian Facilities.** 1. The development shall provide for safe pedestrian and bicycle access to all uses, and connections to existing and planned public pedestrian and bicycle facilities and adjacent properties. 2. Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or pedestrian/bike facilities. The minimum width for sidewalks adjacent to buildings shall be eight feet; and the	(l) N/A (m) N/A (n) N/A

minimum width for sidewalks elsewhere in the development shall be five feet. 3. Sidewalks other than street sidewalks or building aprons shall have adjoining landscaping along at least 50 percent of their length. 4. Crosswalks shall be distinguished from driving surfaces to enhance pedestrian safety by using different materials, or colors, or textures, and signage. 5. The development shall provide secure, integrated bicycle parking at a rate of one bicycle rack space for every 50 vehicle parking spaces. 6. The development shall provide exterior pedestrian furniture in appropriate locations at a minimum rate of one seat for every 20,000 square feet of gross floor area.	(o) N/A
(j) **Central Areas and Features.** Each such development exceeding 75,000 square feet in total building gross floor area shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated areas or focal points that adequately enhance the development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and shall be maintained over the life of the building project.	(p) N/A
(k) **Cart Returns.** A minimum of one 200-square foot cart return area shall be provided for every 100 parking spaces. Cart corrals shall be of durable, non-rusting, all season construction, and shall be designed and colored to be compatible with the building and parking lot light standards.	(q) N/A
(l) **Outdoor Display Areas.** Exterior display areas shall be permitted only where clearly depicted on the approved site plan. All exterior display areas shall be separated from motor vehicle routes by a physical barrier visible to drivers and pedestrians, and by a minimum of ten feet.	(r) N/A
(m) **Outdoor Storage Uses and Areas.** Exterior storage structures or uses, including the parking or storage of service vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, fork lifts, trash, recyclables, and all other items shall be permitted only where clearly depicted and labeled on the approved site plan. Such outdoor storage uses and areas shall be appropriately screened. (n) **Landscaping.** On-site landscaping shall be provided at time of building occupancy and maintained per the requirements of Article 11. (o) **Lighting.** On-site exterior lighting shall meet all the standards of Section 94.12.11. In addition, the color and design of pole lighting standards shall be compatible with the building and the public lighting in the area, and shall be uniform throughout the entire development site.	(s) N/A

(p) **Signage.** In addition to meeting the applicable requirements of Article 13, a signage plan for all exterior signage shall be provided for coordinated and complimentary exterior sign locations, configurations, and colors throughout the development, including secondary lots within the development. Combined signs for multiple users may be required instead of multiple individual signs. (q) **Natural Resources Protection.** Natural resources shall be protected in accordance with this Chapter and State and Federal regulations. In general, existing natural features shall be integrated into the site design as a site and community amenity. (r) **Relationship to Existing Sites.** Where such a building is proposed as a replacement location for a business already located within the Village, the Village prohibits any privately imposed limits on the type or reuse of the previously occupied building through conditions of sale or lease. (s) **Development Agreement.** The developer may be required to enter into a development agreement with the Village, which may address fees, off-site improvements, and other matters to assure compliance with conditional use permit approval conditions. (t) **Exceptions.** In the event the applicant desires a waiver or modification from the requirements of this Section, the applicant shall present justification for such deviation or exception, which may be approved or denied by the Plan Commission.	(t) N/A

LANDSCAPING: Article 11 Section 94.11.02 Landscaping Requirements	Proposed	Required Points	Proposed Points
(1) **Applicability.** Any use for which site plan approval is required under Section 94.3.03(10) shall provide landscaping in accordance with the requirements of this Section, including expansion, renovation, and redevelopment of existing buildings and sites. Where the predecessor zoning ordinance, or a Village zoning decision under that ordinance, required landscaping which have not been satisfactorily installed or maintained, the property owner shall be required to install or restore such landscaping. Where the appropriate site plan approval authority under Section 94.16.09 determines that full compliance with the requirements of this Section is impractical, the approval authority may require compliance to the extent it determines practical. Such a determination of "impracticality" may be based on one or more of the following conditions: (a) Preexisting buildings or impervious services, and/or insufficient lot area, do not provide sufficient green space for full compliance. (b) Village stormwater management or easement requirements do not provide sufficient area for full compliance. (c) A redevelopment project would otherwise be infeasible, based on financial information provided by the applicant. (d) Full compliance would result in a plan in which landscaping would, by maturity, interfere with or compete with one another for survival and may therefore require removal at a later date. (e) Where a proposed addition does not exceed 50% or the original building or hard surfaced area size. In such cases, the quantitative landscaping standards shall be met in proportion to the size of the addition as compared to the original building or hard surfaced area.	(1) A landscaping plan was submitted.		
(2) **Required Landscape Plan and Preparer Qualifications.** All proposed landscape plantings to be located on the subject property shall be depicted on a landscape plan as to their location, type, and size at time of planting and maturity. All landscape plans required under this Article shall be prepared by a licensed landscape architect, certified landscape designer, or another professional or individual skilled in landscape design as determined by the Zoning Administrator.	(2) A landscaping plan was submitted by a professional landscape design firm.		
(3) **Landscape Planting Requirements.** Landscaping shall be provided based on the following requirements for street frontages, hard or gravel surfaced areas, building foundations, bufferyards (where applicable), and general yard areas. These requirements are additive to each other and any other landscaping or screening requirements in this Chapter. By approval of the applicable site plan approval authority, required landscaping points may be shifted between areas (e.g., hard surfaced areas to building foundations). The landscaping point system is described in greater detail in subsection (4), below.	(3) A landscaping plan was submitted.		
(a) **Street Frontages.** Street trees shall be planted in accordance with the following standards (see also example in Figure 11.02(1)):	1. Road frontage is 535 feet	11 trees	11 trees

1. The total number of street trees shall be equal to or exceed the ratio of one for each 50 feet of street frontage, minus widths of proposed or existing driveways. 2. Trees shall be planted in the right-of-way along all streets no closer than ten feet from driveways, street signs, fire hydrants, and other above-ground utilities, and 50 feet from the corner of an intersection, as measured from the right-of-way lines extended. 3. When conditions are such that the required spacing cannot be satisfied in the right-of-way or, if in the opinion of the Zoning Administrator the right-of-way is not wide enough to support tree growth, street trees under this subsection shall be planted within the first ten feet inside the sidewalk line. 4. The unpaved portion of a public right-of-way abutting a parcel shall be sodded with a salt tolerant grass equivalent to a mixture containing 30 percent alkali grass. 5. Tree or shrub planting in any public right-of-way or on any public land in the Village shall be governed by Chapter 90 of the Code.	2. Yes, this will be met		
	3. N/A		
	4.		
	5.		
(b) **Hard and Gravel Surfaced Areas.** Within industrial zoning districts, 100 points of landscaping shall be planted for each 2,500 square feet of hard and gravel surfaced area, not including rooftops. Within all other zoning districts, 100 points of landscaping shall be planted for each 1,500 square feet of hard or gravel surfaced area, not including rooftops. Plants required under this subsection shall be installed within landscaped islands within the hard or gravel surfaced area or within 15 feet of its edges, and shall include large deciduous trees unless otherwise approved by the appropriate site plan approval authority. See example in Figure 11.02(2).	(b) Hardsurface is 88,110 sq ft	3,524.40	625
(c) **Building Foundations.** Within industrial zoning districts, 100 points of landscaping shall be planted for each 50 lineal feet of exterior building wall that is visible from a public right-of-way or residentially zoned property. Within all other zoning districts, 100 points of landscaping shall be planted for each 75 lineal feet of exterior building wall. Plants required under this subsection must be installed within 20 feet of the building foundation, and shall not include large deciduous shade trees. See example in Figure 11.02(3).	(c) The building is 250 ft x 100. Total lineal feet is 350 feet.	700	573
(d**) Bufferyards.** A bufferyard is a landscaped area, berm, fence, and/or wall that results in a reduction of visual and other interaction with an adjoining property. A bufferyard shall be provided if required for a particular land use listed in Article 4, and where otherwise required via site plan approval under Section 94.16.09. Where required, bufferyards shall comply with the following. 1. The minimum width of a bufferyard shall be 25 feet, unless reduced by the site plan approval authority if it determines that a lesser width is adequate to separate incompatible uses/activities or is necessary owing to site constraints beyond the control of the owner.	1. N/A		
	2. N/A		

2. No building, parking lot, loading area, motor vehicle circulation area, trash storage area, or outdoor storage area shall be permitted in a required bufferyard. 3. Landscaping within bufferyards shall be selected, positioned, and planted in sufficient quantities to provide an all-season screen within five years of planting and have a minimum height of three feet at time of planting. See example in Figure 11.02(4). Such landscaping shall not count towards any other frontage, hard or gravel surfaced area, building foundation, or general yard area planting requirement of this Article. 4. The use of a decorative opaque fence or wall, and/or a berm, in lieu of or in addition to the landscaping may be approved by the site plan approval authority, provided the slope of any berm is less than 4:1; the berm, fence or wall does not interfere with access, utilities, or stormwater management.	3. N/A 4. N/A		
(e) **General Yard Areas.** Within industrial zoning districts, 100 points of landscaping shall be planted for each 4,000 square feet of total lot area, excluding those areas under a rooftop, hard or gravel surfaced area, required bufferyard, or being reserved for a future phase of development. Within all other zoning districts, 100 points of landscaping shall be planted for each 2,500 square feet of total lot area, excluding those areas under a rooftop, hard or gravel surfaced area, required bufferyard, or being reserved for a future phase of development. Landscaping required by this standard shall be placed where appropriate on the site to maximize visual impact of landscaping, such as in a front or street side yard or adjacent to other uses.	(e) Total lot area - 165,528 square feet Building area – 25,000 square feet Hard surface – 88,110 square feet General yard = 52,418 square feet	1,310.45	0
(f) **Other Green Space Areas.** Green space areas not used for landscape plantings, other than natural resource protection areas, shall be graded and sodded or seeded with a maintainable seed mix. Organic or natural mulch of plantings or planting beds is acceptable, but shall be installed so it does not erode, fall, be plowed, or otherwise transported into walks, drives, streets, or other hard-surfaced portions of the site.	(f)		
(4) **Landscaping Points and Minimum Installation Sizes.** Most of the above landscaping requirements are expressed in terms of landscape points. Each plant type, below, is worth a certain number of landscape points that can be used to fulfill the landscaping requirements. Minimum permitted installation sizes for each plant category are provided to ensure that landscaping provides its aesthetic and screening functions at the time of installation and to improve survival rates. The schedule of landscaping points and minimum permitted installation sizes is as presented in Figure 11.02(7).	(4)		
(5) **Prohibited and Discouraged Species.** (a) The following species are prohibited in the public right-of-way, within 10 feet of any lot line or parking lot perimeter, and in parking lot islands: 1. Ailanthus (Tree of Heaven). 2. American Elm, and any other species of elm not resistant to Dutch Elm Disease 3. Ash (all varieties, until threat of emerald ash borer is eliminated) 4. Buckthorn (common or glossy)	(5) The landscaping plan includes Red Maple, a prohibited species.		

5. Black Locust 6. Box Elder 7. Catalpa 8. Cottonwood (except along water edges) 9. European White Birch 10. Fruit-bearing Trees (excluding crabapples) 11. Honeysuckle 12. Lombard Poplar 13. Mulberry 14. Red Maple 15. Russian Olive 16. Siberian Elm 17. Silver Maple 18. Walnut 19. Willow (except along water edges). 20. Other weak-wooded tree species or species that deposit a significant number of twigs, seed pods, fruits, nuts, and/or other debris, as determined by the Zoning Administrator. (b) Evergreen trees are prohibited within the public right-of-way.	
(6) **Existing Plant Materials**. A reasonable attempt shall be made to preserve as many existing trees as is practicable and to incorporate them into the landscape plan, including techniques for preservation. In instances where healthy plant materials of acceptable species, as determined by the Village, exist on a site prior to its development, the application of the standards in this section may be adjusted by the Village to allow credit for such material, provided that such adjustment is consistent with the intent of this Article.	(6) There is not existing vegetation on site besides grasses.
(7) **Installation.** All landscaping required under this Section shall be installed consistent with Village standard specifications and industry accepted standards, and shall be guaranteed by the applicant or the applicant's contractor for three years. Street terrace trees shall be balled and burlapped. All landscape beds shall be edged in accordance with industry best practices Installation shall occur prior to occupancy or commencement of operations, unless doing so would result in unsatisfactory plant survival. In this case, landscaping shall be installed within six months of occupancy or commencement of operations, and the Village may require a performance guarantee, such as a bond, cash deposit or letter of credit, before a permit or certificate for building occupancy is granted and until such landscaping is installed according to plan. (a) A single tree species may not exceed twenty percent (20%) of all the tree species proposed to be planted on a single site.	(7) This should be met.
(8) **Maintenance.** Landscaping required by this Section is intended to be a permanent site improvement. As such, all landscaping shall be continually maintained in a live state. Maintenance shall include periodic and timely watering, irrigation where necessary, replenishment of mulch, weeding, fertilizing, pruning and any other such normally required horticulture activity necessary to keep all landscaping in a healthy, safe and aesthetically pleasing state. Recognizing that over time plants may mature and die or otherwise expire because of natural or unnatural causes; maintenance shall also include the removal and replacement of dead or dying plants. Such replacement shall occur within the same year in which a	(8) This should be met.

plant dies or in the spring planting season of the following year. Landscaping shall also be subject to applicable maintenance standards with Section 50.102 of the Code.	
(9) **Location in Utility Easements.** Planting in utility easements is at the risk of the property owner. Any plants that must be removed because of utility work within such easements shall be replaced by the property owner at his or her cost.	(9) This will be met.
94.11.03 Lawn Care, Alternative Groundcover and Preservation of the Topography	
(1) **Lawn Care and Alternative Groundcover.** Care of lawns, gardens, and natural areas shall comply with the requirements of Section 50.102(h) of the Code	(1) This will be met
(2) **Preservation of Topography.** (a) With development of any land, effort shall be maintained to preserve pre-existing topography to the extent practical and consistent with safe, efficient, and attractive land development. (b) No structure shall be built that would alter the existing drainage or topography in any way as to adversely affect the adjoining property(ies). (c) In no case shall any slope exceed the normal angle of slippage of the material involved. (d) No change in existing topography shall be made that would result in increasing the slope of any land within a distance of 20 feet from a property line to a ratio greater than four horizontal to one vertical (maximum 4:1 slope).	(2) Requirement met.

GENERAL PERFORMANCE STANDARDS: Article 12 94.12.03: Fences, Landscape Walls and Hedges.	PROPOSED
(a) **Traffic Visibility.** All fences, walls, and hedges must comply with the vision clearance requirements of Section 94.12.08(12). (b) **Access.** No fence shall be considered a hardship to access a rear yard, for purposes of storage of vehicles or other purposes in this Chapter.	(a) A fence is proposed; however, no specs have been provided for the proposed fencing. In talking with the owner the fence will be chain link with landscaping fabric.
(d) Fences within all Non-residential Zoning Districts, Except for Residential Fences Located There 1. Fences, walls, and continuous hedges not exceeding ten feet in height are permitted. Such fence, wall, or continuous hedge shall be set back a minimum of two feet from any front or street side property line. 2. Fences, walls, or continuous hedges may be required for screening particular land uses per Article 4 and Section 94.11.02(3)(d).	(b) A fence is proposed; however, no specs have been provided for the proposed fencing. In talking with the owner the fence will be chain link with landscaping fabric.
(g) **Permanent Fence Appearance.** For each permanent fence with a more finished or a more decorative (non-structural) side, such side shall face toward the adjoining property or right-of-way. Residential fences in a front or street side yard shall be of semi-open designs, such as vertical picket, weaved lattice, or wrought iron bars. Each permanent fence shall be of consistent design and color, and color shall be compatible with the predominant color of the principal building on the same lot.	(d) A fence is proposed; however, no specs have been provided for the proposed fencing. In talking with the owner the fence will be chain link with landscaping fabric.
	(g) A fence is proposed; however, no specs have been provided for the proposed fencing. In talking with the owner the fence will be chain link with landscaping fabric.
(h) **Construction and Maintenance.** All fences, landscape walls, or decorative posts shall be constructed and maintained in a structurally sound and attractive manner per manufacturer's instructions. Living hedges must be trimmed so that all limbs remain entirely within the property. Each fence shall be built and maintained with a single material and a single color for its full length.	(h) A fence is proposed; however, no specs have been provided for the proposed fencing. In talking with the owner the fence will be chain link with landscaping fabric.
94.12.06(2): Exterior Storage Standards.	
(a) All exterior (outside) storage of recyclable and non-recyclable containers, within multi—family dwellings and non-residential facilities and properties (all land uses other than "Single-Family Detached Residence", "Two-Family Residence", and "Agricultural Use"), shall be placed and maintained within a three-sided enclosure and enclosed on the fourth side with a gate to contain garbage, refuse, waste, recycling, and other debris. The enclosure shall further meet all of the following requirements: 1. Subject to accessory structure setback requirements included in Figures 5.01(2) and 5.02(2). 2. Must be at least 10 feet from any combustible walls, openings, or combustible roof eave lines, as per NFPA 1 (most recent addition). 3. Not placed in any minimum required front or street side yard. 4. Must be placed to the interior side or rear of the principal structure, unless such a location is not possible in the determination of the Zoning Administrator. 5. Must be a minimum of 30-feet long by 10-feet wide. 6. Must be 8-feet tall. 7. Placed on a permanent hard surface.	(a) 1. Location of trash and recycling receptacles are shown on site plan, however no specs were provided. It will be behind the screened yard so no specs needed at this time.
	2. Yes, will be 10 feet away from other structures.
	3. Yes, is not placed in front or street side setbacks.
	4. Yes, it is located to the rear of the building.
	5. No specs were provided of trash and recycling receptacles. It will be behind the screened yard so no specs needed at this time.
	6. No specs were provided of trash and recycling receptacles. It will be behind the screened yard so no specs needed at this time.
	7. No specs were provided of trash and recycling receptacles. It will be behind the screened yard so no specs needed at this time.
	8. No specs were provided of trash and recycling receptacles. It will be behind the screened yard so no specs needed at this time.
	9. No specs were provided of trash and recycling receptacles. It will be behind the screened yard so no specs needed at this time.

8. The recyclable and non-recyclable containers shall be fully screened and not visible from public rights-of-way and adjacent properties from the ground level; the screening shall consist of a solid fence constructed of masonry, commercial grade wood fencing, or other commercial grade material approved by the Zoning Administrator. Chain link fences and gates with slats are not permitted for this purpose. 9. This fence shall be constructed in such a manner so as to prevent paper, debris, and other refuse material from being blown through the fence. 10. The Village's Refuse and Recycling Site Application must be submitted and approved by the Village prior to installation. The owner shall provide proof to the Zoning Administrator, from the owner's contracted solid waste/recycling hauler, that the design provides safe and reasonable access to the hauler to provide the contracted service. (b) The site plan approval authority, or Zoning Administrator in the case where the project does not require site plan approval under this chapter, may waive or modify one or more requirements in subsection (a). Such waiver or modification may be provided only if the authority or Administrator determines that the intent of the ordinance requirement(s) will be met in another way and that the reduction is not contrary to the public interest, the purpose of this chapter, and the purpose of the associated zoning district. (c) The exterior storage of non-recyclable and recyclable material, and associated containers and enclosures, which are not in compliance with this subsection as of March 18, 2015, shall have one year from such date to comply.	10. No application was submitted. Parker provided via email to owner on 5/8 (b)Landscaping building foundation requirements along Zinser St should be waived. Owner owns lot across the street and has discussed vacating the street there. Waive additional requirements of Sec 94.11.02 (b) Hard and Gravel Surfaced Areas, (c) Building Foundations, and e) General Yard Areas. Current landscape is fine with what is proposed to STH 29 side. Just need to change out the restricted red maples to something else. Per Parks Dept, red maples do not do well here as street trees so they have been restricted. Applicant is purchasing additional land and new landscape plan will be submitted at that time to meet the additional yard addition. (c) N/A
(3) **Motor Vehicle Storage.** Except in AR and RM zoning districts, storage of operable and licensed motor vehicles shall be on a hard or gravel surface. No motor vehicle in any zoning district shall be stored within the minimum hard or gravel surface setbacks of Article 5. All motor vehicle storage areas shall be landscaped in accordance with Article 11. Storage or parking of semi-trailers, busses and heavy duty trucks on property zoned or used for residential purposes is prohibited.	(3) This will be met.
(4) **Inoperable Vehicles and Junk.** The outside storage of inoperable or unlicensed vehicles, appliances, and other junk or trash shall be prohibited, except as described within the "Junkyard or Salvage Yard" and "Outdoor and Vehicle Repair and Maintenance" land uses performance standards and for those uses approved in accordance with the requirements of this Chapter. The storage of inoperable vehicles in association with said uses shall be on a hard or gravel surface meeting the applicable hard surface setback requirements; and is also subject to the regulations set forth in Section 50.105 of the Code.	(4) This will be met.

(5) **Construction Materials and Equipment Related to On-site Construction.** Except within agricultural zoning districts, all temporary storage of construction materials and equipment related to on-site construction shall be set back a minimum of three feet from any interior side or rear property line, and outside of any front or street side yard unless provided site plan approval under Section 94.16.09.	(5) N/A
94.12.08: Access and Driveway Standards.	
(4) **Distance from Property Line.** The distance from an access drive or parking lot to the property line shall not be less than the minimum associated setback for hard and graveled surface areas in Figures 5.01(2) and 5.02(2), except in case of approved shared driveways, hared parking lots and cross-access ways.	(4) This will be met.
(5) **Width of Driveway.** All openings for access drives onto public streets shall adhere to the widths as specified in Chapter 71 of the Code.	(5) The driveway widths are 31 and 40 feet respectively.
(6) **Traffic Control.** Traffic into and out of all off-street parking, loading and traffic circulation areas serving six or more parking spaces shall be forward moving, with no backing into streets or pedestrian ways.	(6) There will be no backing into streets.
(7) **Surfacing.** Driveway surfacing shall be per Section 94.12.09(6)(a).	(7) The main driveway will be asphalt. The secondary driveway is proposed concrete which will serve as a tracking pad for the gravel yard.
(8) **All Garages to be Served by Driveways**. All garages intended for vehicle parking shall be served by a driveway extending from the garage to the curb or street edge. Where such driveway(s) meets the garage, the width shall be, at minimum, the width of all garage door openings.	(8) N/A
(9) **Installation Timing**. Except for apron sections within public rights-of-way, no residential driveway shall be constructed until the owner has been issued a building permit for the residence. Each residential driveway shall be constructed prior to occupancy of the associated dwelling, except in cases when construction of the dwelling is completed between December 1st and March 31st. In such cases, driveways must be installed no later than June 1st following occupancy.	(9) N/A
(10) **Provision for Sidewalk.** Where there is existing curb and gutter street, sidewalks shall be installed for all new construction and substantial remodels, which exceed 50% of the assessed value, of a structure, regardless if a sidewalk is present on either side of said project, in accordance with the Village's Complete Streets Policy. Where the construction project or remodel does not exceed 50% of the assessed value then all driveways, new or existing, shall accommodate a 5-foot wide concrete sidewalk section within the public right-of-way, built to Village sidewalk standards, to maintain connection with existing sidewalks or to allow for the connection of future sidewalks on either side of the driveway. Plan Commission may waive the above stated provisions under the following circumstances: (a) The Village Capital Improvement Plan and/or sidewalk and trail planning maps, or similar planning documents do not include sidewalks within the project neighborhood; or (b) The Director of Public Works has determined that future sidewalk grades cannot be determined or; (c) The Director of Public Works has determined that substantial grading of the area between the curb and the right-of-way line is required for both the subject parcel and both neighboring parcels.	(10) There is no curb and gutter along Zinser Street. Sidewalk is not required to be installed.

(11) **Maintenance.** All driveways shall be maintained so as to prevent the transport of gravel, dirt, or other material from the property into the public right-of-way.	(11)
(12) **Vision Clearance Triangles.** Within vision clearance triangles, no signs, structures, earthwork, vegetation, or other obstructions between 18 inches and ten feet in height shall be permitted, except for tree trunks and sign poles. The vision clearance triangle shall apply where public streets intersect, and where private driveways and alleys intersect with public streets, per the following standards (as also represented in Figure 12.08).	(12) This will be met.
94.12.09: Off-Street Parking and Traffic Circulation Standards.	
(3) **Use of Off-Street Parking Areas; Snow Storage**. Except as otherwise allowed below, the use of all off-street parking areas shall be limited to the parking of licensed and operable vehicles not for lease, rent, or sale. Within residentially zoned property, only licensed and operable cars and trucks with a rated gross vehicle weight of 26,000 pounds or less shall be parked or kept in parking areas or any other exterior location. The use of parking spaces and their circulation areas for purposes such as seasonal sales and snow storage shall be permitted only if sufficient parking spaces remain available to meet the parking requirements of this chapter and normal traffic and pedestrian movement and safety is not impeded.	(3) This will be met.
(4) **Traffic Circulation and Traffic Control.** Site circulation shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and on the site. Circulation shall be provided to meet the individual needs of the site with specific mixing of access and through movements, and where required, shall be depicted on the required site plan. Circulation patterns and traffic control measures shall conform to the general rules of the road and the requirements of the Manual of Uniform Traffic Control Devices.	(4) This will be met.
(5) **Installation and Maintenance of Off-Street Parking and Traffic Circulation Areas.** All off-street parking and traffic circulation areas shall be completed prior to building occupancy and shall be maintained in a dust-free condition at all times.	(5) This should be met.
(6) **Off-Street Parking and Traffic Circulation Design Standards.** (a) Surfacing. All off-street parking, driveway, and traffic circulation areas constructed after March 18, 2015, including residential driveways, shall be surfaced and continuously maintained with a hard surface as defined in Section 94.17.04, except that gravel, crushed stone, or a similar material is permitted for: 1. Agricultural uses. 2. Driveways in rural and open space zoning districts, where the intersecting road is gravel or the driveway is greater than 50 feet in length. 3. Emergency access driveways where required or approved by the Zoning Administrator. 4. Lightly traveled service drives for non-residential uses where included as part of an approved site plan under	(a) The off street parking is proposed to be asphalt. There is gravel parking proposed for heavy equipment storage. (b) The parking stalls are proposed to be 10 feet wide.

Section 94.16.09, and where in the Village at least the first 50 feet connecting to a public street is hard surfaced. In cases where gravel or crushed stone is permitted under one of the above exceptions, the portion of the driveway within the public street right-of-way shall be hard surfaced, except where serving agricultural uses, where the intersecting public road is gravel surfaced, or for uses outside of non-residential and mixed use zoning districts in the ETZ area. Where any gravel or crushed stone driveway exists, the Village Public Works Director may require a hard surface tracking pad adjacent to the public street right-of-way, or other remedial action, if he or she determines that gravel or stone is being tracked into the public street. (b) Marking. All hard-surfaced areas intended for six or more parking stalls shall be striped in a manner that clearly indicates the boundaries of required parking spaces. (c) Curbing. For developments that require site plan approval under this Chapter, construction of curb and gutter shall be required around all parking, driveway, and other vehicular access areas and landscaped islands and peninsulas. The site plan approval authority may modify this standard to facilitate a unique stormwater management approach or condition, for lightly traveled service drives, at the edges of a phase of development of a parking area, for material or snow storage areas, or for approved gravel surfaced areas. (d) Lighting. All off-street parking and traffic circulation areas serving six or more cars shall be lit so as to ensure the safe and efficient use of said areas during the hours of use, with said illumination level shall not exceed the standards of Section 94.12.11. (e) Access. Each required off-street parking space shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space without directly backing or maneuvering a vehicle into a public right-of-way. All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner that least interferes with traffic movements. Off-street parking spaces for residential uses may be stacked or in front of one-another for the same dwelling unit. Parking spaces located behind an enclosed garage and located directly off a through aisle shall be a minimum of 30 feet deep. (f) Signage. All signage located within, or related to, required off-street parking or traffic circulation areas shall comply with the requirements of Article 13. (g) Handicapped Parking Spaces. Parking for the handicapped shall be provided at a size, number, location, and with signage as specified by State and Federal regulations.	(c) There is no curb and gutter shown on the site plan. (d) A lighting plan has been submitted which meets code. (e) This will be met. (f) Signage has not been shown on the site plan and will need to be submitted separately through the sign permit process. Anything along STH 29 will need DOT approvals also. (g) This has been designated on the site plan. (h) The parking stall dimensions are 10 x 20 feet

(h) Dimensional Standards. Other than parking required to serve the handicapped, the minimum required length of parking spaces shall be 18 feet and the minimum required width is 10 feet (8½ feet for end spaces). All parking spaces shall have a minimum vertical clearance of 8 feet. Horizontal widths for driveways serving parking spaces shall be no less than 24 feet for two-way driveways and 12 feet for one-way driveways, except that wider driveways may be required for loading and service routes. (i) Landscaping Standards. Parking lot landscaping shall comply with the requirements of the hard and gravel surface area landscaping requirements in Section 94.11.02(3)(b).	(i) This shall be met.
(7) **Calculation of Minimum Required Parking Spaces.** The minimum number of required parking spaces is stated for each land use in Article 4. A garage stall shall be considered a parking space.	(7) Required: 1 stall for every employee on largest shift. Proposed: Unknown - Operation plan doesn't list number of employees. It does state employees will park in gravel lot in back of building which should provide plenty of space plus they are adding additional yard from the 5 acres they are purchasing from the Village.
(8) **Potential Reduction in Automobile Parking Spaces.** The site plan approval authority may approve a decrease in the required number of off-street automobile parking spaces for each land use in Article 4 by up to 25 percent of the normal requirement. Such a reduction must be supported by technical documentation furnished by the applicant that indicates that actual off-street parking demand for that particular use is less than the normally required minimum.	(8) N/A
(9) **Partial Development of Required Parking Spaces.** The applicant for any development may seek permission to not install a portion of its required parking at time of site plan approval; however, said site plan shall depict the minimum number of required parking spaces to be available for future construction.	(9) N/A
(10) **Limit on the Maximum Number of Required Parking Spaces.** No site plan may be approved for a multi-family residential or non-residential use that contains more than 150 percent of the use's minimum number of required parking spaces under Article 4, except by conditional use permit.	(10) N/A
(11) **Joint and Off-Site Parking Facilities.** (a) Parking facilities providing required parking for one or more uses shall provide a total number of parking spaces that shall not be less than the sum total of the separate parking needs for each use during any peak hour parking period when said joint parking facility is utilized at the same time by said uses, unless reduced by the site plan approval authority per subsection (8).	(a) N/A
(b) To obtain a greater reduction in required parking spaces that is enabled under subsection (8), the applicant(s) for approval of a joint parking facility shall demonstrate that there is no substantial conflict in the demand for parking during the principal operating hours of the two or more uses the joint parking facility is proposed to serve. (c) A legally binding instrument, addressing the particulars of the parking arrangement and potentially limiting future change of	(b) N/A

uses, shall be executed by any and all parties to be served by said joint parking facility, where there is a reduction in required parking spaces that is greater than that enabled under subsection (8). This instrument shall be approved by the Village Attorney, recorded with the Register of Deeds Office prior to the issuance of any zoning permit or building permit associated with the facility, and filed with the Zoning Administrator once recorded.	(c) N/A
(12**) Locational Prohibitions for Off-Street Parking Areas.** Off-street parking shall not be located between the principal structure on a residential lot and a street right-of-way, except within residential driveways and parking lots designated on any approved site plan. No private parking shall occur on street terraces, driveways, or any other areas located within a public right-of-way, except by conditional use permit. See also Section 94.12.07(9) and Figures 5.01(2) and 5.02(2).	(12) N/A
(13) **Minimum Permitted Throat Length.** All uses requiring site plan approval shall have a minimum permitted throat length of access drives serving parking lots of 20 feet from the nearest street right-of-way, except as modified by the site plan approval authority based on unique site conditions or suitable assurance that traffic will not back up into public rights-of-way.	(13) The throat is proposed at 34 feet.
(14) **Bicycle Parking.** A number of off-street bicycle parking spaces shall be provided equal to five percent of the automobile parking space requirement, with no fewer than two bicycle parking spaces provided for all uses requiring 20 or more vehicular parking spaces. Each "Inverted-U" or similar type rack counts as two bicycle parking spaces. All bicycle parking shall be on a hard-surfaced area in a location accessible to building entrances.	(14) No bicycle parking has been provided. Not likely that employees or public would bike to this location.
(15) **Pedestrian Facilities.** (a) The site shall provide for safe pedestrian and bicycle access to all uses, and connections to existing and planned public pedestrian and bicycle facilities and adjacent properties. (b) Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks and/or pedestrian/bike facilities. The minimum width for sidewalks adjacent to buildings shall be five feet. (c) Sidewalks other than street sidewalks or building aprons shall have adjoining landscaping along at least 50 percent of their length if said sidewalk is over 50 feet in length. (d) Crosswalks shall be distinguished from driving surfaces to enhance pedestrian safety by using different materials, or colors, or textures, and signage.	(a) No pedestrian or bicycle facilities are provided. (b) No pedestrian or bicycle facilities are provided. (c) No pedestrian or bicycle facilities are provided. (d) N/A
94.12.10: Off-Street Loading Standards	
(2) **Applicability.** Any new building that has a gross floor area of 10,000 square feet or more and that requires regular deliveries, or makes regular shipments from semi-trucks and trailers, shall provide off-street loading facilities in accordance with the regulations of this Section, except for agricultural uses.	(2)
(3) **Location.** (a) All loading berths shall be at least 25 feet from the intersection of two street right-of-way lines.	(a) The loading docks will be 34 feet from the right of way.

(b) In commercial and institutional zoning districts, loading berths shall not be located along any front façade or street side façade of any building. In all other districts, loading berths shall not be located within any minimum required front yard or street side yard.	(b) The loading docks will not be along the front façade.
(c) All loading and vehicle maneuvering areas shall be located on the private lot and shall not be located within, or so as to interfere with, any public right-of-way or minimum required hard and gravel surface setback in Figures 5.01(2) and 5.02(2).	(c) This will be met.
(4) **Size of Loading Area.** The first required loading berth shall be designed in accordance with Figure 12.10. All remaining required loading berths shall be a minimum of 50 feet in length and 10 feet in width. All required loading berths shall have a minimum vertical clearance of 14 feet.	(4) Yes, this will be met.
(5) **Access to Loading Area.** Each loading area shall be located so as to facilitate access to a public street or alley, shall not interfere with other vehicular or pedestrian traffic, and shall not interfere with the function of parking areas. Loading areas shall not rely on backing movements into public rights-of-way, except where building or site conditions established before March 18, 2015 require such movements.	(5) Yes, this will be met.
(6) **Surfacing and Marking.** All required loading areas shall be hard surfaced as defined in Section 94.17.04. Said surface shall be marked in a manner that clearly indicates required loading areas.	(6) The loading area is proposed as concrete in the back and asphalt in the front.
(9) **Calculation of Required Loading Spaces.** (a) Indoor Institutional and Recreational Land Uses. One loading berth shall be required for each building with a gross floor area of 10,000 to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, two loading berths shall be required. (b) Commercial (except Offices), Storage/Disposal, Transportation, and Industrial Land Uses. One loading berth shall be required for each building having a gross floor area of 10,000 to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, an additional loading berth shall be required for any portion of each 50,000 square feet of gross floor area in addition to the original 29,999 square feet. (c) Office Land Uses. One loading berth shall be required for each building having a gross floor area of 10,000 to 99,999 square feet. For such uses located in buildings having a gross floor area of 100,000 square feet or greater, an additional loading berth shall be required for any portion of each 100,000 square feet of gross floor area in addition to the original 99,999 square feet.	(9) N/A
Section 94.12.11: Exterior Lighting Standards	
(2) **Applicability.** The requirements of this Section apply to all exterior lighting and all interior light visible from the exterior on private property within the jurisdiction of this Chapter, except for lighting within public rights-of-way; on communications towers or airports, heliports, helipads, or other similar facilities where required to meet federal and state safety regulations; and as excepted in subsection (10).	(2)
(4) **Orientation of Fixture.** In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a	(4) The lighting will be cast downward.

clear shield) is visible from a residentially zoned property or allowed to direct light skyward. Shielded luminaries and careful fixture placement shall be used to ensure that exterior lighting prevents direct lighting above a horizontal plane, except that architectural lighting that focuses all light below the roof line may exceed the horizontal plane. Search lights are prohibited except for any search light deemed necessary by the FAA.	
(5) **Intensity of Illumination.** The amount of illumination attributable to exterior lighting, as measured at the property line, shall not exceed 1.0 footcandle above ambient lighting conditions on a cloudless night. The maximum average lighting within any lit area shall not exceed 5.0 footcandles, except where the Zoning Administrator determines that greater illumination is necessary for public safety.	(5) Along the east lot line, the intensity is proposed at 1.6 footcandles.
(6**) Fixture Heights.** The maximum height from the base of the pole or its support to the fixture shall be 20 feet in residential, rural, and open space zoning districts, and 35 feet in all other districts.	(6) Fixture height of parking lot lighting was not provided.
(7) **Location.** Light fixtures shall not be located within any required bufferyard under this Chapter, or closer than three feet from a property line.	(7) It will meet this standard.
(8) **Flashing, Flickering and other Distracting Lighting.** Flashing, flickering, moving (such as search spot or search lights), and/or other lighting that may distract motorists is prohibited.	(8) There is not flickering or flashing lighting.
(9) **Qualitative Requirements.** Design and color of light fixtures and poles shall be compatible with building design and color on the same lot. Street intersections, driveway intersections, and pedestrian access routes shall be illuminated with lights of appropriate scale to the function, without providing an obviously uneven illumination pattern across the site.	(9) This will be met.
(10) **Exceptions.** The appropriate site plan approval authority may grant exceptions to the requirements of this Section in the following circumstances: (a) Outdoor recreation use and assembly areas such as athletic fields. (b) Gas station pump islands and other uses in which motor vehicles and pedestrians routinely operate in close proximity with one another. Use of recessed canopy lighting to minimize off-site impacts may be required. (c) Lighting for special events, per an approved special event permit under Chapter 67 of the Municipal Code.	(10) N/A
(11) **Nonconforming Lighting.** All lighting fixtures existing prior to the effective date of this Chapter shall be considered legal conforming structures and may be continued (see Article 15). However, as part of a site plan approval for a new, expanded, or remodeled project or use on the same site, the site plan approval authority may require that such lighting be reoriented to achieve greater or full compliance with this Section.	(11) N/A
Section 94.12.12: Vibration Standards	
(3) **Depiction on Required Site Plan.** Any activity or equipment that creates detectable vibrations outside the confines of a building shall be depicted as to its location on the site plan, if required for the development of a property.	N/A
(6) **Standards in GI Districts.** D = K/f <u>On or beyond adjacent lot line:</u> 1. Continuous (0.0015): 2. Impulsive (0.030):	1. 2. 3.

3. Less than 8 pulses per 24 hours (0.075): <u>On or beyond any residence district boundary line:</u> 4. Continuous (0.003): 5. Impulsive (0.006): 6. Less than 8 pulses per 24 hours (0.015):	4. 5. 6.
(7) **Standards in other districts.** D = K/f <u>On or beyond adjacent lot line:</u> 1. Continuous (0.003): 2. Impulsive (0.006): 3. Less than 8 pulses per 24 hours (0.015):	1. 2. 3.
Section 94.12.13: Noise Standards	
Increase in noise over ambient level: MF or MH districts shall not exceed +3 dBA INT, B-1, B-2, B-3 and BP districts shall not exceed +5 dBA GI, LI districts shall not exceed +8 dBA If noise is not constant or is only present during daytime hours: Daytime operation only: +5 dBA Less than 20% of any 1 hour period: +5 dBA* Less than 5% of any 1 hour period: +10 dBA* Less than 1% of any 1 hour period: +15 dBA* Noise of impulsive character: -5 dBA Noise of periodic character: -5 dBA *Only one may be applied	Noise levels were not provided.
Section 94.12.14: Air Pollution Standards	
(2) The emission, from all sources within any lot, of particulate matter containing a section diameter larger than 44 microns is prohibited.	(2) Air pollution levels were not provided.
(3) Emission of smoke or particulate matter of density equal to or greater than Number 2 on the Ringelmann Chart (US Bureau of Mines) is prohibited at all times.	(3)
(4) Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, and roads within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, surfacing, watering, or other acceptable means. This standard shall not apply to allowable agricultural uses within an agricultural zoning district.	(4)
(5) All uses shall comply with all applicable State and Federal standards.	(5)
Section 94.12.15 Odor Standards	
No land use shall cause any odor that is offensive to a person of reasonable sensibilities detectable at any lot line of any lot in a residential district for periods exceeding a total of 15 minutes of any day.	This land use should note causes odors that are offensive at the lot line.
Section 94.12.16 Glare and Heat Standards	
(2) No direct or sky-reflected glare, whether from floodlights or from temperature processes such as combustion or welding or otherwise, so as to be visible at any lot line of a property shall be permitted. Furthermore, there shall be no transmission of heat or heated air so as to be discernible (by a healthy observer such as the Zoning Administrator or a designee) at the lot line. Solar Energy Systems regulated by Wis. Stat. § 66.0401 shall be entitled to the protection of its provisions.	This property will not cause glare.
Section 94.12.17 Fire and Explosion Standards	
(1) Any use involving materials that could detonate shall locate such materials not less than 400 feet from any residentially zoned property, except that this standard shall not apply to the storage or usage of liquefied petroleum, diesel, or natural gas	(1) There will not be the storage of flammable materials except for existing gasoline in vehicles stored on site.

for normal on-site purposes. All activities and storage of flammable and explosive materials at any point shall be provided with adequate safety and firefighting devices in accordance with all fire prevention codes of the State of Wisconsin.	
(2) All materials that have capabilities ranging from "active" to "intense" burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings that have incombustible exterior walls and an automatic fire extinguishing system. The aboveground storage capacity of materials that produce flammable or explosive vapors shall not exceed: Over 187: Max 40,000 Gallons 105 – 187: Max 20,000 Gallons Below 105: Max 10,000 Gallons	(2) N/A
Section 94.12.18 Toxic or Noxious Material Standards	
(1) No use shall discharge across the boundaries of any property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to, or endanger, the public health, safety, comfort, or welfare, or cause injury or damage to the property or business.	There will be not toxic materials stored on site.
(2) No use shall discharge at any point into any public or private wastewater treatment system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Public Health.	N/A
Section 94.12.19 Waste Material Standards	
(1) No use shall discharge across the boundaries of any property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to, or endanger, the public health, safety, comfort, or welfare, or cause injury or damage to the property or business.	There will be no discharge across property lines.
(2) No use shall discharge at any point into any public or private wastewater treatment system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Natural Resources and Wisconsin Department of Safety and Professional Services.	N/A
Section 94.12.20 Hazardous Materials Standards	
(1) Compliance with Statutes. All hazardous materials shall be regulated in accordance with the relevant Wisconsin Statutes or their successors: (a) Micro-Organism Cultures subject to Wis. Stat § 94.65; (b) Pesticides subject to Wis. Stat. § 94.67(25); (c) Biological Products subject to Wis. Stat. § 95.39; (d) Hazardous Substances subject to Wis. Stat. § 100.37(1)(c); (e) Toxic Substances subject to Wis. Stat. § 101.58(2)(j); (f) Infectious Agents subject to Wis. Stat. § 101.58(2)(f); (g) Any material for which the State of Wisconsin requires notification of a local fire department; or (h) Any other uses, activities, or materials which are subject to County, State, or Federal hazardous, or related, materials regulations.	There is not hazardous material stored on site.
(2) Notification of Use of Hazardous Materials. All land uses involving hazardous materials listed in this Section, except for agricultural uses, shall submit a written description of such materials and the operations involving such materials conducted on their property as part of any required site plan submittal.	N/A
(3) Risk Management and Emergency Response Program. As part of any permit review process under this Chapter, the Village may require such operator to prepare and submit a process safety management, risk management, containment, and emergency	N/A

response program for approval by the Fire Chief. In the event of any spill or other accident involving toxic, hazardous, or radioactive materials, the responsible party shall immediately notify the Fire Department and HazMat team, and shall follow procedures specified in any approved process safety management, risk management, containment, and emergency response program.	
Section 94.12.21 Electromagnetic Emissions Standards	
No activity shall emit electrical, radioactive or other electromagnetic disturbances outside its premises that are dangerous to plant or animal life as determined by applicable federal or state regulation or which adversely affect the use of neighboring premises such as by interfering with the use or enjoyment of common household and business equipment such as radio, television, telephone, computer or facsimile operations, except where such activity is exempt or the standard is modified under state or federal law.	This will be met.

STREET ACCESS CONTROL: Chapter 71 Section 71.5.01: Access Design Standards	PROPOSED
Width at Property Line: 24 – 48 feet	31 and 40 feet respectively
Width at Street: Based on vehicle used to access.	Not depicted on site plan.
(2) Grade. The maximum acceptable grade shall not exceed 10%. Under certain circumstances, which must be defined and presented to the Village Board by the Director of Public Works or Zoning Administrator prior to the meeting/hearing on the proposal, the Village may require that the access point grade shall not exceed 6%.	
(3) Clearance. All driveways shall provide a driveway corridor at least 12 feet wide with no tree branches or brush extending into the driveway corridor to a height of 15 feet.	This will be met.
(4) Bridges. All driveways that utilize bridges shall construct all bridges to support a gross vehicle weight of 50,000 pounds with a minimum twelve-foot wide clear travel surface.	N/A
(5) Driveway approach construction standards. (a) Standards for gravel. Require a minimum six inches of three-quarter-inch crushed aggregate base course. (b) Standards for asphalt. Minimum of two-and-one-half-inch compacted depth of surface mix over six-inch compacted three-quarter-inch crushed aggregate base course; no pea gravel allowed. (c) Standards for concrete. 1. Forms in the approach are to be a minimum of six inches in depth. 2. Concrete to be a minimum six-bag mix. 3. Expansion joints six inches by 1/2 inch required between curb and driveway approach, or as directed. 4. Concrete approaches are required where there is existing curb and gutter and sidewalk or where sidewalk is proposed in the future. 5. Driveway approaches require a minimum concrete thickness of six inches and four-inch compacted three-quarter-inch crushed aggregate base course (no pea gravel allowed). 6. In the absence of curb and gutter, concrete approaches are prohibited.	Standards were not provided.
(6) Brick pavers and decorative concrete in driveway approach. (a) If the driveway constructed in the public right-of-way is of brick paver/decorative concrete/embossed or colored asphalt it will be the owner's sole responsibility to maintain, repair, and replace if necessary, due to any damage by the Village or other public agencies, or due to normal wear.	N/A
(7) Alignment. All driveways shall be constructed within 10° of perpendicular to the accessed street center line for the first 20 feet of the access. (a) Where possible, driveways should align on opposite sides of the street. (b) A variance is required for unique or site-specific limitations that may exist which restrict the applicant from complying with these dimensional requirements. A variance may not be granted for any driveway that intersects the street at less than 60° under any circumstances.	The driveways are perpendicular to the street.
(8) Vision triangle. No visual obstruction shall be located within a vision triangle, or the space formed by two existing or proposed right-of-way lines and/or a right-of-way to a private driveway. No structure or sign may be placed in the clear area of	There should be nothing located in the vision triangle.

a vision triangle. The clear area extends from 18 inches to 10 feet above from the average height of the right-of-way elevation of the adjoining streets and/or an existing or proposed access/driveway. These constraints are depicted by Figure 71.5.01A.	
(9) Sight distance. Permits shall not be issued for access that allows any turning movement where the sight distance is not sufficient to provide for the safe and efficient traffic flow entering or exiting a street, or encountering the access while upon the street.	There should be nothing located in the sight distance.
(10) Corner clearance. (a) Functional area. The intersection of two streets contains a functional area beyond the physical intersection that contains decision and maneuvering distance. To reduce conflict and promote safety, driveways must be located outside of this functional intersection area. Locate all driveways and access points as far as practical from the intersection of two intersecting rights-of-way. Driveway access is restricted in turning lanes, which are also located in the functional area of an intersection. Signalized, Local: 75' Signalized, Collector: 150' Signalized, Arterial: 200' Non-signalized, Local: 90' Non-signalized, Collector: 200' Non-signalized, Arterial: 300' (b) Sight distance. Intersection sight distance, as determined by the Director of Public Works, using the vision triangle shall be required in conjunction with intersection setbacks to ensure safety and functionality on streets. The intersection sight distance figures are defined for both uncontrolled intersections along with those where vehicles approach the intersection from a stop or yield.	(a)N/A (b)
(11) Common driveways. Common driveways are an effective way to control the number of access points on to collector and arterial streets. When a common driveway is utilized the following apply: (a) A common driveway easement of at least 30 feet in width shall be located on the common boundary between the two lots. (b) If located off a paved street in the AR, or Rural Residential Zoning districts and not required to be completely paved, the owner must meet the requirements for surfacing defined in Sec. 94.12.09(6)(a) of the Zoning Ordinance.	N/A

UTILITIES: Chapter 86			
		EXISTING CONDITIONS	
Water Lateral	Main to Curb Stop	Length:	
		Size:	
		Material:	
		Depth:	
	Curb Stop to Building	Length:	
		Size:	
		Material:	
		Depth:	
Sewer Lateral - Main to Building		Length:	
		Size:	
		Material:	
		Depth:	
Fire Suppression Service - Main to Building		Length:	
		Size:	
		Material:	
		Depth:	
Stormwater Lateral		Length:	
		Size:	
		Material:	
		Depth:	
		PROPOSED	
Water Lateral *All water service laterals larger than 2" require a pressure test to 150 psi for 2 hours and demonstration of safe bacteriological test. Ductile iron services shall be cable bonded.*	Main to Curb Stop *2" and smaller requires Type K copper, Larger than 2" requires ductile iron.*	Length:	
		Size:	
		Material:	
		Depth:	
	Curb Stop to Building *2" and smaller may be Type K copper, CTS 200 psi HDPE, or PEX. Larger than 2" requires ductile iron*	Length:	
		Size:	
		Material:	
		Depth:	
Sewer Lateral - Main to Building		Length:	
		Size:	
		Material:	
		Depth:	
Fire Suppression Service - Main to Building *Fire services and combined fire and metered service laterals are the property of the building owner from the connection to the public main. All fire services shall be ductile iron.*		Length:	
		Size:	
		Material:	
		Depth:	
Stormwater Lateral		Length:	
		Size:	
		Material:	
		Depth:	
Section 86.2.117: Cross Connections			
(c) Control and maintenance of connections. No person shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the water utility may enter the supply or distribution system of the village unless such private, auxiliary or emergency			

water supply and the method of connection and use of such supply shall have been approved by the water utility and by the department of natural resources in accordance with Wisconsin Administrative Code NR § 811.09(2).	
Section 86.2.436: Meter Installation	
Meters will be furnished and placed by the water utility and are not to be disconnected or interfered with by the consumer. All meters shall be so located that they shall be preserved from obstructions and allow easy access for reading and inspection, such location to be designated by the utility. All piping within the building must be supplied by the consumer. If additional meters are desired by the consumer, he shall pay for all piping in an amount sufficient to cover the cost of maintenance and depreciation as set by the board.	
Section 86.5.207 Post Construction Storm water Management Performance Standards	
(3) The plan required under sub. (2) shall include the following: (a) BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows: New Development → 80% TSS Reduction In-fill development → 80% TSS Reduction Redevelopment → 40% TSS Reduction of load from parking areas and roads.	(a)
(b) By design, BMPs shall be employed to maintain or reduce the 1-year, 2-year, 10-year and 100-year 24-hour, post construction peak runoff discharge rates to pre-development rates for the respective storms, or to the maximum extent practicable.	(b)
(c) BMPs shall be designed, installed and maintained to infiltrate runoff in accordance with 86.307(3)(c) or to the maximum extent practicable.	(c)
(d) Protective areas shall be included on site plans (see this section of the ordinance for the respective distances for protective areas)	(d)
(e) Fueling and vehicle maintenance areas shall have BMPs designed, installed and maintained to reduce petroleum runoff so that the runoff that enters waters of the state contains no visible petroleum sheen, or to the maximum extent practicable.	(e)
Section 86.5.209 Storm water Management Plan	
(1) PLAN REQUIREMENTS. The storm water management plan required under Sec. 86.308 (2) shall contain at a minimum the following information: (a) Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of storm water management practices; and person(s) responsible for maintenance of storm water management practices prior to the transfer, if any, Matter of maintenance responsibility to another party. (b) A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat. (c) Pre-development site conditions, including: 1. One or more site maps at a scale of not less than 1 inch equals 20 feet. The site maps shall show the	

following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site at a scale not to exceed 10 feet; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all storm water conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the 100 year floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to Wisconsin Department of Natural Resources, Wisconsin Administrative Code § NR § 811.16.

2. Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

(d) Post-development site conditions, including:

1. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.

2. Explanation of any restrictions on storm water management measures in the development area imposed by wellhead protection plans and ordinances.

3. One or more site maps at a scale of not less than 1 inch equals 20 feet showing the following: post-construction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures, and pavement; post-construction topographic contours of the site at a scale not to exceed 10 feet; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all storm water conveyance sections; location and type of all storm water management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.

4. Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each

discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s). 5. Results of investigations of soils and groundwater required for the placement and design of storm water management measures. Detailed drawings including cross-sections and profiles of all permanent storm water conveyance and treatment practices. (e) A description and installation schedule for the storm water management practices needed to meet the performance standards in Sec. 86.307. (f) A maintenance plan developed for the life of each storm water management practice including the required maintenance activities and maintenance activity schedule. (g) Cost estimates for the construction, operation, and maintenance of each storm water management practice. (h) Other information requested in writing by the Director of Public Works, or the designee, to determine compliance of the proposed storm water management measures with the provisions of this ordinance. (i) All site investigations, plans, designs, computations, and drawings shall be certified by a licensed professional engineer to be prepared in accordance with accepted engineering practice and requirements of this ordinance.	
(2) **ALTERNATE REQUIREMENTS.** The Director of Public Works, or the designee, may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards under Sec. 86.307 (5).	
Section 86.5.210 Maintenance Agreement	
(1) The maintenance agreement for storm water management practices shall be an agreement between the Village of Weston and the responsible party to provide for maintenance of storm water practices beyond the duration period of the permit. Maintenance agreements shall be filed with the County Register of Deeds as a property deed restriction that is binding upon all subsequent owners served by the storm water management practices.	
(2) AGREEMENT PROVISIONS. The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by Sec. 86.309(1)(f): (a) Identification of the storm water facilities and designation of the drainage area served by the facilities. (b) A schedule for regular maintenance of each aspect of the storm water management system consistent with the storm water management plan required under Sec. 86.308 (2). (c) Identification of the responsible party(s), organization or city, county, town or village responsible for long term maintenance of the storm water management practices identified in the storm water management plan required under Sec. 86.308 (2). (d) Requirement that the responsible party(s), organization, or city, county, town or village shall maintain storm water	(a) (b) (c)

management practices in accordance with the schedule included in par. (b). (e) Authorization for the Director of Public Works, or the designee, to access the property to conduct inspections of storm water management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement. (f) A requirement on the Director of Public Works, or the designee, to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the storm water management practice into proper working condition. (g) Agreement that the party designated under par. (c), as responsible for long term maintenance of the storm water management practices, shall be notified by the Director of Public Works, or the designee, of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the Director of Public Works, or the designee. (h) Authorization of the Director of Public Works, or the designee, to perform the corrected actions identified in the inspection report if the responsible party designated under par. (c) does not make the required corrections in the specified time period. The Director of Public Works, or the designee, shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Wis. Stats. Chapter 66 Subchapter VII.	(d) (e) (f) (g) (h)
Section 86.5.404(1).a Construction Site Erosion	
Applicability: 1. Construction sites for which the Wisconsin Department of Natural Resources received a notice of intent in accordance with Wisconsin Administrative Code NR 216 Subchapter III on or after January 20, 2014; or 2. Construction sites for which a bid has been advertised or construction contract signed for which no bid was advertised, on or after January 20, 2014.	
Section 86.5.307 Performance Standards < 1 Acres	
(1) RESPONSIBLE PARTY. The landowner of the construction site or other person contracted or obligated by other agreement with the landowner to implement and maintain construction site BMPs is the responsible party and shall comply with this section.	
(2) EROSION AND SEDIMENT CONTROL PRACTICES. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following: 1. The deposition of soil from being tracked onto streets by vehicles. 2. The discharge of sediment from disturbed areas into on-site storm water inlets. 3. The discharge of sediment from disturbed areas into adjacent waters of the state. 4. The discharge of sediment from drainage ways that flow off the site. 5. The discharge of sediment by dewatering activities. 6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.	

7. The discharge of sediment from erosive flows at outlets and in downstream channels. 8. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.	
Section 86.5.308 Performance Standards > 1 Acre	
(1) RESPONSIBLE PARTY. The responsible party shall implement an erosion and sediment control plan, developed in accordance with Sec. 86.410 that incorporates the requirements of this section.	
(2) PLAN. A written plan shall be developed in accordance with Sec. 86.410 and implemented for each construction site.	
(3) EROSION AND SEDIMENT CONTROL PRACTICES. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following: 1. The deposition of soil from being tracked onto streets by vehicles. 2. The discharge of sediment from disturbed areas into on-site storm water inlets. 3. The discharge of sediment from disturbed areas into adjacent waters of the state. 4. The discharge of sediment from drainage ways that flow off the site. 5. The discharge of sediment by dewatering activities. 6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days. 7. The discharge of sediment from erosive flows at outlets and in downstream channels. 8. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision. 9. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.	
(b) SEDIMENT PERFORMANCE STANDARDS. In addition to the erosion and sediment control practices under par. (a), the following erosion and sediment control practices shall be employed: 1. BMPs that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization. 2. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.	

3. Notwithstanding subd. 1., if BMPs cannot be designed and implemented to meet the sediment performance standard, the plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.	
(c) PREVENTIVE MEASURES. The plan shall incorporate all of the following: 1. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible. 2. Minimization of soil compaction and preservation of topsoil. 3. Minimization of land disturbing construction activity on slopes of 20% or more. 4. Development of spill prevention and response procedures.	
(5) ALTERNATE REQUIREMENTS. The Director of Public Works, or the designee, may establish storm water management requirements more stringent than those set forth in this section if the Director of Public Works, or the designee, determines that an added level of protection is needed for sensitive resources.	

REQUEST FOR CONSIDERATION

Public Mtg/Date:	Plan Commission, May 11, 2020
Description:	Discussion and Action on Willow estates Multifamily Development; Developer's request of Waivers for Site Design Standards (Project #20200088) at 5420, 5506, and 5510 Willow Street
From:	Jennifer Higgins, Zoning Administrator Emily Wheaton, Assistant Planner
Question:	Should the Plan Commission approve the request to waive the site plan design standards requested by the applicant?

BACKGROUND

Gary Guerndt and Tim Ciszewski (Platinum Investments, LLC) are proposing building three building multifamily dwelling complex on 2.35 acres of land on Willow Street. Each building would contain 12 units of various sizes for a total of 69 bedrooms. After review of the submitted items, Staff have found the following items do not meet the Zoning Code:

- There is a performance standard for a manager or maintenance person residing on-site for developments of more than 31 units. No on-site person is planned.
- A bufferyard is provided, however general yard trees are placed in the buffer yard. Code states that bufferyard landscape is separate from the other components of the landscaping calculation.
- The dumpster is located 20 feet from the front property line. It is required to be 30 feet from front property line. It is also located on the front side of the principal structure.
- Curb and gutter is not denotated for the parking lot on the site plan.
- The minimum permitted throat length of the driveways shall be 20 feet. However, there are parking spaces within this 20 feet.

Staff is still working through the review of this site plan. A list of questions has been sent to the Applicant for further detail on various parts of the site plan.

As a note, Staff approved and signed the Certified Survey Map for the combination of the existing three lots that this project is being proposed on on May 4th, 2020. The CSM is waiting to be picked up at the Municipal Center. A building permit cannot be issued for this project until the CSM is picked up and recorded with the Register of Deeds.

Attached Docs:	Site Plan, Landscaping Plan, Building Elevations, Staff Site Plan Review Form
Committee Action:	None to date.
Fiscal Impact:	None
Recommendation:	

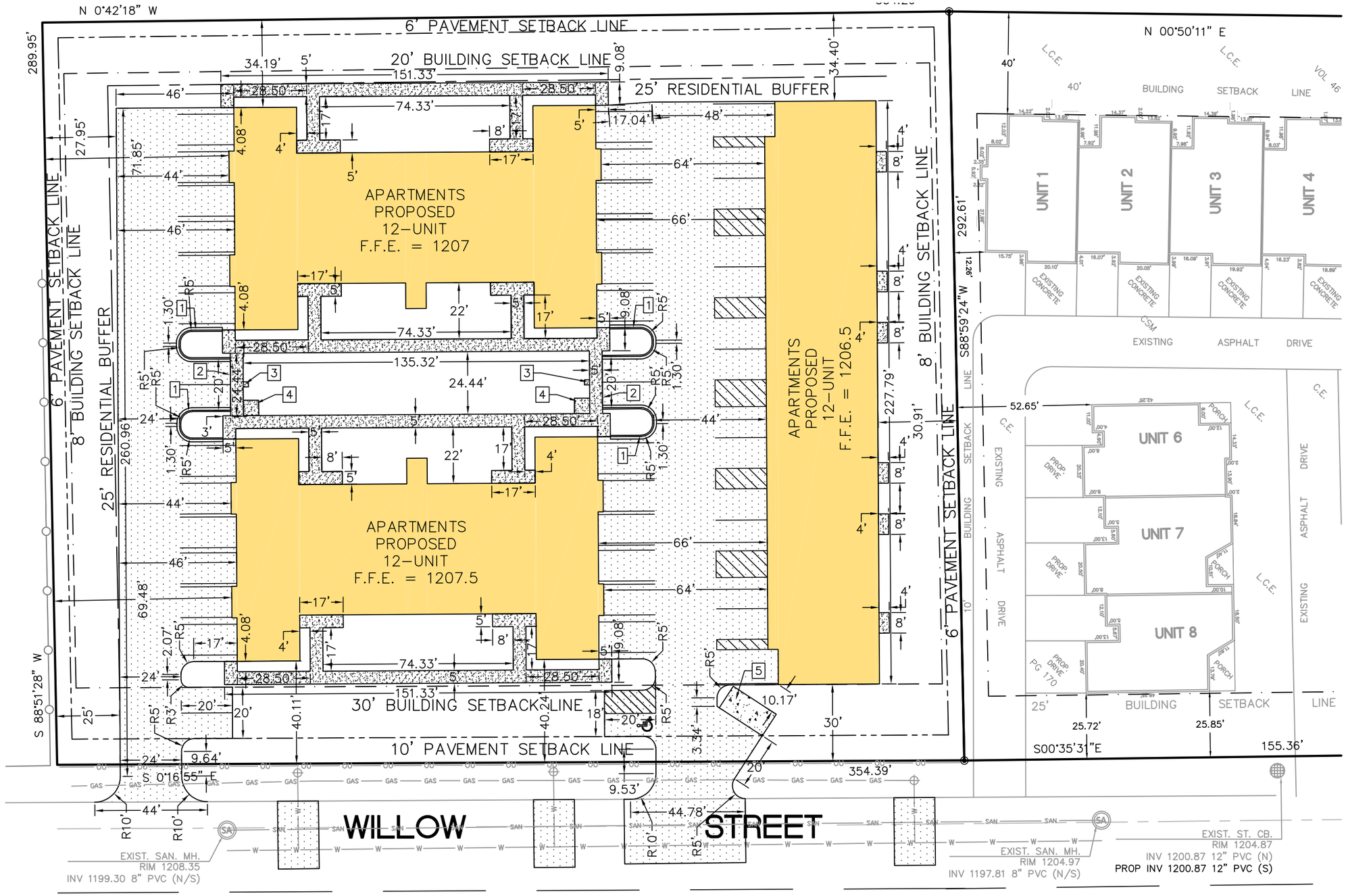
RECOMMENDED LANGUAGE FOR OFFICIAL ACTION

I move to [approve / deny] the site plan for Willow Estates with the following items waived/approved:

REQUEST FOR CONSIDERATION

- **Waive the curb and gutter requirement around the paved parking lot**
- **Waive the requirement that the dumpster be located no closer than 30 feet from the front property line as well as in front of the primary building**
- **Waive the requirement that there be a manager or maintenance person residing on site**
- **Waive the minimum throat length requirement of the driveways**
- **Approve the landscaping plan as presented**

ADDITIONAL ACTION: Notify applicant of [approval / denial] [Staff]



LEGEND

1. 3" DRIVE OVER CURB
2. THICKENED EDGE WALK
3. 1'x1' CONCRETE PAD FOR CENTRALIZED MAILBOX
4. 6'x6' CONCRETE PAD FOR BIKE RACK
5. 20'x10' REFUSE/RECYCLE ENCLOSURE BY OTHERS

- APARTMENT BUILDING
- 4" CONCRETE SIDEWALK
- 3" ASPHALT W/6" BASE COURSE
- 6" REINFORCED CONCRETE

MARATHON TECHNICAL SERVICES LLC
CONSULTING ENGINEERS
404 FRANKLIN ST - WAUSAU, WI 54403
PHONE & FAX - (715)843-7292
WWW.MTSLLC.NET

REVISION DATE

SURVEYED: PGA
DESIGNED: MTS
DRAWN BY: DMV
APPROVED: NSB
PROJECT #: 2014

PROPOSED SITE PLAN

WILLOW STREET ESTATES
VILLAGE OF WESTON, MARATHON CO.

SCALE
1" = 40'

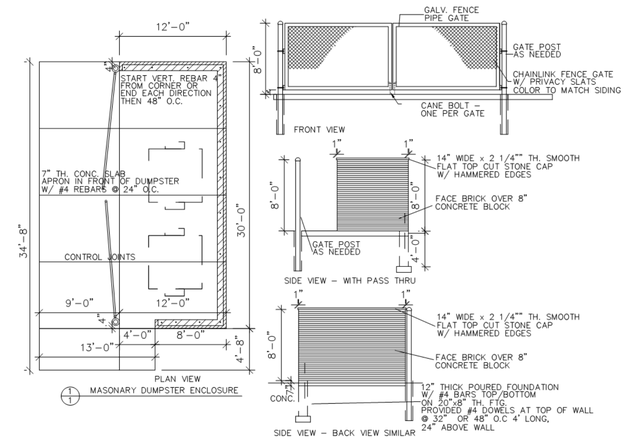
SHEET NO.
3
OF 9 SHEETS

1 FRONT ELEVATION
1/8" = 1'-0"

3 EAST ELEVATION
1/8" = 1'-0"

4 WEST ELEVATION
1/8" = 1'-0"

2 BACK ELECVATION
1/8" = 1'-0"



1 MASONARY DUMPSTER ENCLOSURE

PGA INC.
Plumbing
Heating
Cooling
Electrical
Excavating
Insulation
7306 Zinser Street ◆ Weston, WI 54476-4546
Phone: (715) 355-6717 ◆ FAX: (715) 355-4062
E-mail: pga@pgainc.net ◆ www.pgainc.net

Parametricx 3D
Modeling your world one dimension at a time

No.	Description	Date

WILLOW STREET APARTMENTS ELEVATIONS

Project number	2020-007
Date	APR 17, 2020
Drawn by	WCBII
Checked by	GG

A104

Scale 1/8" = 1'-0"

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PGA INC.
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7306 Zinser Street ◆ Weston, WI 54476-4546
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1 FRONT ELEVATION
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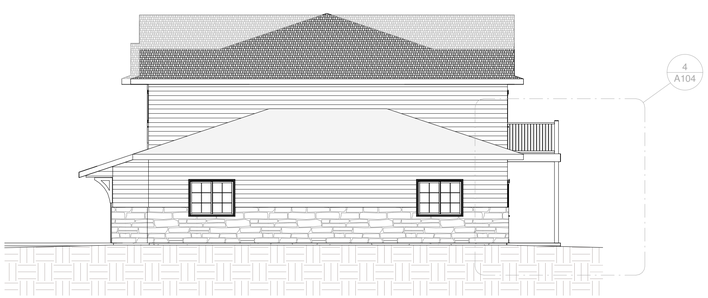
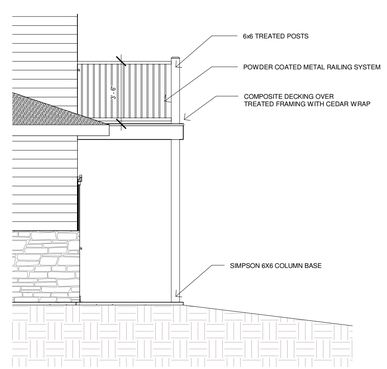
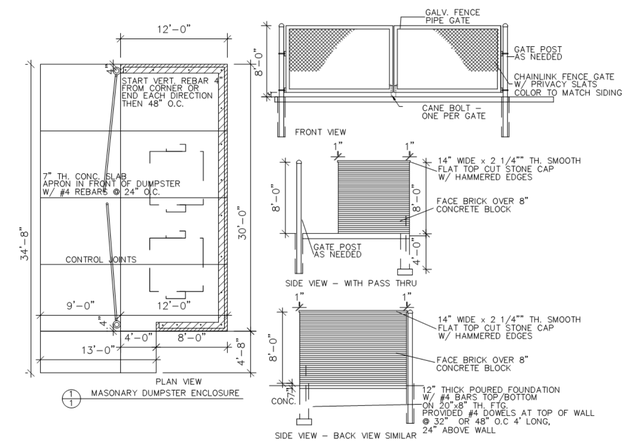
2 BACK ELEVATION
1/8" = 1'-0"



3 SIDE ELEVATION
1/8" = 1'-0"



4 DECK/BALCONY DETAIL
1/4" = 1'-0"



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No.	Description	Date

WILLOW STREET APARTMENTS
ELEVATIONS

Project number	2020-007
Date	MAY 07, 2020
Drawn by	WCBII
Checked by	GS

A104

Scale As indicated

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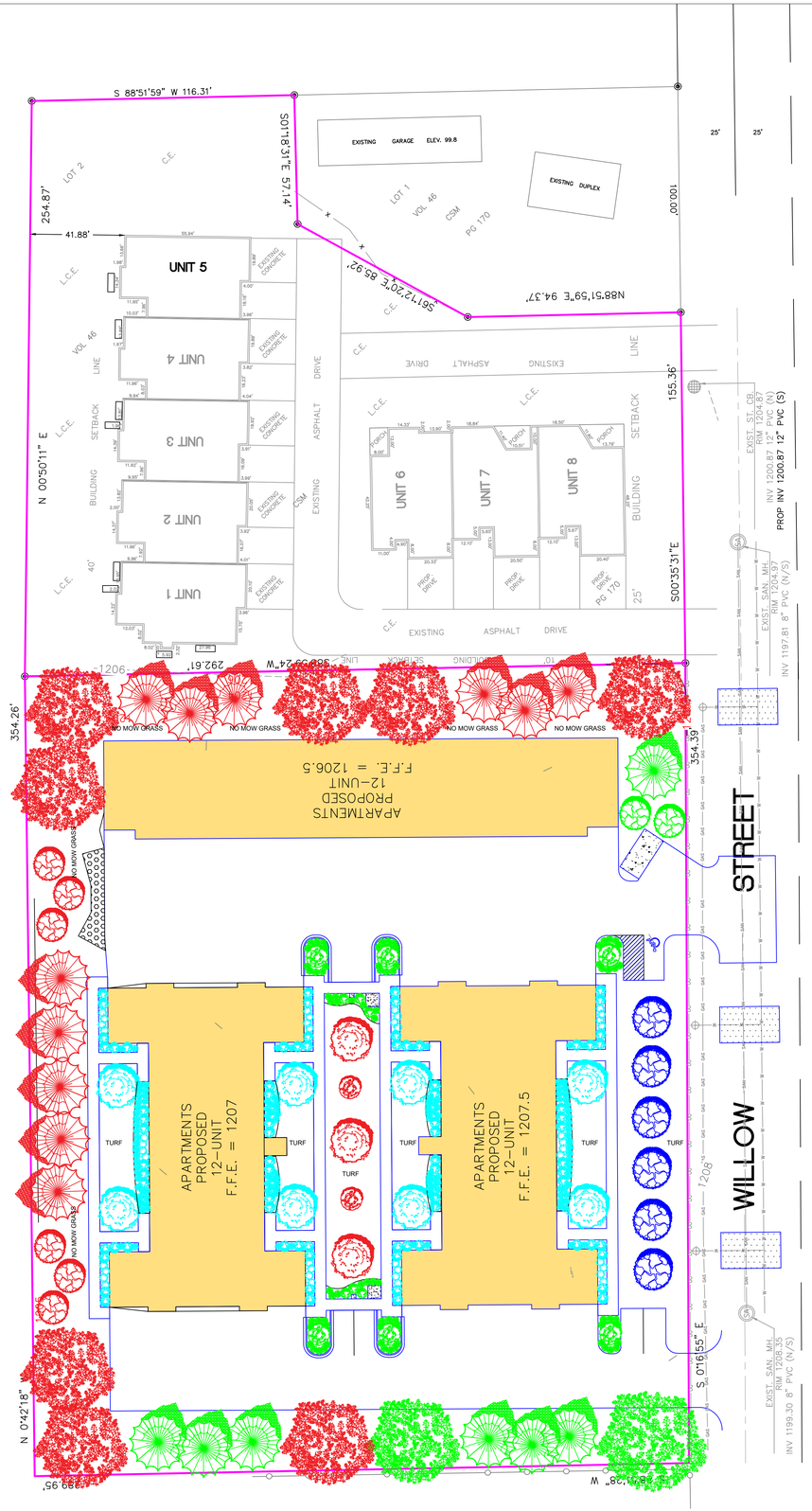


GENERAL NOTES:

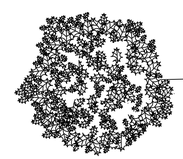
1. CONTACT DIGGER'S HOTLINE 5 WORKING DAYS PRIOR TO THE START OF DEMOLITION/CONSTRUCTION.
2. 6" OF TOPSOIL SHALL BE PROVIDED IN ALL GENERAL LANDSCAPE AREAS. LANDSCAPE CONTRACTOR SHALL VERIFY THAT SPECIFIED PLANTING SOIL DEPTH IS PRESENT PRIOR TD PLANTING.
3. HYDROSEED/FERTILIZE/CRIMP HAY MULCH ALL GENERAL LANDSCAPE AREAS DISTURBED DURING CONSTRUCTION.
4. ALL AREAS CALLED OUT FOR "NO MOW-LOW GROW" TURF SHALL BE PROVIDED AND INSTALLED PER SPEC FROM PRAIRIE NURSERY INC.
5. ALL PLANT MATERIALS LISTED SHALL MEET THE STANDARDS OF THE AMERICAN NURSERY & LANDSCAPE ASSOCIATION FOR THE SIZES GIVEN.
6. ALL TREES SHALL BE STAKED WITH A MINIMUM OF TWO STAKES.
7. 2'-4' SIZE RANGE FOR DECORATIVE-FRACTURED LANDSCAPE BOULDERS AS NOTED PER PLAN LOCATIONS. FINAL SIZE AND COLOR TO BE CHOSEN BY OWNER.
8. 4"-6" DEPTH OF DECORATIVE-FRACTURED RIP RAP BE PLACED IN SPECIFIED LANDSCAPE PLANTING BEDS. FINAL SIZE AND COLOR TO BE CHOSEN BY OWNER.
9. 3" DEPTH OF DOUBLE SHREDDED CHOCOLATE HARDWOOD MULCH FOR ALL LANDSCAPE PLANTING BEDS/TURF-TREE MULCH RINGS.
10. FILTER FABRIC SHALL BE PLACED BENEATH ALL LANDSCAPE STONE.
11. 1/8" X 4" ALUMINUM EDGING-BRONZE FINISH FOR ALL LANDSCAPE PLANTING BEDS/TURF-TREE RINGS.
12. COORDINATE ALL LANDSCAPE WORK WITH GAS, ELECTRIC, (INCLUDING MAIN SERVICE, SITE LIGHTING, CONDUITS AND SIGNAGE) CABLE AND TELEPHONE CONSTRUCTION AND RESPECTIVE TRADES FOR THE INSTALLATION OF SAID UTILITIES.

***STREET TREES**
(6 TREES REQ'D - 6 TREES SHOWN)

***HARD SURFACE**
(2,199.5 PTS REQ'D - 1,740 PTS SHOWN)

***GENERAL YARD**
(2,695.64 PTS REQ'D - 2,915 PTS SHOWN)

***BUILDING FOUNDATION**
(1,873.3 PTS REQ'D - 2,192 PTS SHOWN)


2.5" CAL. SUGAR MAPLE (10)

5' B&B BALSAM FIR (18)

2" CAL. ROBINSON CRABAPPLE TREE (14)

10'-12' B&B MULTISTEMMED SERVICEBERRY TREE (8)

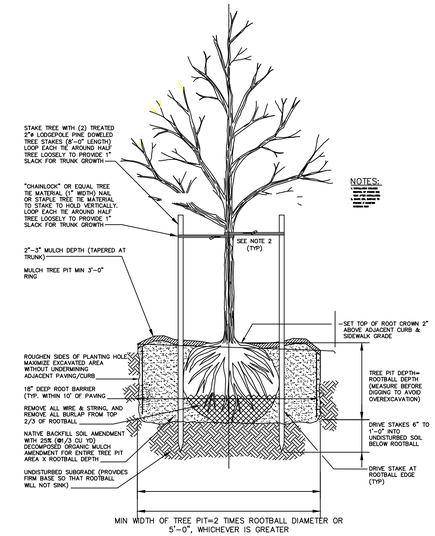
7 GAL. VANILLA STRAWBERRY HYDRANGEA TREE (8)

3 GAL. ANNABELLE SNOWBALL HYDRANGEA (82)

1 GAL. ALEXANDER'S GREAT BRUNNERA (72)

3 GAL. WINTER GEM BOXWOOD (40)

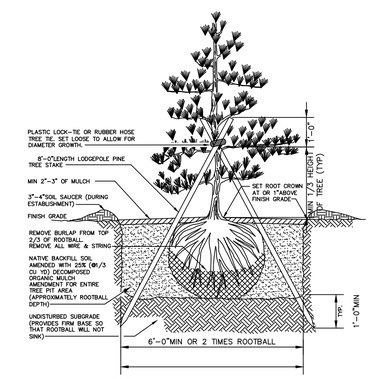
1 GAL. FIREWORKS PINK ASTILBE (100)



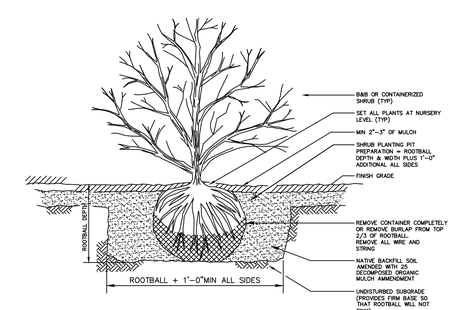
NOTES:

1/101 DECIDUOUS TREE PLANTING DETAIL
NTS

MULCH AREA TO BE CLEAR OF GRASS, WEEDS, ETC. TO REDUCE COMPETITION WITH TREE ROOTS



1/101 EVERGREEN PLANTING DETAIL
NTS



1/101 SHRUB PLANTING DETAIL
NTS

REVI DESIGN
outdoor designers & artists

THIS DOCUMENT AND THE IDEAS / DESIGNS INCORPORATED HEREIN, IS AN INSTRUMENT OF PROFESSIONAL SERVICE AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF revi DESIGN, LLC.

715-355-7384
revi-design.com

N

CLIENT
Weston, WI

SCALE
1" = 30'-0"

ISSUE
03/26/2020

EDIT
na

PROJ.#
588.1

TITLE
concept

DRAWN BY: ajk

CHECK BY: dbs

la

1

SITE PLAN REVIEW - STAFF REPORT CSIT-XX-XX-XXXX

Planning and Development Department Submitted on:

PROJECT ADDRESS: 5420, 5506 & 550 Willow Street, WESTON, WI 54476

STAFF DETERMINATION:

APPROVAL EXPIRATION DATE:

RELATED CASES:

GENERAL			
Applicant/Company:	Platinum Investments LLC		
Address:			
Phone:		Email:	
Site Owner:	Platinum Investments LLC		
Address:			
Phone:		Email:	
Engineer/Company:	MTS		
Address:			
Phone:		Email:	
General Contractor:			
Address:			
Phone:		Email:	
Architect:			
Address:			
Phone:		Email:	
Landscape:			
Address:			
Phone:		Email:	
Existing Zoning:	MF Multiple Family Residential Zoning District		
Adjacent Zoning:	NORTH:	MF - Multiple Family Residential	
	SOUTH:	SF-S Single Family Residential – Small Lot Zoning District	
	EAST:	2F – Two Family Residential Zoning District	
	WEST:	SF-S Single Family Residential – Small Lot Zoning District	
Existing Land Use:	Vacant		
Adjacent Land Use:	NORTH:	Multi Family Dwelling	
	SOUTH:	Single Family Residential	
	EAST:	Duplexes	
	WEST:	Single Family Residential	
Future Land Use:	2F- Two Family Residential and MF- Multiple Family Residential		

LEGAL DESCRIPTION OF SUBJECT PROPERTY:

GENERAL DESCRIPTION OF PROJECT:

Proposed project is to build three multi family buildings with a total of 36 units with a mix of one-bedroom and two-bedroom units.
Proposed Use – Multi Family Dwelling Complex

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

STAFF ANALYSIS PROVIDED BY:
S.A.F.E.R. DISTRICT (Inspector Christiansen), **EVEREST METRO POLICE DEPARTMENT** (Chief Schultz), **DEPARTMENT OF PUBLIC WORKS** (Michael Wodalski, Director of Public Works), DEPARTMENT OF **PARKS, RECREATION AND URBAN FORESTRY** (Shawn Osterbrink), **DEPARTMENT OF PLANNING AND DEVELOPMENT** (Jennifer Higgins, Director of Planning & Development; Scott Tatro, Building Inspector; Roman Maguire, Property Inspector and Emily Wheaton, Assistant Planner).

STAFF MEETING HELD ON <<INSERT DATE>> TO DISCUSS THE SITE PLAN PROPOSAL. COMMENTS HAVE BEEN INCORPERATED BELOW.

DENSITY, INTENSITY AND BUL REGULATIONS: Article 5 **LOT SPECIFICATIONS**		**REQUIRED**	**PROPOSED**
Minimum Lot Size:		1,600 sq/studio plus 400 sq ft/bedroom (would need 85,200 based on # of units)	103,167 sq feet
Minimum Lot Width:		100 feet	354.51 feet
Minimum Street Frontage:		40 feet	354.51 feet
Minimum Landscape Surface Ratio:		30%	40.1%
Maximum Floor Area Ratio/Total Building Coverage:		40%	
SETBACKS		**REQUIRED**	**PROPOSED**
Principal Structure:	Front / Street Side Yard:	30 feet	Yes, the two closest buildings will be 30 feet and 40.24 feet
	Interior Yard:	8 feet	Yes, the setback from the two sides will be 30.91 feet and 69.48 feet
	Rear Yard:	20 feet	Yes, the two closest buildings will be 34.19 feet and 34.40 feet
Accessory Structure:	Rear / Side Yard:		N/A
Hard Surface:	Front / Street Side Yard:	10 feet	Yes, the pavement will be 40.11 feet from lot line
	Interior / Rear Yard:	6 feet	Yes, the pavement will be 25 feet and (what is rear setback)
Minimum Principal Building Separation:		10 feet	Yes, the buildings are 66 feet and (what is distance between two h style buildings) apart
Principal Structure Height:		40 feet	28’ 4” and 27’8” feet
Accessory Structure Height:		15 feet	N/A

LAND USE STANDARDS: Article 4 **Section 94.4.02(3)**	**PROPOSED**
1. Dwellings meet design standards for Multi-Family Residences in Section 94.10.03.	
2. Detached Accessory Structures meet standards in Section 94.4.09(2).	N/A, there are no detached accessory structures on site.
3. Public sewer and water service.	Yes, this project will be connected to public sewer and water
4. Zero-lot line structures meet applicable standards in Section 94.4.02(2).	N/A, there are no zero lot line structures

5. Minimum of 1 unit for every 33 units designed for handicapped accessibility.	No info provided.
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.	No info provided.
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.)	N/A, this is not located in the 2F Zoning District
8. Off-street motor vehicle parking: • 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.	Need 78 parking spaces. 36 are in garages (1 per unit) 45 are located in front of garage stalls or offset from the buildings.
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.	There are walkways through the property.
10. Designated off-street bicycle parking space in bike rack or similar, near building entrance.	There are two bike racks located on the property.
11. Serviced by manager with an office or residence.	There is no planned on site manager.

OVERLAY ZONING STANDARDS: Section 94.6.XX	PROPOSED
N/A	

FLOODPLAIN ZONING STADARDS: Section 94.7.XX	PROPOSED
N/A	

SHORELAND ZONING STANDARDS: Section 94.8.XX	PROPOSED
N/A	

SHORELAND-WETLAND ZONING STADARDS: Section 94.9.XX	PROPOSED
N/A	

DESIGN STANDARDS: Article 10 Section 94.10.03 Design Standards for Non-Residential and Multi-Family Development	PROPOSED
(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).	(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.	(2) This is a new construction for residential use.
(3) **Licensed Architect Required.** All proposed new construction and building additions 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.	(3) Yes
(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.	(4)
(5) **Building Facade 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).	(5)
(6) **Building Design Proportions**.	(a)

(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.	(b) (c) (d) (e)
(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). The remaining sides shall be matching masonry brick, store or concrete panel for the first 4 feet from the finished floor elevation where abutting an all-weather surface and/or not screened by landscaping. 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 (i) abutting Schofield Avenue, Camp Phillips Road, Weston Avenue, Ross Avenue and/or State Highway 29 or (ii) within the Weston Business and Technology Park or any additions thereto. (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 architecturally finished and decorative versions of such materials if approved by the site plan 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	(a) (b) (c) (d) (e)

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.	(f) N/A (g)
(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 exposed fastener systems, metal sheets, panels or 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.	(8)
(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).	(9) No colors provided.
(10) **Design.** Building design features, materials and articulations shall be continued in all sides.	(10)
(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.	(11) No info provided.
(12) **Corner Lot Buildings.** Buildings on corner lots shall continue the major front elevation design elements around the corner elevation.	(12) N/A, not a corner lot building
(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	(13) N/A, no mechanical units

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. All new loading docks shall be screened from public view to the extent practical. No truck canopies with visible wall hangers are permitted.	(14) Garages will not face the right of way
(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.	(15) This will be met.
(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.	(16)
LARGE RETAIL/SERVICE STANDARDS: Section 94.10.04	**PROPOSED**
(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.	(1) N/A
(2) **Traffic Impact Analysis.** A traffic impact analysis is required for each Large Retail and Commercial Service Development exceeding 75,000 square feet in total building gross floor area. The traffic impact analysis shall be completed by a consultant approved by the Village and holding appropriate experience and in accordance with the most current revision of the Traffic Impact Analysis Guidelines published by the State of Wisconsin DOT, except as otherwise approved by the Village Engineer. Where the Traffic Impact Analysis indicates that a project may cause off-site public roads, intersections, or interchanges to function below level of service (LOS) C, the Village may deny the application, may require a size reduction in the proposed development, and/or may require the developer to construct and/or pay for required off-site improvements to achieve LOS C for a planning horizon of a minimum of ten years assuming full build-out of the development.	(2) N/A
(3) **Neighborhood Plan.** Applicants for Large Retail and Commercial Service Developments exceeding 75,000 square feet in total building gross floor area shall prepare a neighborhood plan including the subject site and an impact area beyond the boundary of the development site as determined by the Zoning Administrator. The neighborhood plan must be submitted prior to or with the application for conditional use permit. The Zoning Administrator may waive this requirement if	(a) N/A (b) N/A

a neighborhood plan that anticipated the development has already been adopted or if the impact area is already substantially developed. The neighborhood plan shall be of sufficient detail to establish the mix of land uses and their relationship to the Large Retail and Commercial Service Development with regard to provision of street, bicycle/pedestrian, and bus transit connectivity, utilities, stormwater management, and community character, and a general layout that support the objectives of the Comprehensive Plan. The neighborhood plan shall contain the following elements: (a) General types of land use types with specific zoning districts and/or land uses. (b) Transitional treatments such as berms and/or landscaping between areas with differing land uses or character. (c) Complete public road network. (d) Pedestrian and bicycle network. (e) Transit routes and stops, where applicable. (f) Conceptual stormwater management network. (g) Public facility sites including parks, schools, conservation areas, public safety facilities and public utility facilities. (h) Recommendations for community character themes including building materials, landscaping, streetscaping, and signage.	(c) N/A	
	(d) N/A	
	(e) N/A	
	(f) N/A	
	(g) N/A	
	(h) N/A	
(4) **Facilities and Associated Features.** The following requirements are applicable to each Large Retail and Commercial Service Development, in addition to other applicable standards in this Chapter: (a) **Building Location.** Where buildings are proposed to be distant from a public street, as determined by the Plan Commission, the overall development design shall include smaller buildings on pads or secondary lots closer to the street. Placement and orientation must facilitate appropriate land use transitions and appropriate traffic flow to adjoining roads, and neighboring commercial areas and neighborhoods, and must forward any community character objectives in the Comprehensive Plan. (b) **Building Materials.** Exterior building materials shall be of comparable aesthetic quality on all sides. Building materials such as glass, brick, tinted and decorative concrete block, wood, stucco, and exterior insulation and finish systems (EIFS) shall be used, as determined appropriate by the Plan Commission. Decorative architectural metal with concealed fasteners or decorative tilt-up concrete panels may be approved if incorporated into the overall design of the building. See Figure 10.04(1). (c) **Building Design.** The building design shall complement other buildings in the vicinity, meet Section 94.10.03(6), and include the following (see also examples in Figure 10.04(1)): 1. The building shall employ varying setbacks, heights, roof treatments, doorways, window openings, and other structural or decorative elements to reduce apparent building size and scale.	(a) N/A	
	(b) N/A	
	(c)	1. N/A
		2. N/A
		3. N/A
		4. N/A
		5. N/A
		6. N/A
		7. N/A

2. A minimum of 20 percent of the structure's facades that are visible from a public street shall employ actual protrusions or recesses with a depth of at least four feet. No uninterrupted facade shall extend more than 100 feet. 3. A minimum of 20 percent of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being four feet or more as measured eave to eave or parapet to parapet. 4. Roofs with particular slopes may be required to complement existing buildings or otherwise establish a particular aesthetic objective. 5. Ground floor facades that face public streets shall have arcades (a series of outdoor spaces located under a roof or overhang and supported by columns or arches), display windows, entry areas, awnings, or other such features along no less than 50 percent of their horizontal length. The integration of windows into building design is required, and shall be transparent, clear glass (not tinted) or spandrel glass between three to eight feet above the walkway along any facades facing a public street. The use of blinds shall be acceptable where there is a desire for opacity. 6. Building facades shall include a repeating pattern that includes no less than three of the following elements: (i) color change, (ii) texture change, (iii) material modular change, (iv) expression of architectural or structural bay through a change in plane no less than 24 inches in width, such as an offset, reveal or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically. 7. All buildings on secondary lots or sites within the development shall be of architectural quality comparable to or exceeding that of the primary building. (d) **Building Entrances.** Public building entryways shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns. Two or more of the following design features shall be incorporated into all public building entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, outdoor patios, display windows, distinct architectural details. (e) **Building Colors.** Building facade colors shall be non-reflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, fluorescent colors or black on facades shall be prohibited. Building trim and architectural accent elements may feature bright colors or black, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on signage. See Figure 10.04(1) for examples. (f) **Screening.** 1. All ground-mounted and wall-mounted mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials complementing those used on the building exterior.	(d) N/A	
	(e) N/A	
	(f)	1. N/A
		2. N/A
		3. N/A
		4. N/A
	(g)	1. N/A
		2. N/A
		3. N/A
	(h)	1. N/A
		2. N/A
		3. N/A
	(i)	1. N/A
		2. N/A
		3. N/A
		4. N/A

2. All rooftop mechanical equipment shall be screened by parapets, upper stories, or other areas of exterior walls or roofs so as to not be visible from public streets adjacent or within 1,000 feet of the subject property. Fences or similar rooftop screening devices may not be used to meet this requirement. 3. Loading docks shall be completely screened from surrounding roads and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls, which match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above. 4. Gates and fencing may be used for security and access, but not for screening, and they shall be of high aesthetic quality.	5. N/A 6. N/A
(g) **Parking.** 1. Parking lots in which the number of spaces exceeds the minimum number of parking spaces required for the specific use or uses in Article 4 by more than 50 percent shall be allowed only with specific justification based on actual parking demand for similar uses in other locations. 2. Parking lots shall be designed to create distinct parking areas of not more than 120 parking stalls each through use of landscaped and curbed medians or other approved techniques. 3. Each landscaped island or peninsula shall contain a minimum of 360 square feet in landscaped area. Landscaped islands or peninsulas shall be spaced at intervals no greater than one island per every 20 spaces in that aisle.	(j) N/A
(h) **Vehicular Access.** 1. All such projects shall have direct access to an arterial or collector street. 2. Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length, width, design, location, and number; traffic control devices; and sidewalks. 3. The site design shall provide direct vehicular connections to adjacent land uses if required by the Village.	(k) N/A
(i) **Bicycle and Pedestrian Facilities.** 1. The development shall provide for safe pedestrian and bicycle access to all uses, and connections to existing and planned public pedestrian and bicycle facilities and adjacent properties. 2. Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or pedestrian/bike facilities. The minimum width for sidewalks adjacent to buildings shall be eight feet; and the	(l) N/A (m) N/A (n) N/A

minimum width for sidewalks elsewhere in the development shall be five feet. 3. Sidewalks other than street sidewalks or building aprons shall have adjoining landscaping along at least 50 percent of their length. 4. Crosswalks shall be distinguished from driving surfaces to enhance pedestrian safety by using different materials, or colors, or textures, and signage. 5. The development shall provide secure, integrated bicycle parking at a rate of one bicycle rack space for every 50 vehicle parking spaces. 6. The development shall provide exterior pedestrian furniture in appropriate locations at a minimum rate of one seat for every 20,000 square feet of gross floor area. (j) **Central Areas and Features.** Each such development exceeding 75,000 square feet in total building gross floor area shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated areas or focal points that adequately enhance the development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and shall be maintained over the life of the building project. (k) **Cart Returns.** A minimum of one 200-square foot cart return area shall be provided for every 100 parking spaces. Cart corrals shall be of durable, non-rusting, all season construction, and shall be designed and colored to be compatible with the building and parking lot light standards. (l) **Outdoor Display Areas.** Exterior display areas shall be permitted only where clearly depicted on the approved site plan. All exterior display areas shall be separated from motor vehicle routes by a physical barrier visible to drivers and pedestrians, and by a minimum of ten feet. (m) **Outdoor Storage Uses and Areas.** Exterior storage structures or uses, including the parking or storage of service vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, fork lifts, trash, recyclables, and all other items shall be permitted only where clearly depicted and labeled on the approved site plan. Such outdoor storage uses and areas shall be appropriately screened. (n) **Landscaping.** On-site landscaping shall be provided at time of building occupancy and maintained per the requirements of Article 11. (o) **Lighting.** On-site exterior lighting shall meet all the standards of Section 94.12.11. In addition, the color and design of pole lighting standards shall be compatible with the building and the public lighting in the area, and shall be uniform throughout the entire development site.	(o) N/A (p) N/A (q) N/A (r) N/A (s) N/A

(p) **Signage.** In addition to meeting the applicable requirements of Article 13, a signage plan for all exterior signage shall be provided for coordinated and complimentary exterior sign locations, configurations, and colors throughout the development, including secondary lots within the development. Combined signs for multiple users may be required instead of multiple individual signs. (q) **Natural Resources Protection.** Natural resources shall be protected in accordance with this Chapter and State and Federal regulations. In general, existing natural features shall be integrated into the site design as a site and community amenity. (r) **Relationship to Existing Sites.** Where such a building is proposed as a replacement location for a business already located within the Village, the Village prohibits any privately imposed limits on the type or reuse of the previously occupied building through conditions of sale or lease. (s) **Development Agreement.** The developer may be required to enter into a development agreement with the Village, which may address fees, off-site improvements, and other matters to assure compliance with conditional use permit approval conditions. (t) **Exceptions.** In the event the applicant desires a waiver or modification from the requirements of this Section, the applicant shall present justification for such deviation or exception, which may be approved or denied by the Plan Commission.	(t) N/A

LANDSCAPING: Article 11 Section 94.11.02 Landscaping Requirements	Proposed	Required Points	Proposed Points
(1) **Applicability.** Any use for which site plan approval is required under Section 94.3.03(10) shall provide landscaping in accordance with the requirements of this Section, including expansion, renovation, and redevelopment of existing buildings and sites. Where the predecessor zoning ordinance, or a Village zoning decision under that ordinance, required landscaping which have not been satisfactorily installed or maintained, the property owner shall be required to install or restore such landscaping. Where the appropriate site plan approval authority under Section 94.16.09 determines that full compliance with the requirements of this Section is impractical, the approval authority may require compliance to the extent it determines practical. Such a determination of "impracticality" may be based on one or more of the following conditions: (a) Preexisting buildings or impervious services, and/or insufficient lot area, do not provide sufficient green space for full compliance. (b) Village stormwater management or easement requirements do not provide sufficient area for full compliance. (c) A redevelopment project would otherwise be infeasible, based on financial information provided by the applicant. (d) Full compliance would result in a plan in which landscaping would, by maturity, interfere with or compete with one another for survival and may therefore require removal at a later date. (e) Where a proposed addition does not exceed 50% or the original building or hard surfaced area size. In such cases, the quantitative landscaping standards shall be met in proportion to the size of the addition as compared to the original building or hard surfaced area.	(1)		
(2) **Required Landscape Plan and Preparer Qualifications.** All proposed landscape plantings to be located on the subject property shall be depicted on a landscape plan as to their location, type, and size at time of planting and maturity. All landscape plans required under this Article shall be prepared by a licensed landscape architect, certified landscape designer, or another professional or individual skilled in landscape design as determined by the Zoning Administrator.	(2) Yes, a landscaping plan was submitted.		
(3) **Landscape Planting Requirements.** Landscaping shall be provided based on the following requirements for street frontages, hard or gravel surfaced areas, building foundations, bufferyards (where applicable), and general yard areas. These requirements are additive to each other and any other landscaping or screening requirements in this Chapter. By approval of the applicable site plan approval authority, required landscaping points may be shifted between areas (e.g., hard surfaced areas to building foundations). The landscaping point system is described in greater detail in subsection (4), below.	(3)		
(a) **Street Frontages.** Street trees shall be planted in accordance with the following standards (see also example in Figure 11.02(1)):	1.	6	6

1. The total number of street trees shall be equal to or exceed the ratio of one for each 50 feet of street frontage, minus widths of proposed or existing driveways. 2. Trees shall be planted in the right-of-way along all streets no closer than ten feet from driveways, street signs, fire hydrants, and other above-ground utilities, and 50 feet from the corner of an intersection, as measured from the right-of-way lines extended. 3. When conditions are such that the required spacing cannot be satisfied in the right-of-way or, if in the opinion of the Zoning Administrator the right-of-way is not wide enough to support tree growth, street trees under this subsection shall be planted within the first ten feet inside the sidewalk line. 4. The unpaved portion of a public right-of-way abutting a parcel shall be sodded with a salt tolerant grass equivalent to a mixture containing 30 percent alkali grass. 5. Tree or shrub planting in any public right-of-way or on any public land in the Village shall be governed by Chapter 90 of the Code.	2. Yes this will be met.		
	3.		
	4.		
	5. Not located in right-of-way		
(b) **Hard and Gravel Surfaced Areas.** Within industrial zoning districts, 100 points of landscaping shall be planted for each 2,500 square feet of hard and gravel surfaced area, not including rooftops. Within all other zoning districts, 100 points of landscaping shall be planted for each 1,500 square feet of hard or gravel surfaced area, not including rooftops. Plants required under this subsection shall be installed within landscaped islands within the hard or gravel surfaced area or within 15 feet of its edges, and shall include large deciduous trees unless otherwise approved by the appropriate site plan approval authority. See example in Figure 11.02(2).	(b) Don't know hard surface square footage.		
(c) **Building Foundations.** Within industrial zoning districts, 100 points of landscaping shall be planted for each 50 lineal feet of exterior building wall that is visible from a public right-of-way or residentially zoned property. Within all other zoning districts, 100 points of landscaping shall be planted for each 75 lineal feet of exterior building wall. Plants required under this subsection must be installed within 20 feet of the building foundation, and shall not include large deciduous shade trees. See example in Figure 11.02(3).	(c) Lineal feet = 1,405	1873	2155
(d**) Bufferyards.** A bufferyard is a landscaped area, berm, fence, and/or wall that results in a reduction of visual and other interaction with an adjoining property. A bufferyard shall be provided if required for a particular land use listed in Article 4, and where otherwise required via site plan approval under Section 94.16.09. Where required, bufferyards shall comply with the following. 1. The minimum width of a bufferyard shall be 25 feet, unless reduced by the site plan approval authority if it determines that a lesser width is adequate to separate incompatible uses/activities or is necessary owing to site constraints beyond the control of the owner.	1. A 25 foot buffer has been provided.		There are no specific bufferyard plantings provided.
	2. There is no structures other than landscaping located in the buffer yard.		

2. No building, parking lot, loading area, motor vehicle circulation area, trash storage area, or outdoor storage area shall be permitted in a required bufferyard. 3. Landscaping within bufferyards shall be selected, positioned, and planted in sufficient quantities to provide an all-season screen within five years of planting and have a minimum height of three feet at time of planting. See example in Figure 11.02(4). Such landscaping shall not count towards any other frontage, hard or gravel surfaced area, building foundation, or general yard area planting requirement of this Article. 4. The use of a decorative opaque fence or wall, and/or a berm, in lieu of or in addition to the landscaping may be approved by the site plan approval authority, provided the slope of any berm is less than 4:1; the berm, fence or wall does not interfere with access, utilities, or stormwater management.	3.		
	4. A fence is not being utilized.		
(e) **General Yard Areas.** Within industrial zoning districts, 100 points of landscaping shall be planted for each 4,000 square feet of total lot area, excluding those areas under a rooftop, hard or gravel surfaced area, required bufferyard, or being reserved for a future phase of development. Within all other zoning districts, 100 points of landscaping shall be planted for each 2,500 square feet of total lot area, excluding those areas under a rooftop, hard or gravel surfaced area, required bufferyard, or being reserved for a future phase of development. Landscaping required by this standard shall be placed where appropriate on the site to maximize visual impact of landscaping, such as in a front or street side yard or adjacent to other uses.	(e) Don't know hard surface square footage to calculate.		
(f) **Other Green Space Areas.** Green space areas not used for landscape plantings, other than natural resource protection areas, shall be graded and sodded or seeded with a maintainable seed mix. Organic or natural mulch of plantings or planting beds is acceptable, but shall be installed so it does not erode, fall, be plowed, or otherwise transported into walks, drives, streets, or other hard-surfaced portions of the site.	(f)		
(4) **Landscaping Points and Minimum Installation Sizes.** Most of the above landscaping requirements are expressed in terms of landscape points. Each plant type, below, is worth a certain number of landscape points that can be used to fulfill the landscaping requirements. Minimum permitted installation sizes for each plant category are provided to ensure that landscaping provides its aesthetic and screening functions at the time of installation and to improve survival rates. The schedule of landscaping points and minimum permitted installation sizes is as presented in Figure 11.02(7).	(4)		
(5) **Prohibited and Discouraged Species.** (a) The following species are prohibited in the public right-of-way, within 10 feet of any lot line or parking lot perimeter, and in parking lot islands: 1. Ailanthus (Tree of Heaven). 2. American Elm, and any other species of elm not resistant to Dutch Elm Disease 3. Ash (all varieties, until threat of emerald ash borer is eliminated) 4. Buckthorn (common or glossy)	(5)		

5. Black Locust 6. Box Elder 7. Catalpa 8. Cottonwood (except along water edges) 9. European White Birch 10. Fruit-bearing Trees (excluding crabapples) 11. Honeysuckle 12. Lombard Poplar 13. Mulberry 14. Red Maple 15. Russian Olive 16. Siberian Elm 17. Silver Maple 18. Walnut 19. Willow (except along water edges). 20. Other weak-wooded tree species or species that deposit a significant number of twigs, seed pods, fruits, nuts, and/or other debris, as determined by the Zoning Administrator. (b) Evergreen trees are prohibited within the public right-of-way.	
(6) **Existing Plant Materials**. A reasonable attempt shall be made to preserve as many existing trees as is practicable and to incorporate them into the landscape plan, including techniques for preservation. In instances where healthy plant materials of acceptable species, as determined by the Village, exist on a site prior to its development, the application of the standards in this section may be adjusted by the Village to allow credit for such material, provided that such adjustment is consistent with the intent of this Article.	(6) This is an existing vacant parcel with only one or two existing trees.
(7) **Installation.** All landscaping required under this Section shall be installed consistent with Village standard specifications and industry accepted standards, and shall be guaranteed by the applicant or the applicant's contractor for three years. Street terrace trees shall be balled and burlapped. All landscape beds shall be edged in accordance with industry best practices Installation shall occur prior to occupancy or commencement of operations, unless doing so would result in unsatisfactory plant survival. In this case, landscaping shall be installed within six months of occupancy or commencement of operations, and the Village may require a performance guarantee, such as a bond, cash deposit or letter of credit, before a permit or certificate for building occupancy is granted and until such landscaping is installed according to plan. (a) A single tree species may not exceed twenty percent (20%) of all the tree species proposed to be planted on a single site.	(7) This shall be met.
(8) **Maintenance.** Landscaping required by this Section is intended to be a permanent site improvement. As such, all landscaping shall be continually maintained in a live state. Maintenance shall include periodic and timely watering, irrigation where necessary, replenishment of mulch, weeding, fertilizing, pruning and any other such normally required horticulture activity necessary to keep all landscaping in a healthy, safe and aesthetically pleasing state. Recognizing that over time plants may mature and die or otherwise expire because of natural or unnatural causes; maintenance shall also include the removal and replacement of dead or dying plants. Such replacement shall occur within the same year in which a	(8) This shall be met.

plant dies or in the spring planting season of the following year. Landscaping shall also be subject to applicable maintenance standards with Section 50.102 of the Code.	
(9) **Location in Utility Easements.** Planting in utility easements is at the risk of the property owner. Any plants that must be removed because of utility work within such easements shall be replaced by the property owner at his or her cost.	(9)
94.11.03 Lawn Care, Alternative Groundcover and Preservation of the Topography	
(1) **Lawn Care and Alternative Groundcover.** Care of lawns, gardens, and natural areas shall comply with the requirements of Section 50.102(h) of the Code	(1)
(2) **Preservation of Topography.** (a) With development of any land, effort shall be maintained to preserve pre-existing topography to the extent practical and consistent with safe, efficient, and attractive land development. (b) No structure shall be built that would alter the existing drainage or topography in any way as to adversely affect the adjoining property(ies). (c) In no case shall any slope exceed the normal angle of slippage of the material involved. (d) No change in existing topography shall be made that would result in increasing the slope of any land within a distance of 20 feet from a property line to a ratio greater than four horizontal to one vertical (maximum 4:1 slope).	(2)

GENERAL PERFORMANCE STANDARDS: Article 12 94.12.03: Fences, Landscape Walls and Hedges.	PROPOSED
(a) **Traffic Visibility.** All fences, walls, and hedges must comply with the vision clearance requirements of Section 94.12.08(12). (b) **Access.** No fence shall be considered a hardship to access a rear yard, for purposes of storage of vehicles or other purposes in this Chapter.	(a) There are no fences or walls
(d) Fences within all Non-residential Zoning Districts, Except for Residential Fences Located There 1. Fences, walls, and continuous hedges not exceeding ten feet in height are permitted. Such fence, wall, or continuous hedge shall be set back a minimum of two feet from any front or street side property line. 2. Fences, walls, or continuous hedges may be required for screening particular land uses per Article 4 and Section 94.11.02(3)(d).	(b) There are no fences.
(g) **Permanent Fence Appearance.** For each permanent fence with a more finished or a more decorative (non-structural) side, such side shall face toward the adjoining property or right-of-way. Residential fences in a front or street side yard shall be of semi-open designs, such as vertical picket, weaved lattice, or wrought iron bars. Each permanent fence shall be of consistent design and color, and color shall be compatible with the predominant color of the principal building on the same lot.	(d) N/A
(h) **Construction and Maintenance.** All fences, landscape walls, or decorative posts shall be constructed and maintained in a structurally sound and attractive manner per manufacturer's instructions. Living hedges must be trimmed so that all limbs remain entirely within the property. Each fence shall be built and maintained with a single material and a single color for its full length.	(g) There is no fence.
	(h) N/A

94.12.06(2): Exterior Storage Standards.		
(a) All exterior (outside) storage of recyclable and non-recyclable containers, within multi—family dwellings and non-residential facilities and properties (all land uses other than "Single-Family Detached Residence", "Two-Family Residence", and "Agricultural Use"), shall be placed and maintained within a three-sided enclosure and enclosed on the fourth side with a gate to contain garbage, refuse, waste, recycling, and other debris. The enclosure shall further meet all of the following requirements: 1. Subject to accessory structure setback requirements included in Figures 5.01(2) and 5.02(2). 2. Must be at least 10 feet from any combustible walls, openings, or combustible roof eave lines, as per NFPA 1 (most recent addition). 3. Not placed in any minimum required front or street side yard.	(a)	1. Proposed 20 feet from front property line. Required to be 30 feet.
		2. Yes, is 10.17 feet from closest building.
		3. Is located in front required yard.
		4. is located in front of principal building.
		5. Yes, structure is 12 x 30ft
		6. Yes, structure will be 8 feet tall.
		7. Will be located on 6" of concrete.
		8. This will be partially met. The chain link gate with privacy slats is not permitted.
		9. Yes, this will be met.
		10. Applicant sent email of confirmation from hauler.

4. Must be placed to the interior side or rear of the principal structure, unless such a location is not possible in the determination of the Zoning Administrator. 5. Must be a minimum of 30-feet long by 10-feet wide. 6. Must be 8-feet tall. 7. Placed on a permanent hard surface. 8. The recyclable and non-recyclable containers shall be fully screened and not visible from public rights-of-way and adjacent properties from the ground level; the screening shall consist of a solid fence constructed of masonry, commercial grade wood fencing, or other commercial grade material approved by the Zoning Administrator. Chain link fences and gates with slats are not permitted for this purpose. 9. This fence shall be constructed in such a manner so as to prevent paper, debris, and other refuse material from being blown through the fence. 10. The Village's Refuse and Recycling Site Application must be submitted and approved by the Village prior to installation. The owner shall provide proof to the Zoning Administrator, from the owner's contracted solid waste/recycling hauler, that the design provides safe and reasonable access to the hauler to provide the contracted service. (b) The site plan approval authority, or Zoning Administrator in the case where the project does not require site plan approval under this chapter, may waive or modify one or more requirements in subsection (a). Such waiver or modification may be provided only if the authority or Administrator determines that the intent of the ordinance requirement(s) will be met in another way and that the reduction is not contrary to the public interest, the purpose of this chapter, and the purpose of the associated zoning district. (c) The exterior storage of non-recyclable and recyclable material, and associated containers and enclosures, which are not in compliance with this subsection as of March 18, 2015, shall have one year from such date to comply.	(b) (c)
(3) **Motor Vehicle Storage.** Except in AR and RM zoning districts, storage of operable and licensed motor vehicles shall be on a hard or gravel surface. No motor vehicle in any zoning district shall be stored within the minimum hard or gravel surface setbacks of Article 5. All motor vehicle storage areas shall be landscaped in accordance with Article 11. Storage or parking of semi-trailers, busses and heavy duty trucks on property zoned or used for residential purposes is prohibited.	(3) Parking spaces are all paved.
(4) **Inoperable Vehicles and Junk.** The outside storage of inoperable or unlicensed vehicles, appliances, and other junk or trash shall be prohibited, except as described within the "Junkyard or Salvage Yard" and "Outdoor and Vehicle Repair and Maintenance" land uses performance standards and for those uses approved in accordance with the requirements of this Chapter. The storage of inoperable vehicles in association with said uses shall be on a hard or gravel surface meeting the applicable hard surface setback requirements; and is also	(4) No junk or inoperable vehicles are planned to be stored on this site.

subject to the regulations set forth in Section 50.105 of the Code.	
(5) **Construction Materials and Equipment Related to On-site Construction.** Except within agricultural zoning districts, all temporary storage of construction materials and equipment related to on-site construction shall be set back a minimum of three feet from any interior side or rear property line, and outside of any front or street side yard unless provided site plan approval under Section 94.16.09.	(5) This shall be met.
94.12.08: Access and Driveway Standards.	
(4) **Distance from Property Line.** The distance from an access drive or parking lot to the property line shall not be less than the minimum associated setback for hard and graveled surface areas in Figures 5.01(2) and 5.02(2), except in case of approved shared driveways, hared parking lots and cross-access ways.	(4) Parking lots are 25, 34, and over 60 feet from the property lines.
(5) **Width of Driveway.** All openings for access drives onto public streets shall adhere to the widths as specified in Chapter 71 of the Code.	(5)
(6) **Traffic Control.** Traffic into and out of all off-street parking, loading and traffic circulation areas serving six or more parking spaces shall be forward moving, with no backing into streets or pedestrian ways.	(6)
(7) **Surfacing.** Driveway surfacing shall be per Section 94.12.09(6)(a).	(7)
(8) **All Garages to be Served by Driveways**. All garages intended for vehicle parking shall be served by a driveway extending from the garage to the curb or street edge. Where such driveway(s) meets the garage, the width shall be, at minimum, the width of all garage door openings.	(8) Yes, this will be met.
(9) **Installation Timing**. Except for apron sections within public rights-of-way, no residential driveway shall be constructed until the owner has been issued a building permit for the residence. Each residential driveway shall be constructed prior to occupancy of the associated dwelling, except in cases when construction of the dwelling is completed between December 1st and March 31st. In such cases, driveways must be installed no later than June 1st following occupancy.	(9) Yes, this will be met.
(10) **Provision for Sidewalk.** Where there is existing curb and gutter street sidewalks shall be installed for all new construction and substantial remodels, which exceed 50% of the assessed value, of a structure, regardless if a sidewalk is present on either side of said project, in accordance with the Village's Complete Streets Policy. Where the construction project or remodel does not exceed 50% of the assessed value then all driveways, new or existing, shall accommodate a 5-foot wide concrete sidewalk section within the public right-of-way, built to Village sidewalk standards, to maintain connection with existing sidewalks or to allow for the connection of future sidewalks on either side of the driveway. Plan Commission may waive the above stated provisions under the following circumstances: (a) The Village Capital Improvement Plan and/or sidewalk and trail planning maps, or similar planning documents do not include sidewalks within the project neighborhood; or (b) The Director of Public Works has determined that future sidewalk grades cannot be determined or; (c) The Director of Public Works has determined that substantial grading of the area between the curb and the right-of-way line	(10) There is no existing curb and gutter on this street.

is required for both the subject parcel and both neighboring parcels.	
(11) **Maintenance.** All driveways shall be maintained so as to prevent the transport of gravel, dirt, or other material from the property into the public right-of-way.	(11) This will be met.
(12) **Vision Clearance Triangles.** Within vision clearance triangles, no signs, structures, earthwork, vegetation, or other obstructions between 18 inches and ten feet in height shall be permitted, except for tree trunks and sign poles. The vision clearance triangle shall apply where public streets intersect, and where private driveways and alleys intersect with public streets, per the following standards (as also represented in Figure 12.08).	(12) This will be met.
94.12.09: Off-Street Parking and Traffic Circulation Standards.	
(3) **Use of Off-Street Parking Areas; Snow Storage**. Except as otherwise allowed below, the use of all off-street parking areas shall be limited to the parking of licensed and operable vehicles not for lease, rent, or sale. Within residentially zoned property, only licensed and operable cars and trucks with a rated gross vehicle weight of 26,000 pounds or less shall be parked or kept in parking areas or any other exterior location. The use of parking spaces and their circulation areas for purposes such as seasonal sales and snow storage shall be permitted only if sufficient parking spaces remain available to meet the parking requirements of this chapter and normal traffic and pedestrian movement and safety is not impeded.	(3) Snow will be pushed to the west end of the parking area, not in stalls.
(4) **Traffic Circulation and Traffic Control.** Site circulation shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and on the site. Circulation shall be provided to meet the individual needs of the site with specific mixing of access and through movements, and where required, shall be depicted on the required site plan. Circulation patterns and traffic control measures shall conform to the general rules of the road and the requirements of the Manual of Uniform Traffic Control Devices.	(4) Yes, this will be met.
(5) **Installation and Maintenance of Off-Street Parking and Traffic Circulation Areas.** All off-street parking and traffic circulation areas shall be completed prior to building occupancy and shall be maintained in a dust-free condition at all times.	(5) Yes, this will be met.
(6) **Off-Street Parking and Traffic Circulation Design Standards.** (a) Surfacing. All off-street parking, driveway, and traffic circulation areas constructed after March 18, 2015, including residential driveways, shall be surfaced and continuously maintained with a hard surface as defined in Section 94.17.04, except that gravel, crushed stone, or a similar material is permitted for: 1. Agricultural uses. 2. Driveways in rural and open space zoning districts, where the intersecting road is gravel or the driveway is greater than 50 feet in length. 3. Emergency access driveways where required or approved by the Zoning Administrator. 4. Lightly traveled service drives for non-residential uses where included as part of an approved site plan under	(a) Yes, will be surface with road base and asphalt. (b) Yes, will be striped.

Section 94.16.09, and where in the Village at least the first 50 feet connecting to a public street is hard surfaced. In cases where gravel or crushed stone is permitted under one of the above exceptions, the portion of the driveway within the public street right-of-way shall be hard surfaced, except where serving agricultural uses, where the intersecting public road is gravel surfaced, or for uses outside of non-residential and mixed use zoning districts in the ETZ area. Where any gravel or crushed stone driveway exists, the Village Public Works Director may require a hard surface tracking pad adjacent to the public street right-of-way, or other remedial action, if he or she determines that gravel or stone is being tracked into the public street. (b) Marking. All hard-surfaced areas intended for six or more parking stalls shall be striped in a manner that clearly indicates the boundaries of required parking spaces. (c) Curbing. For developments that require site plan approval under this Chapter, construction of curb and gutter shall be required around all parking, driveway, and other vehicular access areas and landscaped islands and peninsulas. The site plan approval authority may modify this standard to facilitate a unique stormwater management approach or condition, for lightly traveled service drives, at the edges of a phase of development of a parking area, for material or snow storage areas, or for approved gravel surfaced areas. (d) Lighting. All off-street parking and traffic circulation areas serving six or more cars shall be lit so as to ensure the safe and efficient use of said areas during the hours of use, with said illumination level shall not exceed the standards of Section 94.12.11. (e) Access. Each required off-street parking space shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space without directly backing or maneuvering a vehicle into a public right-of-way. All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner that least interferes with traffic movements. Off-street parking spaces for residential uses may be stacked or in front of one-another for the same dwelling unit. Parking spaces located behind an enclosed garage and located directly off a through aisle shall be a minimum of 30 feet deep. (f) Signage. All signage located within, or related to, required off-street parking or traffic circulation areas shall comply with the requirements of Article 13. (g) Handicapped Parking Spaces. Parking for the handicapped shall be provided at a size, number, location, and with signage as specified by State and Federal regulations.	(c) No curb and gutter is denoted on site plan. (d) A lighting plan was provided. Spec sheets were not provided. (e) This will be met. (f) Yes, this will be met. (g) There is one handicapped stall provided. (h) Yes, the stalls meet these standards.

(h) Dimensional Standards. Other than parking required to serve the handicapped, the minimum required length of parking spaces shall be 18 feet and the minimum required width is 10 feet (8½ feet for end spaces). All parking spaces shall have a minimum vertical clearance of 8 feet. Horizontal widths for driveways serving parking spaces shall be no less than 24 feet for two-way driveways and 12 feet for one-way driveways, except that wider driveways may be required for loading and service routes.(i) Landscaping Standards. Parking lot landscaping shall comply with the requirements of the hard and gravel surface area landscaping requirements in Section 94.11.02(3)(b).	(i) A landscaping plan was provided.
(7) **Calculation of Minimum Required Parking Spaces.** The minimum number of required parking spaces is stated for each land use in Article 4. A garage stall shall be considered a parking space.	(7) Yes, meets the minimum.
(8) **Potential Reduction in Automobile Parking Spaces.** The site plan approval authority may approve a decrease in the required number of off-street automobile parking spaces for each land use in Article 4 by up to 25 percent of the normal requirement. Such a reduction must be supported by technical documentation furnished by the applicant that indicates that actual off-street parking demand for that particular use is less than the normally required minimum.	(8) N/A
(9) **Partial Development of Required Parking Spaces.** The applicant for any development may seek permission to not install a portion of its required parking at time of site plan approval; however, said site plan shall depict the minimum number of required parking spaces to be available for future construction.	(9) N/A
(10) **Limit on the Maximum Number of Required Parking Spaces.** No site plan may be approved for a multi-family residential or non-residential use that contains more than 150 percent of the use's minimum number of required parking spaces under Article 4, except by conditional use permit.	(10) N/A
(11) **Joint and Off-Site Parking Facilities.** (a) Parking facilities providing required parking for one or more uses shall provide a total number of parking spaces that shall not be less than the sum total of the separate parking needs for each use during any peak hour parking period when said joint parking facility is utilized at the same time by said uses, unless reduced by the site plan approval authority per subsection (8).	(a) N/A
(b) To obtain a greater reduction in required parking spaces that is enabled under subsection (8), the applicant(s) for approval of a joint parking facility shall demonstrate that there is no substantial conflict in the demand for parking during the principal operating hours of the two or more uses the joint parking facility is proposed to serve.	(b) N/A
(c) A legally binding instrument, addressing the particulars of the parking arrangement and potentially limiting future change of uses, shall be executed by any and all parties to be served by said joint parking facility, where there is a reduction in required parking spaces that is greater than that enabled under subsection (8). This instrument shall be approved by the Village Attorney, recorded with the Register of Deeds Office prior to the issuance of any zoning permit or building permit associated with the facility, and filed with the Zoning Administrator once recorded.	(c) N/A

(12**) Locational Prohibitions for Off-Street Parking Areas.** Off-street parking shall not be located between the principal structure on a residential lot and a street right-of-way, except within residential driveways and parking lots designated on any approved site plan. No private parking shall occur on street terraces, driveways, or any other areas located within a public right-of-way, except by conditional use permit. See also Section 94.12.07(9) and Figures 5.01(2) and 5.02(2).	(12) N/A
(13) **Minimum Permitted Throat Length.** All uses requiring site plan approval shall have a minimum permitted throat length of access drives serving parking lots of 20 feet from the nearest street right-of-way, except as modified by the site plan approval authority based on unique site conditions or suitable assurance that traffic will not back up into public rights-of-way.	(13) Not met. There are parking spaces within the 20 foot throat requirement.
(14) **Bicycle Parking.** A number of off-street bicycle parking spaces shall be provided equal to five percent of the automobile parking space requirement, with no fewer than two bicycle parking spaces provided for all uses requiring 20 or more vehicular parking spaces. Each "Inverted-U" or similar type rack counts as two bicycle parking spaces. All bicycle parking shall be on a hard-surfaced area in a location accessible to building entrances.	(14) Yes, two bike racks on hard surfaces will be provided. Based on 79 parking spaces – need 4 bike spaces
(15) **Pedestrian Facilities.** (a) The site shall provide for safe pedestrian and bicycle access to all uses, and connections to existing and planned public pedestrian and bicycle facilities and adjacent properties.	(a) There are hard surfaces to travel around the site.
(b) Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks and/or pedestrian/bike facilities. The minimum width for sidewalks adjacent to buildings shall be five feet.	(b) Yes, there are pedestrian walkways.
(c) Sidewalks other than street sidewalks or building aprons shall have adjoining landscaping along at least 50 percent of their length if said sidewalk is over 50 feet in length.	(c) Yes, this will be met.
(d) Crosswalks shall be distinguished from driving surfaces to enhance pedestrian safety by using different materials, or colors, or textures, and signage.	(d) There are no crosswalks.
94.12.10: Off-Street Loading Standards	
(2) **Applicability.** Any new building that has a gross floor area of 10,000 square feet or more and that requires regular deliveries, or makes regular shipments from semi-trucks and trailers, shall provide off-street loading facilities in accordance with the regulations of this Section, except for agricultural uses.	(2) These buildings are combined 56,600 square feet.
(3) **Location.** (a) All loading berths shall be at least 25 feet from the intersection of two street right-of-way lines.	(a) N/A
(b) In commercial and institutional zoning districts, loading berths shall not be located along any front façade or street side façade of any building. In all other districts, loading berths shall not be located within any minimum required front yard or street side yard.	(b) N/A
(c) All loading and vehicle maneuvering areas shall be located on the private lot and shall not be located within, or so as to interfere with, any public right-of-way or minimum required hard and gravel surface setback in Figures 5.01(2) and 5.02(2).	(c) N/A

(4) **Size of Loading Area.** The first required loading berth shall be designed in accordance with Figure 12.10. All remaining required loading berths shall be a minimum of 50 feet in length and 10 feet in width. All required loading berths shall have a minimum vertical clearance of 14 feet.	(4) N/A
(5) **Access to Loading Area.** Each loading area shall be located so as to facilitate access to a public street or alley, shall not interfere with other vehicular or pedestrian traffic, and shall not interfere with the function of parking areas. Loading areas shall not rely on backing movements into public rights-of-way, except where building or site conditions established before March 18, 2015 require such movements.	(5) N/A
(6) **Surfacing and Marking.** All required loading areas shall be hard surfaced as defined in Section 94.17.04. Said surface shall be marked in a manner that clearly indicates required loading areas.	(6) N/A
(9) **Calculation of Required Loading Spaces.** (a) Indoor Institutional and Recreational Land Uses. One loading berth shall be required for each building with a gross floor area of 10,000 to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, two loading berths shall be required. (b) Commercial (except Offices), Storage/Disposal, Transportation, and Industrial Land Uses. One loading berth shall be required for each building having a gross floor area of 10,000 to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, an additional loading berth shall be required for any portion of each 50,000 square feet of gross floor area in addition to the original 29,999 square feet. (c) Office Land Uses. One loading berth shall be required for each building having a gross floor area of 10,000 to 99,999 square feet. For such uses located in buildings having a gross floor area of 100,000 square feet or greater, an additional loading berth shall be required for any portion of each 100,000 square feet of gross floor area in addition to the original 99,999 square feet.	(9) N/A
Section 94.12.11: Exterior Lighting Standards	
(2) **Applicability.** The requirements of this Section apply to all exterior lighting and all interior light visible from the exterior on private property within the jurisdiction of this Chapter, except for lighting within public rights-of-way; on communications towers or airports, heliports, helipads, or other similar facilities where required to meet federal and state safety regulations; and as excepted in subsection (10).	(2)
(4) **Orientation of Fixture.** In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a clear shield) is visible from a residentially zoned property or allowed to direct light skyward. Shielded luminaries and careful fixture placement shall be used to ensure that exterior lighting prevents direct lighting above a horizontal plane, except that architectural lighting that focuses all light below the roof line may exceed the horizontal plane. Search lights are prohibited except for any search light deemed necessary by the FAA.	(4) Specs were not provided.
(5) **Intensity of Illumination.** The amount of illumination attributable to exterior lighting, as measured at the property line, shall not exceed 1.0 footcandle above ambient lighting	(5) Yes, it does not exceed 1.0 footcandle at the property line.

conditions on a cloudless night. The maximum average lighting within any lit area shall not exceed 5.0 footcandles, except where the Zoning Administrator determines that greater illumination is necessary for public safety.	
(6**) Fixture Heights.** The maximum height from the base of the pole or its support to the fixture shall be 20 feet in residential, rural, and open space zoning districts, and 35 feet in all other districts.	(6) No pole lights are proposed.
(7) **Location.** Light fixtures shall not be located within any required bufferyard under this Chapter, or closer than three feet from a property line.	(7) No lights are in the buffer yard.
(8) **Flashing, Flickering and other Distracting Lighting.** Flashing, flickering, moving (such as search spot or search lights), and/or other lighting that may distract motorists is prohibited.	(8) There will be no flicker lights.
(9) **Qualitative Requirements.** Design and color of light fixtures and poles shall be compatible with building design and color on the same lot. Street intersections, driveway intersections, and pedestrian access routes shall be illuminated with lights of appropriate scale to the function, without providing an obviously uneven illumination pattern across the site.	(9) No specs were provided.
(10) **Exceptions.** The appropriate site plan approval authority may grant exceptions to the requirements of this Section in the following circumstances: (a) Outdoor recreation use and assembly areas such as athletic fields. (b) Gas station pump islands and other uses in which motor vehicles and pedestrians routinely operate in close proximity with one another. Use of recessed canopy lighting to minimize off-site impacts may be required. (c) Lighting for special events, per an approved special event permit under Chapter 67 of the Municipal Code.	(10) N/A
(11) **Nonconforming Lighting.** All lighting fixtures existing prior to the effective date of this Chapter shall be considered legal conforming structures and may be continued (see Article 15). However, as part of a site plan approval for a new, expanded, or remodeled project or use on the same site, the site plan approval authority may require that such lighting be reoriented to achieve greater or full compliance with this Section.	(11) N/A
Section 94.12.12: Vibration Standards	
(3) **Depiction on Required Site Plan.** Any activity or equipment that creates detectable vibrations outside the confines of a building shall be depicted as to its location on the site plan, if required for the development of a property.	N/A
(6) **Standards in GI Districts.** D = K/f <u>On or beyond adjacent lot line:</u> 1. Continuous (0.0015): 2. Impulsive (0.030): 3. Less than 8 pulses per 24 hours (0.075): <u>On or beyond any residence district boundary line:</u> 4. Continuous (0.003): 5. Impulsive (0.006): 6. Less than 8 pulses per 24 hours (0.015):	1. 2. 3. 4. 5. 6.
(7) **Standards in other districts.** D = K/f <u>On or beyond adjacent lot line:</u> 1. Continuous (0.003): 2. Impulsive (0.006): 3. Less than 8 pulses per 24 hours (0.015):	1. 2. 3.

Section 94.12.13: Noise Standards	
Increase in noise over ambient level: MF or MH districts shall not exceed +3 dBA INT, B-1, B-2, B-3 and BP districts shall not exceed +5 dBA GI, LI districts shall not exceed +8 dBA If noise is not constant or is only present during daytime hours: Daytime operation only: +5 dBA Less than 20% of any 1 hour period: +5 dBA* Less than 5% of any 1 hour period: +10 dBA* Less than 1% of any 1 hour period: +15 dBA* Noise of impulsive character: -5 dBA Noise of periodic character: -5 dBA *Only one may be applied	
Section 94.12.14: Air Pollution Standards	
(2) The emission, from all sources within any lot, of particulate matter containing a section diameter larger than 44 microns is prohibited.	(2)
(3) Emission of smoke or particulate matter of density equal to or greater than Number 2 on the Ringelmann Chart (US Bureau of Mines) is prohibited at all times.	(3)
(4) Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, and roads within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, surfacing, watering, or other acceptable means. This standard shall not apply to allowable agricultural uses within an agricultural zoning district.	(4)
(5) All uses shall comply with all applicable State and Federal standards.	(5)
Section 94.12.15 Odor Standards	
No land use shall cause any odor that is offensive to a person of reasonable sensibilities detectable at any lot line of any lot in a residential district for periods exceeding a total of 15 minutes of any day.	
Section 94.12.16 Glare and Heat Standards	
(2) No direct or sky-reflected glare, whether from floodlights or from temperature processes such as combustion or welding or otherwise, so as to be visible at any lot line of a property shall be permitted. Furthermore, there shall be no transmission of heat or heated air so as to be discernible (by a healthy observer such as the Zoning Administrator or a designee) at the lot line. Solar Energy Systems regulated by Wis. Stat. § 66.0401 shall be entitled to the protection of its provisions.	
Section 94.12.17 Fire and Explosion Standards	
(1) Any use involving materials that could detonate shall locate such materials not less than 400 feet from any residentially zoned property, except that this standard shall not apply to the storage or usage of liquefied petroleum, diesel, or natural gas for normal on-site purposes. All activities and storage of flammable and explosive materials at any point shall be provided with adequate safety and firefighting devices in accordance with all fire prevention codes of the State of Wisconsin.	(1)
(2) All materials that have capabilities ranging from “active” to “intense” burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings that have incombustible exterior walls and an automatic fire extinguishing system. The aboveground storage capacity of materials that produce flammable or explosive vapors shall not exceed:	(2)

Over 187: Max 40,000 Gallons 105 – 187: Max 20,000 Gallons Below 105: Max 10,000 Gallons	
Section 94.12.18 Toxic or Noxious Material Standards	
(1) No use shall discharge across the boundaries of any property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to, or endanger, the public health, safety, comfort, or welfare, or cause injury or damage to the property or business.	
(2) No use shall discharge at any point into any public or private wastewater treatment system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Public Health.	
Section 94.12.19 Waste Material Standards	
(1) No use shall discharge across the boundaries of any property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to, or endanger, the public health, safety, comfort, or welfare, or cause injury or damage to the property or business.	There will be no discharge across property lines.
(2) No use shall discharge at any point into any public or private wastewater treatment system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Natural Resources and Wisconsin Department of Safety and Professional Services.	
Section 94.12.20 Hazardous Materials Standards	
(1) Compliance with Statutes. All hazardous materials shall be regulated in accordance with the relevant Wisconsin Statutes or their successors: (a) Micro-Organism Cultures subject to Wis. Stat § 94.65; (b) Pesticides subject to Wis. Stat. § 94.67(25); (c) Biological Products subject to Wis. Stat. § 95.39; (d) Hazardous Substances subject to Wis. Stat. § 100.37(1)(c); (e) Toxic Substances subject to Wis. Stat. § 101.58(2)(j); (f) Infectious Agents subject to Wis. Stat. § 101.58(2)(f); (g) Any material for which the State of Wisconsin requires notification of a local fire department; or (h) Any other uses, activities, or materials which are subject to County, State, or Federal hazardous, or related, materials regulations.	
(2) Notification of Use of Hazardous Materials. All land uses involving hazardous materials listed in this Section, except for agricultural uses, shall submit a written description of such materials and the operations involving such materials conducted on their property as part of any required site plan submittal.	
(3) Risk Management and Emergency Response Program. As part of any permit review process under this Chapter, the Village may require such operator to prepare and submit a process safety management, risk management, containment, and emergency response program for approval by the Fire Chief. In the event of any spill or other accident involving toxic, hazardous, or radioactive materials, the responsible party shall immediately notify the Fire Department and HazMat team, and shall follow procedures specified in any approved process safety management, risk management, containment, and emergency response program.	
Section 94.12.21 Electromagnetic Emissions Standards	

No activity shall emit electrical, radioactive or other electromagnetic disturbances outside its premises that are dangerous to plant or animal life as determined by applicable federal or state regulation or which adversely affect the use of neighboring premises such as by interfering with the use or enjoyment of common household and business equipment such as radio, television, telephone, computer or facsimile operations, except where such activity is exempt or the standard is modified under state or federal law.	

STREET ACCESS CONTROL: Chapter 71 Section 71.5.01: Access Design Standards	PROPOSED
Width at Property Line: 24 – 48 feet	
Width at Street: Based on vehicle used to access.	
(2) Grade. The maximum acceptable grade shall not exceed 10%. Under certain circumstances, which must be defined and presented to the Village Board by the Director of Public Works or Zoning Administrator prior to the meeting/hearing on the proposal, the Village may require that the access point grade shall not exceed 6%.	
(3) Clearance. All driveways shall provide a driveway corridor at least 12 feet wide with no tree branches or brush extending into the driveway corridor to a height of 15 feet.	Yes, this will be met.
(4) Bridges. All driveways that utilize bridges shall construct all bridges to support a gross vehicle weight of 50,000 pounds with a minimum twelve-foot wide clear travel surface.	No bridges.
(5) Driveway approach construction standards. (a) Standards for gravel. Require a minimum six inches of three-quarter-inch crushed aggregate base course. (b) Standards for asphalt. Minimum of two-and-one-half-inch compacted depth of surface mix over six-inch compacted three-quarter-inch crushed aggregate base course; no pea gravel allowed. (c) Standards for concrete. 1. Forms in the approach are to be a minimum of six inches in depth. 2. Concrete to be a minimum six-bag mix. 3. Expansion joints six inches by 1/2 inch required between curb and driveway approach, or as directed. 4. Concrete approaches are required where there is existing curb and gutter and sidewalk or where sidewalk is proposed in the future. 5. Driveway approaches require a minimum concrete thickness of six inches and four-inch compacted three-quarter-inch crushed aggregate base course (no pea gravel allowed). 6. In the absence of curb and gutter, concrete approaches are prohibited.	
(6) Brick pavers and decorative concrete in driveway approach. (a) If the driveway constructed in the public right-of-way is of brick paver/decorative concrete/embossed or colored asphalt it will be the owner's sole responsibility to maintain, repair, and replace if necessary, due to any damage by the Village or other public agencies, or due to normal wear.	N/A
(7) Alignment. All driveways shall be constructed within 10° of perpendicular to the accessed street center line for the first 20 feet of the access. (a) Where possible, driveways should align on opposite sides of the street. (b) A variance is required for unique or site-specific limitations that may exist which restrict the applicant from complying with these dimensional requirements. A variance may not be granted for any driveway that intersects the street at less than 60° under any circumstances.	Alignment will be perpendicular to the right of way.
(8) Vision triangle. No visual obstruction shall be located within a vision triangle, or the space formed by two existing or proposed right-of-way lines and/or a right-of-way to a private driveway. No structure or sign may be placed in the clear area of	

a vision triangle. The clear area extends from 18 inches to 10 feet above from the average height of the right-of-way elevation of the adjoining streets and/or an existing or proposed access/driveway. These constraints are depicted by Figure 71.5.01A.	
(9) Sight distance. Permits shall not be issued for access that allows any turning movement where the sight distance is not sufficient to provide for the safe and efficient traffic flow entering or exiting a street, or encountering the access while upon the street.	
(10) Corner clearance. (a) Functional area. The intersection of two streets contains a functional area beyond the physical intersection that contains decision and maneuvering distance. To reduce conflict and promote safety, driveways must be located outside of this functional intersection area. Locate all driveways and access points as far as practical from the intersection of two intersecting rights-of-way. Driveway access is restricted in turning lanes, which are also located in the functional area of an intersection. Signalized, Local: 75’ Signalized, Collector: 150’ Signalized, Arterial: 200’ Non-signalized, Local: 90’ Non-signalized, Collector: 200’ Non-signalized, Arterial: 300’ (b) Sight distance. Intersection sight distance, as determined by the Director of Public Works, using the vision triangle shall be required in conjunction with intersection setbacks to ensure safety and functionality on streets. The intersection sight distance figures are defined for both uncontrolled intersections along with those where vehicles approach the intersection from a stop or yield.	(a) (b)
(11) Common driveways. Common driveways are an effective way to control the number of access points on to collector and arterial streets. When a common driveway is utilized the following apply: (a) A common driveway easement of at least 30 feet in width shall be located on the common boundary between the two lots. (b) If located off a paved street in the AR, or Rural Residential Zoning districts and not required to be completely paved, the owner must meet the requirements for surfacing defined in Sec. 94.12.09(6)(a) of the Zoning Ordinance.	

UTILITIES: Chapter 86			
		EXISTING CONDITIONS	
Water Lateral	Main to Curb Stop	Length:	
		Size:	
		Material:	
		Depth:	
	Curb Stop to Building	Length:	
		Size:	
		Material:	
		Depth:	
Sewer Lateral - Main to Building		Length:	
		Size:	
		Material:	
		Depth:	
Fire Suppression Service - Main to Building		Length:	
		Size:	
		Material:	
		Depth:	
Stormwater Lateral		Length:	
		Size:	
		Material:	
		Depth:	
		PROPOSED	
Water Lateral *All water service laterals larger than 2" require a pressure test to 150 psi for 2 hours and demonstration of safe bacteriological test. Ductile iron services shall be cable bonded.*	Main to Curb Stop *2" and smaller requires Type K copper, Larger than 2" requires ductile iron.*	Length:	
		Size:	
		Material:	
		Depth:	
	Curb Stop to Building *2" and smaller may be Type K copper, CTS 200 psi HDPE, or PEX. Larger than 2" requires ductile iron*	Length:	
		Size:	
		Material:	
		Depth:	
Sewer Lateral - Main to Building		Length:	
		Size:	
		Material:	
		Depth:	
Fire Suppression Service - Main to Building *Fire services and combined fire and metered service laterals are the property of the building owner from the connection to the public main. All fire services shall be ductile iron.*		Length:	
		Size:	
		Material:	
		Depth:	
Stormwater Lateral		Length:	
		Size:	
		Material:	
		Depth:	
Section 86.2.117: Cross Connections			
(c) Control and maintenance of connections. No person shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the water utility may enter the supply or distribution system of the village unless such private, auxiliary or emergency			

water supply and the method of connection and use of such supply shall have been approved by the water utility and by the department of natural resources in accordance with Wisconsin Administrative Code NR § 811.09(2).	
Section 86.2.436: Meter Installation	
Meters will be furnished and placed by the water utility and are not to be disconnected or interfered with by the consumer. All meters shall be so located that they shall be preserved from obstructions and allow easy access for reading and inspection, such location to be designated by the utility. All piping within the building must be supplied by the consumer. If additional meters are desired by the consumer, he shall pay for all piping in an amount sufficient to cover the cost of maintenance and depreciation as set by the board.	
Section 86.5.207 Post Construction Storm water Management Performance Standards	
(3) The plan required under sub. (2) shall include the following: (a) BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows: New Development → 80% TSS Reduction In-fill development → 80% TSS Reduction Redevelopment → 40% TSS Reduction of load from parking areas and roads. (b) By design, BMPs shall be employed to maintain or reduce the 1-year, 2-year, 10-year and 100-year 24-hour, post construction peak runoff discharge rates to pre-development rates for the respective storms, or to the maximum extent practicable. (c) BMPs shall be designed, installed and maintained to infiltrate runoff in accordance with 86.307(3)(c) or to the maximum extent practicable. (d) Protective areas shall be included on site plans (see this section of the ordinance for the respective distances for protective areas) (e) Fueling and vehicle maintenance areas shall have BMPs designed, installed and maintained to reduce petroleum runoff so that the runoff that enters waters of the state contains no visible petroleum sheen, or to the maximum extent practicable.	(a) (b) (c) (d) (e)
Section 86.5.209 Storm water Management Plan	
(1) PLAN REQUIREMENTS. The storm water management plan required under Sec. 86.308 (2) shall contain at a minimum the following information: (a) Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of storm water management practices; and person(s) responsible for maintenance of storm water management practices prior to the transfer, if any, Matter of maintenance responsibility to another party. (b) A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat. (c) Pre-development site conditions, including: 1. One or more site maps at a scale of not less than 1 inch equals 20 feet. The site maps shall show the	

following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site at a scale not to exceed 10 feet; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all storm water conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the 100 year floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to Wisconsin Department of Natural Resources, Wisconsin Administrative Code § NR § 811.16. 2. Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s). (d) Post-development site conditions, including: 1. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands. 2. Explanation of any restrictions on storm water management measures in the development area imposed by wellhead protection plans and ordinances. 3. One or more site maps at a scale of not less than 1 inch equals 20 feet showing the following: post-construction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures, and pavement; post-construction topographic contours of the site at a scale not to exceed 10 feet; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all storm water conveyance sections; location and type of all storm water management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site. 4. Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each	

discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s). 5. Results of investigations of soils and groundwater required for the placement and design of storm water management measures. Detailed drawings including cross-sections and profiles of all permanent storm water conveyance and treatment practices. (e) A description and installation schedule for the storm water management practices needed to meet the performance standards in Sec. 86.307. (f) A maintenance plan developed for the life of each storm water management practice including the required maintenance activities and maintenance activity schedule. (g) Cost estimates for the construction, operation, and maintenance of each storm water management practice. (h) Other information requested in writing by the Director of Public Works, or the designee, to determine compliance of the proposed storm water management measures with the provisions of this ordinance. (i) All site investigations, plans, designs, computations, and drawings shall be certified by a licensed professional engineer to be prepared in accordance with accepted engineering practice and requirements of this ordinance.	
(2) **ALTERNATE REQUIREMENTS.** The Director of Public Works, or the designee, may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards under Sec. 86.307 (5).	
Section 86.5.210 Maintenance Agreement	
(1) The maintenance agreement for storm water management practices shall be an agreement between the Village of Weston and the responsible party to provide for maintenance of storm water practices beyond the duration period of the permit. Maintenance agreements shall be filed with the County Register of Deeds as a property deed restriction that is binding upon all subsequent owners served by the storm water management practices.	
(2) AGREEMENT PROVISIONS. The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by Sec. 86.309(1)(f): (a) Identification of the storm water facilities and designation of the drainage area served by the facilities. (b) A schedule for regular maintenance of each aspect of the storm water management system consistent with the storm water management plan required under Sec. 86.308 (2). (c) Identification of the responsible party(s), organization or city, county, town or village responsible for long term maintenance of the storm water management practices identified in the storm water management plan required under Sec. 86.308 (2). (d) Requirement that the responsible party(s), organization, or city, county, town or village shall maintain storm water	(a) (b) (c)

management practices in accordance with the schedule included in par. (b). (e) Authorization for the Director of Public Works, or the designee, to access the property to conduct inspections of storm water management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement. (f) A requirement on the Director of Public Works, or the designee, to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the storm water management practice into proper working condition. (g) Agreement that the party designated under par. (c), as responsible for long term maintenance of the storm water management practices, shall be notified by the Director of Public Works, or the designee, of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the Director of Public Works, or the designee. (h) Authorization of the Director of Public Works, or the designee, to perform the corrected actions identified in the inspection report if the responsible party designated under par. (c) does not make the required corrections in the specified time period. The Director of Public Works, or the designee, shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Wis. Stats. Chapter 66 Subchapter VII.	(d) (e) (f) (g) (h)
Section 86.5.404(1).a Construction Site Erosion	
Applicability: 1. Construction sites for which the Wisconsin Department of Natural Resources received a notice of intent in accordance with Wisconsin Administrative Code NR 216 Subchapter III on or after January 20, 2014; or 2. Construction sites for which a bid has been advertised or construction contract signed for which no bid was advertised, on or after January 20, 2014.	
Section 86.5.307 Performance Standards < 1 Acres	
(1) RESPONSIBLE PARTY. The landowner of the construction site or other person contracted or obligated by other agreement with the landowner to implement and maintain construction site BMPs is the responsible party and shall comply with this section.	
(2) EROSION AND SEDIMENT CONTROL PRACTICES. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following: 1. The deposition of soil from being tracked onto streets by vehicles. 2. The discharge of sediment from disturbed areas into on-site storm water inlets. 3. The discharge of sediment from disturbed areas into adjacent waters of the state. 4. The discharge of sediment from drainage ways that flow off the site. 5. The discharge of sediment by dewatering activities. 6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.	

7. The discharge of sediment from erosive flows at outlets and in downstream channels. 8. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.	
Section 86.5.308 Performance Standards > 1 Acre	
(1) RESPONSIBLE PARTY. The responsible party shall implement an erosion and sediment control plan, developed in accordance with Sec. 86.410 that incorporates the requirements of this section.	
(2) PLAN. A written plan shall be developed in accordance with Sec. 86.410 and implemented for each construction site.	
(3) EROSION AND SEDIMENT CONTROL PRACTICES. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following: 1. The deposition of soil from being tracked onto streets by vehicles. 2. The discharge of sediment from disturbed areas into on-site storm water inlets. 3. The discharge of sediment from disturbed areas into adjacent waters of the state. 4. The discharge of sediment from drainage ways that flow off the site. 5. The discharge of sediment by dewatering activities. 6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days. 7. The discharge of sediment from erosive flows at outlets and in downstream channels. 8. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision. 9. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.	
(b) SEDIMENT PERFORMANCE STANDARDS. In addition to the erosion and sediment control practices under par. (a), the following erosion and sediment control practices shall be employed: 1. BMPs that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization. 2. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.	

3. Notwithstanding subd. 1., if BMPs cannot be designed and implemented to meet the sediment performance standard, the plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.	
(c) PREVENTIVE MEASURES. The plan shall incorporate all of the following: 1. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible. 2. Minimization of soil compaction and preservation of topsoil. 3. Minimization of land disturbing construction activity on slopes of 20% or more. 4. Development of spill prevention and response procedures.	
(5) ALTERNATE REQUIREMENTS. The Director of Public Works, or the designee, may establish storm water management requirements more stringent than those set forth in this section if the Director of Public Works, or the designee, determines that an added level of protection is needed for sensitive resources.	

VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN
5500 SCHOFIELD AVENUE, WESTON, WI 54476
REQUEST FOR CONSIDERATION

Public Mtg/Date:	**Plan Commission, May 11, 2020**
Description:	**Introduction of the Draft Public Facilities Needs Assessment for a park and recreation fee on new residential development in the Village and proposed amendments to Chapter 74 Subdivision Regulations & Chapter 94 Zoning Ordinance to make technical changes and respond to state law changes, including adjustments in park and recreation impact fees for residential development.**
From:	**Keith Donner, Administrator** **Jennifer Higgins, Director of Planning & Development** **Michael Wodalski, Director of Public Works** **Shawn Osterbrink, Director of Parks and Recreation**
Question:	**Item is on the agenda for discussion purposes and direction as to what to set the Parkland Dedication Fee to after the PC reviews the Draft Report?**

Background

Please see attached memo from MDRoffers and Staff which gives the background and need for the agenda item. Mark Roffers will be on the line to discuss the Needs Assessment with the PC.

Attached Docs:	Memo Draft Public Facilities Needs Assessment Draft Ordinance to Amend Chapter 74 Subdivision Regulations and Chapter 94 Zoning
Committee Action:	None to date
Fiscal Impact:	TBD. Depends on the rate that is set for parkland dedication.
Recommendation:	Staff would like to move this to the formal review process via the recommended language below.

Recommended Language for Official Action

I make a motion to direct staff to schedule the public facilities need assessment for public hearing with the recommendation of parkland dedication fees of XXXXX.

Additional action:

Schedule Public Hearings (Staff)

Approve Resolution adopting the Needs assessment (BOT)

Approve by Ordinance the code amendments (BOT)

Publish and update Ordinances (Staff)

Approve update of fees in Village Fee Schedule. (BOT)

MDRoffers Consulting

To: Village of Weston Plan Commission

From: Mark Roffers, AICP, Village Planning Consultant, Keith Donner, Administrator & Jennifer Higgins, Director of Planning & Development

Date: May 6, 2020

Re: Proposed Park Fee Revisions and Subdivision Ordinance Amendments

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Future Requests: Recommendation from the Plan Commission and approval by the Village Board of (1) a "public facilities needs assessment" in support of amended park and recreational impact fee and (2) ordinance text amendments, mainly to the Village's subdivision regulations, related to these fees and other matters. Pursuant to different statutory requirements, the Village will notice public hearings on these requests before the Plan Commission and the Village Board.

Background: Weston has required a fee in lieu of parkland dedication on new residential development since prior to its incorporation as a village in 1996, which is specified in its Subdivision Regulations (Chapter 74). This fee is charged where no or reduced dedicated public park land is included within the development. That fee amount has been $244 per single family residential lot, $446 per duplex lot, $138 per one bedroom multiple-family unit, $204 per two bedroom multiple-family unit, and $244 per 3+ bedroom unit.

In 2018, the State adopted a new law that requires the village to re-adopt its park fee as an impact fee(s) under Section 66.0617 of Statutes. This State law requires that the fee amount be based on a "public facilities needs assessment," and has other limitations that the village has to follow. Notably, these require collection of an impact fee at the time a building permit for a new residence is issued, rather than when a residential subdivision plat is approved or recorded (unless the developer agrees otherwise).

Meanwhile, the village has had a few years of experience with its fully updated Subdivision Regulations (Chapter 74), including over past few years with the Misty Pines subdivision. The State has adopted other law changes over this period. These have suggested the need for other minor amendments to Chapter 74.

Proposal Overview: The replacement "park and recreation impact fee" would be charged on a new residence where the subdivision or other development did not include any or sufficient public parkland dedication to meet ordinance requirements. Therefore, this impact fee may not be required of every new residence in the village, or may be reduced, depending on the history of the development within which the residence is located.

Per calculations in the attached needs assessment and amendatory ordinance, the proposal is for park and recreation impact fees as follows: $761 per single family residential unit, $563 per duplex unit, and $495 per multiple family unit. The fee amounts are different because different types of housing units, on average, have different numbers of occupants (e.g., park users). **This is the amount the Impact Fee Needs Assessment supports us charging. The Plan Commission and Village Board could leave it as is or raise it to any amount up to the amounts in the proposal.**

While not technically a factor in fee calculation, here is how these proposed amounts compare to other area municipalities: Village of Kronenwetter, $603 per single family residence, $452 to per duplex unit; Village of Mosinee, fee equivalent to the fair market value of one acre of parkland for each 25 proposed dwelling units; Village of Rothschild, per fee schedule which we haven't been able to obtain; City of Rib Mountain; $650 per unit; City of Schofield, unable to determine; City of Wausau, $310 per single family residence, $185 per duplex unit, and $140 per multiple family unit. Please note staff does not think the other communities have done a recent Impact Fee Needs Assessment as the legislation is relatively recent.

The proposed amendatory ordinance would make other changes to Chapter 74. Some of these changes are in response to other State law changes over the past few years. Other proposed changes address minor issues discovered with experience over the past few years. These are all minor and tend to add more flexibility to existing regulations.

The attached amendatory ordinance contains all of the proposed ordinance amendments. Language that is underlined would be new language in the zoning or subdivision code and language that is ~~crossed out~~ would be removed from the code. Language that is neither underlined or crossed out is existing code language that would remain, except where an entire section is proposed for repeal and replacement.

Recommendation: Staff is looking for direction on setting the fee and then would recommend the Plan Commission direct staff to schedule for public hearing. Ultimately, following the public hearings, staff would be looking for a recommendation from the Plan Commission, and approval by the Village Board of both the public facilities needs assessment and the amendatory ordinance.

PUBLIC FACILITIES NEEDS ASSESSMENT

This report supports a Village park and recreation impact fee on new residential development, replacing the Village's current fee in lieu of parkland dedication, to correspond with requirements of Sections 66.0617 and 236.45(6)(am) of Wisconsin Statutes

Village of Weston
Marathon County, Wisconsin

Adopted by Village Board: DATE PENDING

Prepared with Assistance from MDRoffers Consulting

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I. Introduction

Purpose of Report

This report serves as the "public facilities needs assessment" ("Needs Assessment") for a park and recreation impact fee on new residential development in the Village of Weston, as described in Section 66.0617(4) of Wisconsin Statutes (see Appendix A). This Needs Assessment:

- Includes an evaluation of existing public park and recreation facilities in the Village.
- Assesses projected future housing growth in Weston.
- Suggests future park and recreation land acquisition needs and costs.
- Arrives at a maximum per housing unit park and recreation impact fee.
- Assesses the impact of imposing that impact on housing affordability.

This park and recreation impact fee would replace the village's current fee in lieu of parkland dedication.

Village Overview

The Village of Weston is located in Marathon County, Wisconsin, immediately southeast of the City of Wausau and east of the City of Schofield and Village of Rothschild. Weston is a suburban community with a mix of residential, commercial, industrial, health care, and institutional development. The Wisconsin Department of Administration (DOA) estimates the village's 2019 population at 15,467 residents, an increase of 599 residents (4%) since 2010. The village's land area is approximately 21.55 square miles.

Weston Comprehensive Plan/Comprehensive Outdoor Recreation Plan

The Village of Weston's Comprehensive Plan is the primary policy guide for future change in the community. The Comprehensive Plan is divided into three volumes. Volume 2–Vision and Directions includes the vision statement on the following page. To execute this vision, the Village enables residential development in planned locations and densities, as described by maps and policies in Volume 2 and elsewhere in its Comprehensive Plan.

Volume 2 includes a detailed Parks and Recreation chapter, which doubles as the Village's comprehensive outdoor recreation plan under Wisconsin Department of Natural Resources (DNR) guidelines.

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The Village of Weston's Vision

The Village of Weston – It's Right Here. In Weston, it's time to welcome families, businesses, and sustainable new growth to the right kind of place in central Wisconsin. Weston's assets and opportunities include superior transportation access, recreational offerings, quality schools, available land base, business mix, and a growing population.

The Parks and Recreation chapter includes advice that the village will pursue the acquisition and development of neighborhood parks when new neighborhoods develop, as described in greater detail later in this Needs Assessment. That chapter also includes advice that the village will develop and maintain an all-season multi-use trail network. This include trails for hiking, biking, paddling, and snowmobiles, and at times will necessitate the acquisition of additional corridors and other lands for trails and support facilities (e.g., boat launches).

Current Village Park Fee

Weston has required a fee in lieu of parkland dedication on new residential development since prior to its incorporation as a village in 1996 where no or reduced dedicated park land is included within the development. That fee amount has been $244 per single family residential lot, $446 per duplex lot, $138 per one bedroom multiple-family unit, $204 per two bedroom multiple-family unit, and $244 per 3+ bedroom unit.

In 2018, the State legislature adopted 2017 Wisconsin Act 243, which amended Section 236(6)(am) of Wisconsin Statutes to read as follows:

> "…a municipality, town, or county may not, as a condition of [subdivision plat or certified survey map] approval under this chapter, impose any fees or other charges to fund the acquisition or improvement of land, infrastructure, or other real or personal property, except that a municipality or town may impose a fee or other charge to fund the acquisition or initial improvement of land for public parks if the fee or other charge is imposed under a subdivision ordinance enacted or amended in accordance with the procedures under s. 66.0617 (3) to (5) and meets the requirements under s. 66.0617 (6) to (10).

Weston must now follow the process and meet the substantive requirements in Section 66.0617 to continue to charge a park fee on new development. Also, per legal requirements, the amount of the fee, its coverage, and the timing of its collection may have to change. Finally, all newly-collected fees must be expended within eight years of their collection or returned. Section 66.0617 is reproduced in Appendix A.

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II. Inventory of Existing Parks and Recreation Facilities

Inventory of Village-owned and Operated Parks

Neighborhood Parks

Neighborhood parks are areas for multiple and sometimes intensive recreation activities, such as field games, court games, crafts, playground apparatus, skating, and picnicking. Desirable size is between 3 to 10 acres, per the Parks and Recreation chapter of Volume 2 of the village's Comprehensive Plan.

Williams Park

Williams Park is a 2.5 acre neighborhood park located approximately 400 feet north of Schofield Avenue in the central section of the village. Williams Park has few facilities, but receives moderately heavy use from the surrounding neighborhood.

Sandhill Meadows Park

Sandhill Meadows Park is a 2 acre park that is located at the corner of Shorey Avenue and Alderson Street in the southwest part of the village. It was built in 2001 and is currently the only park serving this part of the village.

Robinwood Park

Robinwood Park is a 5.1 acre neighborhood park located south of Schofield Avenue in the east central section of the village. It was built in 1996 and named for the Robinwood subdivision.

Community Parks

Community parks are areas of diverse environmental quality and may include areas suited for intense recreational facilities, such as athletic complexes and large swimming pools. Desirable size is 10+ acres but may vary depending on facilities offered.

J.F. Kennedy Park

Kennedy Park is a 38.8 acre community park located in the older developed section of the village. It is the most developed and heavily used park in the village's system. It has a wide variety of active uses, passive uses, and support facilities that provide residents with year-round opportunities. Kennedy Park is home to the village's outdoor swimming facility—the Weston Aquatic Center. Kennedy Park also has a variety of organized athletic fields that receive heavy use from the public and nearby D.C. Everest High School and Junior High School students.

Kellyland Park

Kellyland Park is a 105.6 acre complex located near Rogan Lane and Heather Street in the east central section of the Village. Kellyland Park, which was formerly known as Rogan Park, is also located adjacent to, and west of, the Eau Claire River Nature Center, and is adjacent to, and north of the Weston Dog Park. Active use facilities at Kellyland Park include an open play area, a children's play equipment area, a basketball court, horseshoe pits and four soccer fields that are primarily used by the Wausau Area Home Educators. Passive recreation facilities at Kellyland Park include an open

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shelter, picnic tables, benches and grills. Support facilities include a restroom, two unpaved parking lots and a paved parking lot that also services the Weston Dog Park.

Machmueller Park
Machmueller Park is a 32.1 acre community park acquired in 2002. The park is located in the northeastern section of the village adjacent to a heavily developed residential area. Machmueller Park is the only park serving this section of the village. Active use facilities include children's play equipment, a Little League baseball field, 3 tee ball fields, one regulation sized soccer field, a large open play area, a 10-station "born learning" trail for children, and a ¾ mile walking path with fitness course. Passive use facilities include an open shelter, picnic tables and grills.

Yellowbanks Park
Yellowbanks Park is located on the Eau Claire River; west of, and adjacent to Camp Phillips Road, in the northwest section of the village. Park facilities include a disc golf course, restrooms, two open-sided shelters, a drinking fountain, picnic tables, grills, children's playground equipment, a sand volleyball court, a canoe/kayak launch, and horseshoe pits.

Special Use Parks
Special use parks are typically areas for specialized or single purpose recreational activities.

Dale E. Smith Waterfowl Refuge
The refuge is a 30 acre area in the Weston Business and Technology Park-South that the village acquired in 2007. The land is not developable due to wetlands.

Prohaska Family Nature Center
The village acquired approximately 90 acres east of Ryan Street and north of Weston Avenue in 2016, most of which had been known as the Prohaska Tree Farm. This property is wooded and has six ponds. Ideas for this site are put forward in the Weston Comprehensive Plan, Volume 2.

Weston Dog Park
The Weston Dog Park at Kellyland Park was developed in 2005 through the help of donations and volunteers. The park is a completely fenced in an approximately 40 acre area and contains picnic tables, benches and a small dog exercise area.

Trail and Environmental Corridors
A linear park, trail corridor, or public environmental corridor are often available for one or more modes of recreational travel such as hiking and biking.

The Mountain-Bay Trail
The Mountain-Bay Trail is one of the longest rails-to-trails in Wisconsin and is operated and maintained by Marathon, Shawano, and Brown counties. The trail, which is along the former Chicago Northwestern Railroad right-of-way, is managed by the DNR. The trail extends 83 miles from Howard Memorial Park in Green Bay to Weston.

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The Eau Claire River Trail
The Eau Claire River Trail is a 1.3-mile walking/biking trail located on the south bank of the Eau Claire River in the east central section of the village. The trail extends from the north end of Ryan Street northwest to access points at Brook Court and Tricia Street at the north end of the park.

Other Paths and Trails
The village has an asphalt multi-use path along Camp Phillips Road from the northern edge of the village at Northwestern Avenue to Concord Avenue. There is a gap along Camp Phillips Road for approximately 1.5 miles to the south until Camp Phillips Road and Westview Boulevard, where the multi-use path then extends south to Howland Avenue.

There is a concrete multi-use path along Weston Avenue to the west, which services the St. Clare's Hospital area. The path was extended north of Weston Avenue along Birch Street to the intersection with Highway 29. In 2011, a pedestrian bridge was constructed across Highway 29 to connect with the multi-use path along Birch Street.

A multi-use path was added along Ross Avenue in 2010. The path begins at the intersection with Fuller Street and ends at River Bend Road. This bike/multi-use path also runs a few blocks away from the Eau Claire River Trail.

Analysis of Village-owned and Operated Park and Recreational System

The National Recreation and Park Association (NRPA) generally recommends 10.5 acres of public park space for every 1,000 persons. By this standard, the village should have about 143.5 acres of overall park acreage. As of 2018, the village had approximately 238.7 acres of park land. However, almost 100 acres of the Village's current parkland is undeveloped or acts as a conservancy area. These places require very little to no maintenance and often, in the case of the natural area at Kellyland Park, act as a floodplain. The opportunities for recreational use at these places is therefore limited. As a result, the village is likely right around the NRPA gross park acreage standard.

The NRPA further recommends that this 10.5 acres/1000 be distributed as follows:

- Mini Parks: 0.5 acres/1,000 population
- Neighborhood Parks: 2 acres/1,000 population
- Community Parks: 8 acres/1,000 population

The village has 0 acres of mini parks, which is below the 7.5 acres advised by the NPRA for a community of its population.

The village has 9.6 acres of neighborhood parks, which is below the 30.1 acres recommended by the NPRA.

The village has 229.1 acres of community parks, which is above the 120.5 acres recommended by the NPRA. Most of the undevelopable wetland and floodplain mentioned above is in the village's community parks, particularly Kellyland. Therefore, the village's usable community park space is considerably less than 229.1 acres.

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The location and accessibility of parks to the population is also very important. At time of writing, the combined park service areas (mini, neighborhood, and community) provide coverage to most of Weston's currently populated areas. However, some of the village's southwestern and northeastern neighborhoods lack nearby park and recreation facilities.

The village also currently has several gaps in its planned path system, as documented above and in the Parks and Recreation chapter of Volume 2 of the Comprehensive Plan. Broadly speaking, the plan is to complete and interconnect the Mountain-Bay State Trail with the proposed Wausau to Weston trail, proposed trails north of the Eau Claire River, and proposed trails extending east and west of the existing multi-use trail along Camp Phillips Road south of Highway 29.

Other Public Park and Recreational Facilities in Weston

D.C. Everest School District Facilities

Although not village provided parks and open space, school facilities in Weston also offer community residents with outdoor recreation activities, for the most part with structured play equipment and playing fields. The village is served by the D.C. Everest School District which contains six elementary schools, one middle school, one junior high school, and one senior high school.

Two of the six elementary schools (Mountain Bay Elementary and Weston Elementary) are located within Weston. The middle school, junior high school, and senior high school are all located within the village.

Eau Claire River Nature Center

The Eau Claire River Nature Center is a 48 acre conservancy area located east of, and adjacent to Kellyland Park. The nature center is operated by the School District mainly as an environmental-interpretive center for students.

Greenheck Field House

The Greenheck Field House is located at the D.C. Everest High School. Activities include ice skating, hockey, basketball, volleyball, soccer, racquetball, fitness center, and multi-use field house.

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III. Growth Projections and Implications

Projected population and household growth in the Village of Weston helps to determine future public park needs. Growth projections allow for the generation of an impact fee that will be attributed to new housing growth and allocated on a "per housing unit" basis. Projections through the year 2040 (20+ years) correlate with a reasonable lifespan for most park facilities.

Through the Weston Comprehensive Plan, and now this Needs Assessment, the village has generally relied upon the DOA for population and household growth projections. Figure 1 includes the latest DOA projections, prepared in 2013. These suggest a significant population increase in Weston through 2040, with the population projected to increase by almost 35 percent from 2019 to 2040. The household projections suggest an average of 97 new households each year through 2040.

Figure 1: Village of Weston's Growth Trends and Projections

Projection Source and Method	1990	2000	2010	2018	2020	2030	2040	2018-2040 # Change	2018-2040 % Change
DOA Population	9,714	12,079	14,868	15,068	16,770	18,890	20,330	5,262	34.9%
DOA Households	4,236	4,806	5,772	6,190	6,632	7,596	8,333	2,143	34.6%

Sources: 1990, 2000, and 2010 are U.S. Census Bureau; 2018 estimates and 2020, 2030, and 2040 projections are Department of Administration

Between 2008 and 2018, the village has authorized the construction of an average of 65 new housing units per year. This has included an average of 20 new single family homes, 5 duplex units, and 40 multiple family units per year.

Based on a combination of the above information, this Needs Assessment is premised on the assumption that there will be an average of 80 new housing units built per year in Weston from 2020 to 2040, or 1,680 total new housing units. This figure is relevant to the fee calculations in Section V of this Needs Assessment.

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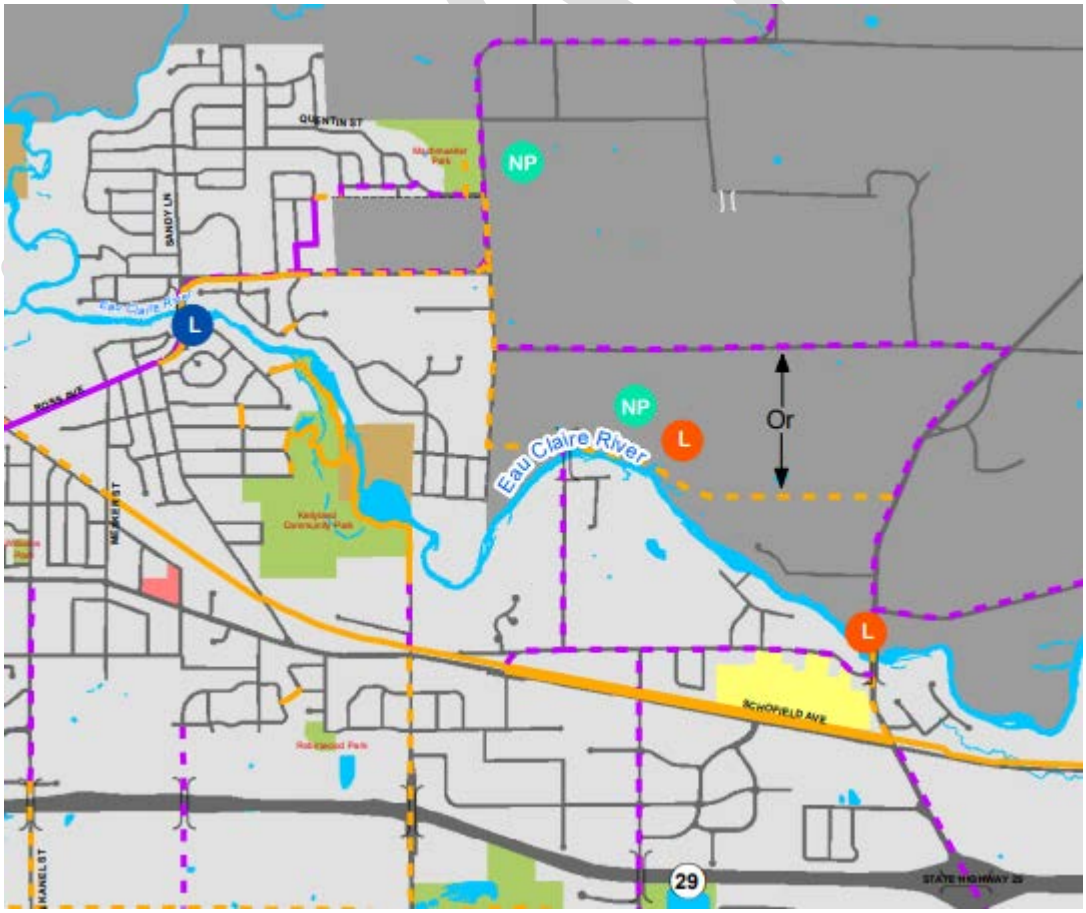
IV. Projected Park and Recreation Land Needs

To accommodate projected growth, new park and recreational facilities will be needed in Weston. Based on adopted village plans described above, the following are the village's projected park and recreation land acquisition needs to serve projected new residents through 2040. All costs in this section are in 2019 dollars.

Neighborhood Park

Through its Comprehensive Plan, the village identifies the need for additional neighborhood parks within planned residential development areas. Two potential neighborhood parks are identified within the village's eastern growth area—north of the Eau Claire River and east of the current village limits. General locations are indicated by the "NP" labels in Figure 2 below; actual locations may vary. The village anticipates that each neighborhood park be in the 5 to 10 acre range, or 7.5 acres for each on average. Recent land sales in the village suggest a typical 2019 per acre sale price of $35,000 per acre. (Sales analyzed include those for the Prohaska Family Nature Center, Misty Pines subdivision, and Eastgate Apartments.) These suggest an estimated acquisition price of $254,205 (7.5 acres x $35,000) for each future neighborhood park, in 2019 dollars.

Figure 2: Recommendations for Future Neighborhood Parks in Comprehensive Plan



Other Anticipated Recreational Land Acquisition

Based on the Parks and Recreation chapter of Volume 2 of its Comprehensive Plan, the village has identified several other planned recreational facilities for future residents that may require village land acquisition. These include future canoe/kayak launches, future environmental/trail corridors, and a north-south snowmobile route trail between Camp Phillips Road and Von Kanel Street. Total anticipated acreage and land costs for such facilities, in 2019 dollars, are indicated in Figure 3, along with anticipated neighborhood park acquisition costs from the previous section.

Figure 3: Cost Estimates for Planned Village of Weston's Recreational Land Acquisitions, 2020-2040

Item	Acres	Cost per Acre	Total Cost
Planned Neighborhood Park #1	7.5	$35,000	$254,205
Planned Neighborhood Park #2	7.5	$35,000	$254,205
Trail/Environmental Corridor Land Acquisition, including along Eau Claire River and elsewhere	20	$35,000	$700,000
Land Acquisition for Snowmobile Trail	2	$35,000	$70,000
		TOTAL	**$1,278,410**

Note: Estimated costs are in 2019 dollars.

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V. Cost Allocation and Fee Calculation

The park and recreation impact fee will be applicable when a residential development has not dedicated public park and recreation land meeting Village ordinance requirements. Figure 4 includes the calculations used to determine a maximum park and recreation impact fee on new residential development in the Village of Weston.

Figure 4: Calculations to Arrive at Maximum Park and Recreation Impact Fee

1	Projected recreational land and park acquisition cost 2020-40 (see Sec. IV of this report)	$1,278,410
2	/ Years to collect for costs between 2020 and 2040	21
3	Average amount to collect each year between 2020 and 2040	$60,877
4	/ Projected number of housing units per year (See Sec. III)	80
	= Maximum Park and Recreation Impact Fee Per Housing Unit	**$761**

The above calculations are conservative. They are based on 2019 dollars, which are likely to depreciate substantially as 2040 approaches. The calculations are also based on an assumption of 80 new housing units per year, which is above the 65 per year that the village averaged between 2008 and 2018.

The village has historically charged a different park fee for single family, two family (duplex), and multiple family units. Further, the village's fee has differed depending on the number of bedrooms in each multiple family unit.

In an attempt to provide a statistical basis for a differential park and recreation impact fee, the consultant investigated various data sources. With assistance from the UW-Madison Applied Population Laboratory using data from the U.S. Census' American Community Survey, the consultant estimates that each single family residence in the village has 2.75 persons on average, each duplex unit has 2.03 persons on average (74% of each single family residence), and each multiple family unit has 1.79 persons on average (65% of each single family residence).

The consultant was unable to find any modern data source that provided persons per housing unit based on the number of bedrooms in the unit, which will challenge continuing to charge a differential park fee based on the number of bedrooms in a housing unit.

Were the village to impose a park and recreation impact fee of $761 per single family unit/lot, a fee of $563 per duplex unit (74% x $761) and a fee of $495 per multiple family unit (65% x $761) would be supported. Duplex and multiple family housing units for senior citizens often have less than 2.03 and 1.79 persons per unit, respectively. Further, some senior citizens utilize village parks less than the average citizen. Therefore, the village could consider even lower per unit fees for senior-restricted housing.

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VI. Effect of Impact Fees on Availability of Affordable Housing

Wisconsin Statute 66.0617 requires a needs assessment to address the effect of recovering capital costs through impact fees on the availability of affordable housing within the village.

The maximum impact fee amount reported in Section V will result in a small impact on affordable housing in Weston. In general, the proposed fees are unlikely to affect households seeking to purchase or build a new home in Weston—especially since the village has historically had a fee in lieu of parkland dedication fee that this park and recreation impact fee is replacing.

Developments with recent new home construction include Misty Pines (located south of Ross Avenue between Birch Street and Fox Street), Fieldcrest (located north of Callon Avenue), and Stone Gate (located in the southern portion of the Village off Howland Avenue). The average 2018 assessed value of a home and lot by development was as follows: Misty Pines, $267,950; Fieldcrest, $248,400; Stone Gate, $302,117. The maximum impact fee amount supported by this Needs Assessment is 0.28% to 0.33% of these values.

The village has no other existing or proposed impact fees, which also aids when considering affordability impacts.

This being said, the Village will consider including a potential modification of impact fees for truly affordable ("low-cost") housing as part of its impact fee ordinance. In addition, as described above, the village will consider a lower fee for duplex, multiple family, and senior housing compared to single family detached housing.

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Appendix A: Wisconsin's Impact Fee Law (Section 66.0617, Wisconsin Statutes)

66.0617 Impact fees.

(1) DEFINITIONS. In this section:

(a) "Capital costs" means the capital costs to construct, expand or improve public facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that not more than 10 percent of capital costs may consist of legal, engineering and design costs unless the municipality can demonstrate that its legal, engineering and design costs which relate directly to the public improvement for which the impact fees were imposed exceed 10 percent of capital costs. "Capital costs" does not include other noncapital costs to construct, expand or improve public facilities, vehicles; or the costs of equipment to construct, expand or improve public facilities.

(b) "Developer" means a person that constructs or creates a land development.

(c) "Impact fees" means cash contributions, contributions of land or interests in land or any other items of value that are imposed on a developer by a municipality under this section.

(d) "Land development" means the construction or modification of improvements to real property that creates additional residential dwelling units within a municipality or that results in nonresidential uses that create a need for new, expanded or improved public facilities within a municipality.

(e) "Municipality" means a city, village, or town.

(f) "Public facilities" means all of the following:

1. Highways as defined in s. 340.01 (22), and other transportation facilities, traffic control devices, facilities for collecting and treating sewage, facilities for collecting and treating storm and surface waters, facilities for pumping, storing, and distributing water, parks, playgrounds, and land for athletic fields, solid waste and recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities and libraries. "Public facilities" does not include facilities owned by a school district.
2. Notwithstanding subd. 1., with regard to impact fees that were first imposed before June 14, 2006, "public facilities" includes other recreational facilities that were substantially completed by June 14, 2006. This subdivision does not apply on or after January 1, 2018.

(g) "Service area" means a geographic area delineated by a municipality within which there are public facilities.

(h) "Service standard" means a certain quantity or quality of public facilities relative to a certain number of persons, parcels of land or other appropriate measure, as specified by the municipality.

(2) GENERAL.

(a) A municipality may enact an ordinance under this section that imposes impact fees on developers to pay for the capital costs that are necessary to accommodate land development.

(b) Subject to par. (c), this section does not prohibit or limit the authority of a municipality to finance public facilities by any other means authorized by law, except that the amount of an impact fee imposed by a municipality shall be reduced, under sub. (6) (d), to compensate for any other costs of public facilities imposed by the municipality on developers to provide or pay for capital costs.

(c) Beginning on May 1, 1995, a municipality may impose and collect impact fees only under this section.

(3) PUBLIC HEARING; NOTICE. Before enacting an ordinance that imposes impact fees, or amending an existing ordinance that imposes impact fees, a municipality shall hold a public hearing on the proposed ordinance or amendment. Notice of the public hearing shall be published as a class 1 notice under ch. 985, and shall specify where a copy of the proposed ordinance or amendment and the public facilities needs assessment may be obtained.

(4) PUBLIC FACILITIES NEEDS ASSESSMENT.

(a) Before enacting an ordinance that imposes impact fees or amending an ordinance that imposes impact fees by revising the amount of the fee or altering the public facilities for which impact fees may be imposed, a municipality shall prepare a needs assessment for the public facilities for which it is anticipated that impact fees may be imposed. The public facilities needs assessment shall include, but not be limited to, the following:

1. An inventory of existing public facilities, including an identification of any existing deficiencies in the quantity or quality of those public facilities, for which it is anticipated that an impact fee may be imposed.
2. An identification of the new public facilities, or improvements or expansions of existing public facilities, that will be required because of land development for which it is anticipated that impact fees may be imposed. This identification shall be based on explicitly identified service areas and service standards.
3. A detailed estimate of the capital costs of providing the new public facilities or the improvements or expansions in existing public facilities identified in subd. 2., including an estimate of the cumulative effect of all proposed and existing impact fees on the availability of affordable housing within the municipality.

(b) A public facilities needs assessment or revised public facilities needs assessment that is prepared under this subsection shall be available for public inspection and copying in the office of the clerk of the municipality at least 20 days before the hearing under sub. (3).

(5) DIFFERENTIAL FEES, IMPACT FEE ZONES.

(a) An ordinance enacted under this section may impose different impact fees on different types of land development.

(b) An ordinance enacted under this section may delineate geographically defined zones within the municipality and may impose impact fees on land development in a zone that differ from impact fees imposed on land development in other zones within the municipality. The public facilities needs assessment that is required under sub. (4) shall explicitly identify the differences, such as land development or the need for those public facilities, which justify the differences between zones in the amount of impact fees imposed.

(6) STANDARDS FOR IMPACT FEES. Impact fees imposed by an ordinance enacted under this section:

(a) Shall bear a rational relationship to the need for new, expanded or improved public facilities that are required to serve land development.

(am) May not include amounts for an increase in service capacity greater than the capacity necessary to serve the development for which the fee is imposed.

(b) May not exceed the proportionate share of the capital costs that are required to serve land development, as compared to existing uses of land within the municipality.

(c) Shall be based upon actual capital costs or reasonable estimates of capital costs for new, expanded or improved public facilities.

(d) Shall be reduced to compensate for other capital costs imposed by the municipality with respect to land development to provide or pay for public facilities, including special assessments, special charges, land dedications or fees in lieu of land dedications under ch. 236 or any other items of value.

(e) Shall be reduced to compensate for moneys received from the federal or state government specifically to provide or pay for the public facilities for which the impact fees are imposed.

(f) May not include amounts necessary to address existing deficiencies in public facilities.

(fm) May not include expenses for operation or maintenance of a public facility.

(g) Except as provided under this paragraph, shall be payable by the developer or the property owner to the municipality in full upon the issuance of a building permit by the municipality. Except as provided in this paragraph, if the total amount of impact fees due for a development will be more than $75,000, a developer may defer payment of the impact fees for a period of 4 years from the date of the issuance of the building permit or until 6 months before the municipality incurs the costs to construct, expand, or improve the public facilities related to the development for which the fee was imposed, whichever is earlier. If the developer elects to defer payment under this paragraph, the developer shall maintain in force a bond or irrevocable letter of credit in the amount of the unpaid fees executed in the name of the municipality. A developer may not defer payment of impact fees for projects that have been previously approved.

(7) LOW-COST HOUSING. An ordinance enacted under this section may provide for an exemption from, or a reduction in the amount of, impact fees on land development that provides low-

cost housing, except that no amount of an impact fee for which an exemption or reduction is provided under this subsection may be shifted to any other development in the land development in which the low-cost housing is located or to any other land development in the municipality.

(7r) IMPACT FEE REPORTS. At the time that the municipality collects an impact fee, it shall provide to the developer from which it received the fee an accounting of how the fee will be spent.

(8) REQUIREMENTS FOR IMPACT FEE REVENUES. Revenues from each impact fee that is imposed shall be placed in a separate segregated interest-bearing account and shall be accounted for separately from the other funds of the municipality. Impact fee revenues and interest earned on impact fee revenues may be expended only for the particular capital costs for which the impact fee was imposed, unless the fee is refunded under sub. (9).

(9) REFUND OF IMPACT FEES. Except as provided in this subsection, impact fees that are not used within 8 years after they are collected to pay the capital costs for which they were imposed shall be refunded to the payer of fees for the property with respect to which the impact fees were imposed, along with any interest that has accumulated, as described in sub. (8). Impact fees that are collected for capital costs related to lift stations or collecting and treating sewage that are not used within 10 years after they are collected to pay the capital costs for which they were imposed, shall be refunded to the payer of fees for the property with respect to which the impact fees were imposed, along with any interest that has accumulated, as described in sub. (8). The 10-year time limit for using impact fees that is specified under this subsection may be extended for 3 years if the municipality adopts a resolution stating that, due to extenuating circumstances or hardship in meeting the 10-year limit, it needs an additional 3 years to use the impact fees that were collected. The resolution shall include detailed written findings that specify the extenuating circumstances or hardship that led to the need to adopt a resolution under this subsection. For purposes of the time limits in this subsection, an impact fee is paid on the date a developer obtains a bond or irrevocable letter of credit in the amount of the unpaid fees executed in the name of the municipality under sub. (6) (g).

(10) APPEAL. A municipality that enacts an impact fee ordinance under this section shall, by ordinance, specify a procedure under which a developer upon whom an impact fee is imposed has the right to contest the amount, collection or use of the impact fee to the governing body of the municipality.

VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 20-___

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

WHEREAS, the Village of Weston is authorized to adopt and amend subdivision regulations under Wis. Stats. § 236.45 and impact fees under Wis. Stats. § 66.0217; and

WHEREAS, the Village repealed and recreated Chapter 74 in May 2016, to serve as the village's subdivision regulations, and at such time carried forward its requirements for park fees on new residential developments from the prior version of Chapter 74; and

WHEREAS, 2017 Wisconsin Act 243 now requires that any park fee on new residential development may be imposed only under the requirements and procedures of Wisconsin's impact fee law (Section 66.0617, Wis. Stats.), including the preparation and adoption of a public facilities needs assessment; and

WHEREAS, the Village's park fee on new development in place prior to adoption of this ordinance did not comply with the new requirements under 2017 Wisconsin Act 243; and

WHEREAS, 2017 Wisconsin Act 243 and experience gained through land division activity over the past few years have prompted the need for other minor amendments to the village's subdivision regulations; and

WHEREAS, the Village Plan Commission held a public hearing on the proposed amendments to the Municipal Code included in this ordinance, and have favorably recommended Village Board adoption of the same; and

WHEREAS, the Village Board held a second public hearing on this ordinance to conform with various statutory requirements; and

WHEREAS, following such hearing the Village Board considered public comments and the recommendation of the Plan Commission; and

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

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NOW, THEREFORE, the Village Board of Weston, Marathon County, Wisconsin, does ordain as follows:

SECTION 1: Section 74.1.02 is hereby amended to provide as follows:

Section 74.1.02: Authority

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

SECTION 2: Section 74.1.04(1)(b) is hereby amended to provide as follows:

(b) This Chapter shall not apply to condominium developments that existed as of May 16, 2016, except to the extent that such condominium developments are expandable pursuant to Wis. Stat. § 703.26, and except that the provisions in subsection (5) to all condominium developments regardless of when they were first established.

SECTION 3: Section 74.3.05: Subdivider's Statement is hereby renumbered as Section 74.2.05.

SECTION 4: Section 74.3.04(4) is hereby amended to provide as follows:

(4) **Preliminary Covenants.** The subdivider shall submit a model or draft of protective covenants to be recorded against the affected land with the preliminary plat application, including the following provisions:

(a) Methods for the proper maintenance and management of any common open space, stormwater management facility, drainageway, private road, or other required improvement intended for private ownership, maintenance, and/or protection. A separate stormwater management maintenance agreement may substitute for including such provisions in the general protective covenants for the subdivision, if approved or required by the Director of Public Works.

(b) A method to effectively minimize monotony in the design of single-family and two-family residences, as required under Section 94.10.02(2) of the zoning ordinance.

(c) Methods to ensure the construction and maintenance of any noise mitigation measures if the subdivision is adjacent to an arterial street.

(d) In all cases where the Village requires that provisions of this Chapter or other Village ordinance shall be satisfied or guaranteed by private covenants or restrictions, provisions making such covenants enforceable by the Village and prohibiting the repeal or amendment of such covenants or restrictions without the written approval of the Village Board. In all other cases, it is not the Village's responsibility to enforce protective covenants.

(e) In any other case as determined necessary by the Village to satisfy the requirements of this Chapter

SECTION 5: Section 74.3.04(5)(d) is hereby repealed and Sections 74.3.04(5)(e) to 74.3.04(5)(g) are re-lettered accordingly.

SECTION 6: Section 74.4.02(1) Final Plat Submittal to Village is hereby amended to provide as follows:

(1) **Final Plat Submittal to Village.** Following the submittal of the preliminary plat, the subdivider may submit to the Zoning Administrator an application for final plat approval. The submittal shall include hard copies in quantities specified on the application form and a digital PDF copy of the completed application, the final plat, and all supplemental materials under Section 74.4.04. A complete final plat application shall be required at least ~~14~~ 21 days prior to the date of the Plan Commission or Extraterritorial Zoning Committee meeting at which a recommendation is expected. Upon the submittal of a final plat for lands within the Village or requiring Village infrastructure, the subdivider and Village shall begin negotiations on a development agreement specifying responsibilities of both parties, as described in greater detail in Section 74.7.03.

SECTION 7: Section 74.4.04(2)(c) [Technical Requirements for Final Plat] is hereby amended to provide as follows:

(c) Location, ~~approximate~~ dimensions, and proposed ownership of any sites to be reserved or dedicated for parks, playgrounds, drainageways, environmental corridors, or other public and/or permanent open space uses.

SECTION 8: Section 74.4.04(3)(g) [Other Required Information] is hereby amended to provide as follows:

(g) Whenever a subdivider proposes that any common open space, stormwater management facility, drainageway, private road or other required development component is to be privately managed by a property owners' association, ~~revised~~ legal instruments and rules for the property owners' association.

SECTION 9: Section 74.5.04(2)(c) [Technical Requirements for CSM] is hereby amended to provide as follows:

(c) Location, ~~approximate~~ dimensions, and proposed ownership of any sites to be reserved or dedicated for parks, playgrounds, drainageways, environmental corridors, or other public and/or permanent open space uses.

SECTION 10: Section 74.6.03 is hereby amended to provide as follows:

Section 74.6.03: Street and Utility Extensions

Proposed street rights-of-way and streets and associated utilities actually constructed by the subdivider shall extend to the boundary lines of the tract being subdivided or developed unless prevented by topography or other physical conditions or unless, in the opinion of the appropriate Village approval authority, such extension is not necessary or desirable for the coordination of the

layout of the subdivision, land division, or condominium development or for the advantageous development of the adjacent tracts.

SECTION 11: Section 74.6.06(2)(d) is hereby amended to provide as follows:

(d) The Village may require on-street bike lanes on arterial streets and on collector streets with current or expected heavy traffic volumes, and/or where advised within the Comprehensive Plan. Where on-street bike lanes are required, the width of each bike lane shall not be less than 4 feet, not including the gutter section. Such width shall be in addition to the width required by Figure 6.06(1). Placement of bike lanes shall be in accordance with the AASHTO Guide for the Development of Bicycle Facilities.

SECTION 12: Section 74.6.13(1) Generally is hereby amended to provide as follows:

(1) **Generally.** The size, shape, and orientation of lots or condominium building sites shall be appropriate for the location of the land division, subdivision, or condominium development and for the type and intensity of development and use contemplated in the Comprehensive Plan and zoning ordinance. ~~The~~ Each lot~~s~~ shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building(s) contemplated.

SECTION 13: Section 74.7.02(2) is hereby amended to provide as follows:

(2) **Required Data from Subdivider.** With or following the submittal of any preliminary plat, condominium plat, final plat, or certified survey map, the subdivider shall furnish any data requested by the Director of Public Works related to the adequacy of public facilities and public services. The Director of Public Works shall work with the Zoning Administrator to transmit this information to appropriate Village staff, commissions, committees, and boards for review. The Zoning Administrator shall act as coordinator for their reports to the appropriate Village approval authority on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space, recreation facilities, and transportation facilities. Failure to submit such data as requested may be grounds for denial of the preliminary plat, condominium plat, final plat, or certified survey map.

SECTION 14: Section 74.7.03 is hereby amended to provide as follows:

Section 74.7.03: Development Agreement

(1) **Generally.** The subdivider and the Village shall enter into a development agreement which identifies all public improvements the subdivider is required to complete and the timeline for completion. Said agreement shall be in a form and content approved by the Village Administrator and shall bind the subdivider to comply with the requirements of this Chapter and any specification, plans or conditions imposed or approved pursuant thereto. ~~As a condition of the approval of any final plat and (where applicable) certified survey map or condominium plat located within the Village or served by Village infrastructure, the subdivider shall install 100% of the public improvements required by the development agreement or provide a letter of credit in an amount equal to 120% of the cost of the public improvements required by the development agreement.~~

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(2) **Performance Guarantee.** The subdivider or condominium developer shall file with said development agreement, a letter of credit or performance bond, at the option of the developer, or other surety approved by the Zoning Administrator or Director of Public Works, in an amount equal to 120% of the estimated total to complete the public improvements required by the development agreement. The cost shall be calculated per the procedure in Wis. Stat. § 236.13(2)(am)1d ~~estimated or approved by the Director of Public Works~~. When a letter of credit is posted as security, the Village must be the beneficiary. When a performance bond is posted, the requirements of Wis. Stat. § 236.13(2)(am)1m., apply. Such surety shall have a term not exceeding 14 months after substantial completion of the public improvements. For purposes of this Section, substantial completion occurs at the time the binder coat is installed on the roads to be dedicated or, if the required public improvements do not include a road to be dedicated, at the time that 90% of the public improvements by cost are completed. Upon substantial completion of the public improvements, the amount of security the subdivider is required to provide shall be equal to the total cost to complete any uncompleted public improvements plus 10% of the total cost of the completed public improvements. The subdivider may construct the project in such phases as the Village Board approves. If the subdivider's project will be constructed in phases, the amount of any surety required shall be limited to 120% of the cost of the phase of the project that is currently being constructed and any remaining surety obligations from previous phases.

(3) **Required Development Agreement Contents.** Each development agreement shall:

(a) Specify the public improvements required for the land division, subdivision, or condominium plat, and require their construction according to approved engineering plans and specifications.

(b) Provide that all required improvements shall be completed by the subdivider or condominium developer or his contractors no later than 18 months from the date of Village approval of the engineering plans and specifications for the land division, subdivision, or condominium development, unless otherwise specified in the development agreement or extended by the Village Board. This shall include all required park, recreational, and multiuse path improvements.

(c) Provide for guarantees by the subdivider of all public improvements for not less than one year following final acceptance by the Village, and an additional one year after each replacement of any guaranteed work.

(d) Provide adequate supervision, inspection, testing, and regulation of construction schedules and methods.

(e) Outline requirements for acceptance of public improvements by the Village.

(f) Require that contractors engaged in work on public improvements be adequately insured for liability, including workers' compensation liability.

(g) Assure that the subdivider and all contractors agree to indemnify the Village and its professional consultants for any liability arising out of the construction of public improvements.

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(h) Provide for the payment of required fees and the dedication of required lands and improvements.

(i) Provide for the reimbursement of the Village for staff time, professional consultant's fees, and other costs incurred in connection with the development of the property.

(j) Provide for the surety to guarantee completion of the public improvements and the other obligations of the subdivider under the agreement ~~or~~ and this Chapter.

(k) Require the subdivider to submit ~~second~~ record drawings in a digital format specified by the Director of Public Works following the completion and acceptance of all public improvements.

(l) Require the subdivider to control weeds and all growth of natural vegetation in a manner consistent with Village ordinances on each lot, outlot, or publicly dedicated parcel until such time as that land is transferred to another entity.

(m) Require that the subdivider be responsible for clearing all soil, vegetation, gravel, and similar construction site debris that is tracked onto public streets during the day on which such tracking occurs.

(n) Require the construction and maintenance of street trees, landscaped buffer yard landscaping, and arterial street noise mitigation measures as approved to meet any applicable requirements under this Chapter.

(o) Require the subdivider's compliance with all other Village ordinances, including Chapter 70 (Streets, Sidewalks, and Other Public Places), Chapter 71 (Street Access Controls), and Chapter 86 (Utilities), conditions of approval, and other applicable regulations.

~~(o)~~(p) Provide for all required easements, restrictions, and other encumbrances to be property prepared, recorded, and maintained.

~~(p)~~(q) Include such other provisions as deemed necessary or appropriate by the Zoning Administrator to carry out the intent of this Chapter and other provisions of the Weston Municipal Code applicable to the development. Nothing in this section shall be construed to limit the authority of the Zoning Administrator to require additional or alternative provisions to meet the approval standards contained therein.

SECTION 15: Section 74.7.04(3) is hereby amended to provide as follows:

(3) **Responsibility.** Except as indicated in this Section or otherwise required by development agreement, the subdivider shall be responsible for all costs for installation of all public infrastructure necessary to serve the land division, subdivision, or condominium development, including the bringing of such infrastructure from where it exists to the division in question as well as providing all infrastructure within the division.

SECTION 16: Sections 74.7.04(4)(i) and (n) are hereby amended to provide as follows:

(i) Curb and Gutter. After the installation of the above improvements, the subdivider shall construct concrete curb and/or gutter at pavement edges in accordance with Village ordinance and design requirements available from the Director of Public Works. This

requirement may be waived at the discretion of the Director of Public Works in areas designated for permanent rural use as reflected in the Comprehensive Plan and any Village-adopted stormwater management plan. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts in accordance with Chapter 71. The breaking or cutting of curbs will only be allowed for driveway aprons.

(n) Street Trees. The subdivider shall install at least one street tree at a rate of per lot or one tree per 100 feet ~~for every 50 lineal feet, or fraction thereof,~~ of frontage a property has on a public street right-of-way, whichever is greater. Trees shall be located within the terrace area wherever possible, midway between the sidewalk and curb. Street trees shall be installed in accordance with Section 94.11.02(3)(a) of the zoning ordinance, and placed so as to not conflict with utility installation or traffic visibility. The development agreement may alternatively specify that the subdivider pay a fee to the Village, which in such case the Village shall be responsible for street tree installation.

SECTION 17: Section 74.7.04(4)(q) Park Improvements is hereby created to provide as follows:

(q) Park Improvements. Per Section 74.9.03, where a public park is included in the development.

SECTION 18: Section 74.8.02 is hereby amended to provide as follows:

Section 74.8.02: Commencement

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

SECTION 19: Section 74.8.03 is hereby amended to provide as follows:

Section 74.8.03: Relationship to Building Permits

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

SECTION 20: Section 74.9.01(3) is hereby amended to provide as follows:

(3) **Park Dedication and Fees, Generally.** The need and location of park and recreation sites to be dedicated shall be determined by the appropriate Village approval authority, following a recommendation from the Parks & Recreation Committee if the division is in the Village.

Where such authority determines that park and recreation site dedication is not compatible with the Comprehensive Plan or official map, or for other reasons is not advised by the Village, the subdivider or building permit applicant shall, in lieu thereof, pay a park and recreation impact fee to the Village to meet this requirement in whole or on a pro-rata basis. ~~Where park and recreational site dedication is not required, the subdivider shall be responsible for paying a fee to acquire other public park and recreational lands that will benefit the future residents of the division.~~

SECTION 21: Sections 74.9.02(2), (3), and (5) [Park and Recreational Site Dedication] are hereby amended to provide as follows:

(2) **Relationship to Comprehensive Plan and Official Map.** Whenever a public park or recreation site proposed in the Comprehensive Plan, Comprehensive Outdoor Recreation Plan, or official map is embraced, in whole or in part, in a tract of land to be divided, that proposed public park or recreation site shall be dedicated and credited toward the requirements of subsection (1). Where a public park and recreation site as shown on ~~the Comprehensive Plan~~one or both of these plans or official map within the tract is greater in area than required by dedication under subsection (1), the Village Board may require that the subdivider reserve for acquisition by the Village, through agreement, purchase, or condemnation, the remaining greater park area for a period of 2 years of plat or certified survey map approval unless extended by mutual agreement. Such reserved lands shall be kept in one or more outlots to be held by the subdivider. Over that period, the Village shall have the ability to negotiate the purchase of said land at undeveloped land prices.

(3) **Other Locational Criteria.** The dedicated site shall be located so as to serve the recreation and open space needs of the division or condominium development from which the dedication was made. Consideration shall be given in the location of existing natural and cultural features as documented on the preliminary plat, as required by Section 74.3.01(2)(b). All lands proposed to be dedicated for park purposes shall be demonstrated to present no environmental hazard, and that they will not require environmental mitigation or remediation measures, through a phase one environmental assessment provided by the subdivider or as otherwise may be approved by the Director of Public Works.

(5) **Usability.** The dedicated land for recreation shall be usable, as defined in Article 13. Lands dedicated for stormwater management shall not be credited towards the park and recreation site dedication requirement. Wetlands or sloped areas may be considered usable for recreational purposes at the discretion of the approval authority. The shape of the dedicated parcel of land shall be sufficiently square or round to be usable for recreational activities planned for the area or the type of park intended. If the Village Board determines that a proposed dedication meets some but not all of the usability criteria in this subsection, it may approve acceptance of that land with partial credit to the parkland dedication requirement in subsection (1) in proportion to the extent of usability.

SECTION 22: Section 74.9.03(2)(c) [Improvement of Dedicated Park and Recreational Sites] is hereby amended to provide as follows:

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(c) Cover areas to be seeded with a minimum of 6 inches of quality topsoil, seed~~ as specified by the Director of Public Works~~, fertilizer~~ with 16-6-6 at a rate of 7 pounds per 1,000 square feet~~, and mulch~~ed~~ as specified in the "Standard Specifications for Highway and Structure Construction, Sections 627 and 629" or by the Director of Public Works. The topsoil furnished for the park or recreational site shall consist of the natural loam, sandy loam, silt loam, silty clay loam, or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline. Fine grading and seeding must occur within 18 months following execution of the development agreement, unless otherwise authorized by the Village Board. The improved area shall not be deemed officially accepted until a uniform groundcover to a minimum 2-inch height has been established.

SECTION 23: Section 74.9.04 is hereby repealed and recreated to provide as follows:

Section 74.9.04: Park and Recreation Impact Fee in Lieu of Park Dedication

(1) **Purpose.** This section is intended to impose park and recreation impact fees for new dwelling units constructed within the Village limits. Such fees are intended to finance the acquisition of park land and the improvement of park and recreational facilities, the demand for which is generated by new dwelling units. Collected fees shall be used to finance capital costs for new, enlarged or improved capital improvements that substantially benefit those dwelling units that pay the fees. The park and recreation impact fee described in this section have been imposed under, and are authorized by, Wis. Stat. § 66.0617, which is Wisconsin's authorizing legislation for development impact fees.

(2) Timing. The impact fees described in this section shall be paid at the time of issuance of each building permit, except that a development agreement may specify fee payment at an earlier date. As used in this subsection, the term "building permit" shall not include permits required for remodeling, rehabilitation, or other improvements to an existing structure, or for rebuilding or replacing a removed, damaged, or destroyed structure, where no increase in the number of dwelling units results.

(3) **Fee Amounts.** The park and recreation impact fee shall be $761 per single family residential unit, $563 per duplex unit, and $495 per multiple family unit authorized. The type and number of units authorized shall be determined by applicable zoning ordinance standards for the intended zoning district of the lots, and/or via the development agreement.

(4) **Basis.** The fee amounts in subsection (3) are per the public facility needs assessment adopted pursuant to Resolution [INSERT NUMBER] and on file with the Village Clerk. The adopted needs assessment shall also be used as the basis for expenditure of collected impact fees pursuant to this section. At the time the Village collects each impact fee, it shall provide to the applicant or developer from which it received the fee an accounting of how the fee will be spent, which may be the needs assessment or a summary thereof.

(5) **Accounting.** The Village Treasurer shall place all collected impact fees in separate segregated interest-bearing accounts, which shall be accounted for separately from the other Village funds. Each collected fee shall be identified by parcel number and date paid within the fund. Impact fee revenues and interest earned on impact fee revenues may be expended

only for the particular capital costs for which the impact fee was imposed, unless the fee is refunded under subsection (8).

(6) **Potential Waiver or Reduction.** The fee amounts under subsection (3) may be waived or reduced in one or more of the following circumstances:

(a) By the Zoning Administrator, where the development that includes the dwelling unit dedicated and improved public park land pursuant to the requirement in Sections 74.9.02 and 74.9.03, with the reduction proportionate to the extent that the full park and recreation impact fee requirement was met by such dedication.

(b) By the Zoning Administrator, where the development within which the dwelling unit is located provided private open space and/or recreational improvements as described in Section 74.9.05, to the extent the Village Board approved a park and recreation impact fee credit for such provision.

(c) By the Village Board, by request of the builder of the proposed dwelling unit, where it determines that their imposition would have a substantial adverse effect on the availability of housing intended to be affordable to those below the median household income in Marathon County. The substantial adverse effect must be supported by evidence provided by the builder.

For any waiver or reduction associated with a development approved after January 1, 2020, the Village Board shall have first entered into a development agreement with the developer, which shall specify the land dedication, private open space, and/or improvements to be provided, the cost thereof, and the amount of credit granted against the total impact fees. In no event shall the Village provide a credit that is greater than either the total impact fees otherwise due or the fair market value of the land or improvements provided. Any decision to allow a developer to provide land dedication, private open space, and/or improvements in lieu of or to reduce impact fees shall rest in the sole discretion of the Village Board.

(7) **Refunds.** Any collected impact fee that is not used within 8 years after it is collected to pay the capital costs for which it was imposed shall be refunded to the payer of such fee, along with any interest that has accumulated.

(8) **Appeals.** A developer or an applicant for a building permit may appeal the amount, collection, or use of the impact fees, and any property owner may appeal a decision on a claim for refund of unexpended impact fees, under the provisions of Wis. Stats. Chapter 68. If the notice of appeal challenges the imposition of an impact fee, or the amount imposed, the developer or applicant may pay the fees imposed under protest and the building inspector shall issue any building permits withheld solely due to the nonpayment of the fees. If the applicant prevails on appeal, the Village Treasurer shall refund that portion of the fees so paid as finally determined in the appeal process.

<u>SECTION 24</u>: Section 94.16.18(5) is hereby repealed and recreated to provide as follows:

(5) **Park and Recreation Impact Fee.** Where the appropriate Village approval authority determines that park and recreational impact fees shall be paid in lieu of dedication of a park

and recreational site within the Village limits, in whole or in part, such fees shall be determined and paid pursuant to Section 74.9.04 of this Code.

SECTION 25: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 26: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the ___ day of _____, 2020.

WESTON VILLAGE BOARD

By: _____
Wally Sparks, President

Attest:

_____
Sherry Weinkauf, Clerk

APPROVED: _____

PUBLISHED: _____

DRAFT

VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN
5500 SCHOFIELD AVENUE, WESTON, WI 54476
REQUEST FOR CONSIDERATION

Public Mtg/Date:	**Plan Commission – 5/11/2020**
Description:	**Discussion of future land use & zoning designations for Industrial/Business Park Properties south of State Highway 29.**
From:	**Keith Donner, Administrator** **Jennifer Higgins, Director of Planning & Development**
Question:	**What should the zoning and future land use be designated in this area of the Village – Zinser St/Business Park South to CTH J north of Weston Ave & South of STH 29?**

Background

In March 2020, the Board of Trustees authorized staff to begin marketing the Mashuda Property for sale. The property is currently zoned AG and shown as future recreation (as it was the site of the proposed Sport Complex). We are looking to sell 5 acres of this to PGA for an additional yard area for their excavating facility that is currently under construction. For this reason, we need to rezone the property to include it as commercial or industrial park land and prior to this a comprehensive plan map amendment will be needed. It was decided after talking as staff that we should look at the needs in the entire area here and do any changes that need to be made at the same time. This was a discussion for the Weston Ave Corridor Plan but it doesn't hurt to have it sooner rather than later so we can proceed with the sale of part of the Mashuda property to PGA. I have included the nonresidential use tables and the accompany land uses and their performance standards. Please look them over and come prepared to discuss how you want this area south of STH 29 to develop. Please remember that there are differences between the LI (limited Industrial) and GI (General Industrial) Uses and once you rezone something whatever use that is permitted is permitted. GI tends to be the zoning district for some of the more nuisance uses like meat packing plants and asphalt plants.

Attached Docs:	Future Land Use Map of area Current Zoning of area Non-residential Use Tables and Use Performance Standards
Committee Action:	None to date.
Fiscal Impact:	TBD.

Recommendation: LI

Recommended Language for Official Action

Item is on the agenda for discussion. Staff is looking for direction. A public hearing would then be set up based on any changes that PC recommends. The PC would hold the public hearing for the rezone. The Board for the comp plan amendment.

Additional action: Set public hearing on rezone and Comp plan FLU map amendment.

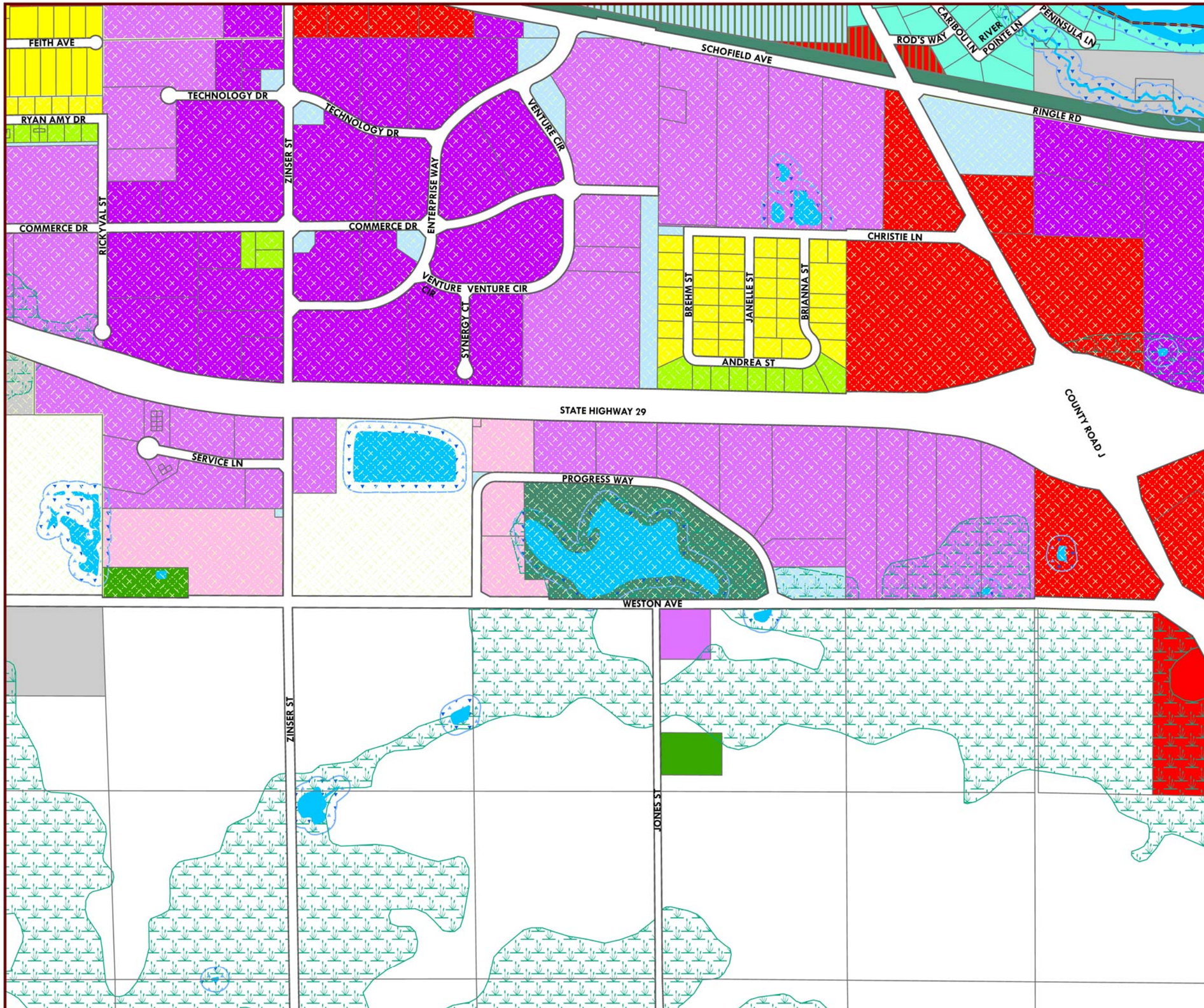
Village and Town of Weston
Marathon County, Wisconsin

OFFICIAL ZONING MAP

Map Date:	5/7/2020
Adoption Date (Village):	4/XX/2018
Adoption Date (ETZ):	4/XX/2018
Adoption Date (Town):	1/23/2016

N

0 500 1,000 2,000 Feet



LEGEND

MUNICIPAL FEATURES

- Village of Weston *Incorporated Boundary*
- Right-of-Way
- Wetland Presence
- Surface Water
- Village of Weston Shoreland Overlay

MUNICIPAL FEATURES

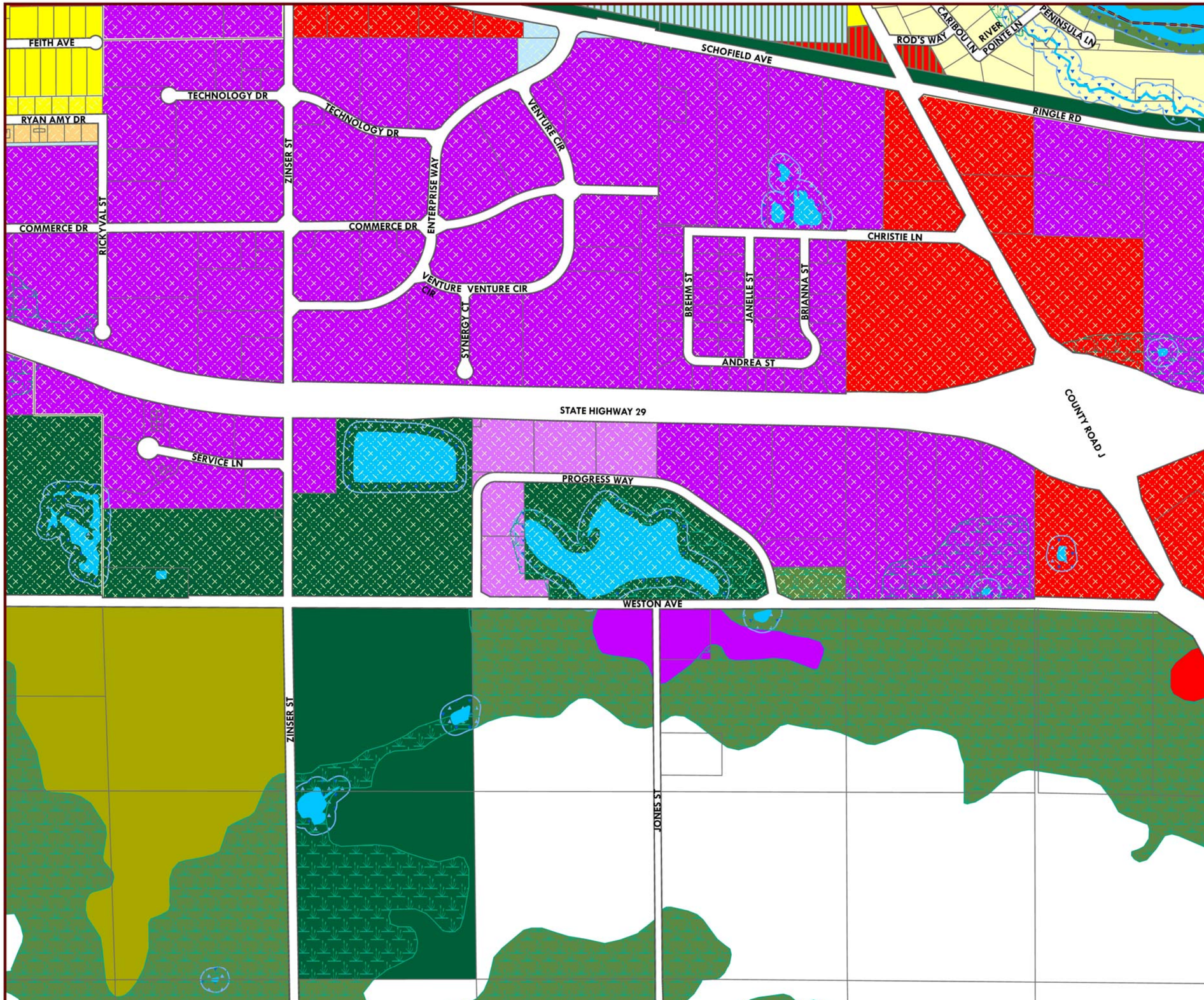
- Tax Incement Finance District Boundary

ZONING DISTRICTS

- AR - Agriculture and Residential
- PR - Parks and Recreation
- RR-2 - Rural Residential-2 Acre
- RR-5 - Rural Residential-5 Acre
- SF-L - Single Family Residential-Large Lot
- SF-S - Single Family Residential-Small Lot
- 2F - Two Family Residential
- MF - Multiple Family Residential
- MH - Manufactured Home
- INT - Institutional
- B-1 - Neighborhood Business
- B-2 - Highway Business
- B-3 - General Business
- BP - Business Park
- LI - Limited Industrial
- GI - General Industrial
- RM - Rural Mixed

Overlay Districts

- D-CO
- D-R
- D-RT
- D-WM



Village and Town of Weston

Marathon County, Wisconsin

FUTURE LAND USE MAP

Map Date: 5/7/2020

0 500 1,000 2,000 Feet

LEGEND

MUNICIPAL FEATURES

- Village of Weston *Incorporated Boundary*
- Right-of-Way
- Wetland Presence
- Surface Water
- Village of Weston Shoreland Overlay

MUNICIPAL FEATURES

- Tax Incement Finance District Boundary

Overlay Districts

- D-CO
- D-R
- D-RT
- D-WM

Future Land Use

- Agriculture
- Business/Office Park
- Commercial
- Environmental Corridor
- Industrial
- Institutional
- Mixed Use
- Multifamily Residential
- Park and Recreation
- Planned Neighborhood
- Single Family Residentail - Sewered
- Single Family Residential - Unsewered
- Two Family Residential

P = Permitted Use	C = Conditional Use	T = Temporary Use
P/C = Use allowance varies-see Sec. 94.4.0#	Empty Cell = Prohibited Use	

Land Use Category (#) Land Use Type	Zoning District (see key at end of figure)								
	FP	AR	RR-2; RR-5	PR	SF-L	SF-S	2F	MF	MH

Key to Zoning Districts:

FP = Farmland Preservation
AR = Agriculture and Residential
RR-2 = Rural Residential (2-acre minimum)
RR-5 = Rural Residential (5-acre minimum)
PR = Parks and Recreation
SF-L = Single Family Residential-Large Lot
SF-S = Single Family Residential-Small Lot
2F = Two Family Residential
MF = Multiple Family Residential
MH = Manufactured Home

[Amended via Ord. 16-021, 4/20/2016; Ord. 16-025, 5/18/2016; Ord. 16-032, 8/18/2016; Ord. 16-044, 10/20/2016; Ord. 17-014, 7/26/2017; Ord. 17-034, 11/24/2017; Ord. 19-001, 1/23/2019]

Section 94.3.05: Allowable Uses in Non-Residential and Mixed Use Zoning Districts

Figure 3.05: Allowable Uses in Non-Residential and Mixed Use Zoning Districts

P = Permitted Use	C = Conditional Use	T = Temporary Use
P/C = Use allowance varies-see Sec. 94.4.0#	Empty Cell = Prohibited Use	

Land Use Category (#) Land Use Type	Zoning District (see key at end of figure)							
	INT	B-1	B-2	B-3	BP	LI	GI	RM
Residential Land Uses (see Section 94.4.02 for descriptions and standards for each land use)								
(1) Single-Family Detached Residence								P
(2) Two-Family Residence		C						
(3) Multi-Family Residence		C			C			
(4) Manufactured Home Community								
(5) Mixed Use Dwelling Unit		P	P	C				
Agricultural Land Uses (see Section 94.4.03 for descriptions and standards for each land use)								
(1) Agricultural Use								P/C
(2) Agricultural-Related Use			C	P	C	P	P	P/C
(3) Community Garden	P	P	P	P	C	C	C	P
(4) On-site Agricultural Retail								P
Institutional and Recreational Land Uses (see Section 94.4.04 for descriptions/standards for each use)								
(1) Passive Outdoor Public Recreation	P	P	P	P	P	P	P	P
(2) Active Outdoor Public Recreation	P	C	P	P	P	P	P	P

P = Permitted Use	C = Conditional Use	T = Temporary Use
P/C = Use allowance varies-see Sec. 94.4.0#	Empty Cell = Prohibited Use	

Land Use Category		Zoning District (see key at end of figure)							
(#)	Land Use Type	INT	B-1	B-2	B-3	BP	LI	GI	RM
(3)	Indoor Institutional—General	P	P	P	P		C	C	C
(4)	Indoor Institutional—Intensive	P	C	C	P				
(5)	Outdoor Institutional	P	C	C	C	C	C	C	C
(6)	Public Service or Utility	P	P	P	P	P	P	P	P
(7)	Institutional Residential	P	C	C	C	C	C	C	
(8)	Community Living Arrangement (1-8)		C						P
(9)	Community Living Arrangement (9-15)	C	C	C		C			C
(10)	Community Living Arrangement (16+)	P	C	C		C			
Commercial Land Uses (see Section 94.4.05 for descriptions and standards for each land use)									
(1)	Office	C	P	P	P	P	P	P	C
(2)	Personal or Professional Service		P	P	P	P	P	P	
(3)	Artisan Studio		P	P	P	C	C		C
(4)	Group Day Care Center	P	P	P	P	C	C		C
(5)	Indoor Sales or Service		P	P	P	C	C		
(6)	Outdoor Display		C	P	P		C	C	
(7)	Indoor Repair and Maintenance			P	P		P	P	C
(8)	Outdoor and Vehicle Repair and Maintenance			C	P		P	P	C
(9)	Drive-In or Drive-Through Sales or Service		C	P	P	C	C	C	
(10)	Indoor Commercial Entertainment		C	P	P	P	C	C	
(11)	Outdoor Commercial Entertainment		C	C	C				C
(12)	Commercial Animal Establishment		C	P	P		C		C
(13)	Bed and Breakfast		C	C					C
(14)	Boarding House			C					C
(15)	Campground	C							C

P = Permitted Use	C = Conditional Use	T = Temporary Use
P/C = Use allowance varies-see Sec. 94.4.0#	Empty Cell = Prohibited Use	

Land Use Category	Zoning District (see key at end of figure)							
(#) Land Use Type	INT	B-1	B-2	B-3	BP	LI	GI	RM
(16) Commercial Indoor Lodging		C	P	P	P			
(17) Tourist Rooming House		C						C
(18) Adult Entertainment or Adult-Oriented Establishment							C	
(19) Large Retail and Commercial Service Development			C	C				
(20) Micro-beverage Production Facility		C	P	P	C	P	P	C
Storage or Disposal Land Uses (see Section 94.4.06 for descriptions and standards for each land use)								
(1) Indoor Storage or Wholesaling				P	C	P	P	C
(2) Outdoor Storage or Wholesaling	C			C		P/C	P	C
(3) Personal Storage Facility				C		C	C	
(4) Junkyard or Salvage Yard							C	
(5) Solid Waste Disposal, Composting, and/or Recycling Facility	C					C	C	
(6) Auction Yard				C		C	C	C
Transportation Land Uses (see Section 94.4.07 for descriptions and standards for each land use)								
(1) Off-Site Parking	C	C	C	C	C	C	C	C
(2) Airport or Heliport	C					C	C	C
(3) Freight Terminal and Mass Transportation Depot						C	P	
(4) Distribution Center						P/C	P	
(5) Livestock or Farm Commodity Trucking						C	P	C
Industrial Land Uses (see Section 94.4.08 for descriptions and standards for each land use)								
(1) Light Industrial				C	C	P	P	C
(2) Heavy Industrial						C	P	
(3) Communications Tower	C	C	C	P	C	P	P	P
(4) Non-Metallic Mineral Extraction							C	C

P = Permitted Use	C = Conditional Use	T = Temporary Use
P/C = Use allowance varies-see Sec. 94.4.0#	Empty Cell = Prohibited Use	

Land Use Category	**Zoning District (see key at end of figure)**							
(#) Land Use Type	**INT**	**B-1**	**B-2**	**B-3**	**BP**	**LI**	**GI**	**RM**
Accessory and Miscellaneous Land Uses (see Section 94.4.09 for descriptions/standards for each use)								
(1) Detached Accessory Structure (For Non-Residential Use)	P	P	P	P	P	P	P	P
(2) Detached Accessory Structure (For Residential Use)		P						P
(3) Family Day Care Home (4-8 children)		P	P					P
(4) Intermediate Day Care Home (9-15 children)								C
(5) Home Occupation		C						P
(6) Residential Business		C						C
(7) In-Home Suite								P
(8) Accessory Dwelling Unit		C	C	C				C
(9) Animal Fancier		C	C					P
(10) Keeping of Farm Animals on Residential Lots and School Sites	C							P
(11) Company Cafeteria	P	P	P	P	P	P	P	
(12) Company Provided On-site Amenities	P	P	P	P	P	P	P	
(13) Indoor Sales Incidental to Storage or Light Industrial Land Use				P	P	P	P	C
(14) Light Industrial Activities Incidental to Indoor Sales or Services				P	C	C		
(15) Outdoor Display Incidental to Indoor Sales or Services			P	P	C	C		
(16) Outdoor Alcohol Area	P/C	P/C	P/C	P/C	P/C			P/C
(17) Small Exterior Communication Device	P	P	P	P	P	P	P	P
(18) Large Exterior Communication Device	C	C	P	P	P	P	P	C
(19) Geothermal Energy System (GES)	P	P	P	P	P	P	P	P

P = Permitted Use	C = Conditional Use	T = Temporary Use
P/C = Use allowance varies-see Sec. 94.4.0#	Empty Cell = Prohibited Use	

Land Use Category		Zoning District (see key at end of figure)							
(#)	Land Use Type	INT	B-1	B-2	B-3	BP	LI	GI	RM
(20)	Small Wind Energy System	P	P	P	P	P	P	P	P
(21)	Small Solar Energy System	P	P	P	P	P	P	P	P
(22)	Outdoor Solid Fuel Furnace				C		P	P	P
(23)	Private Lake (Pond)	P	P	P	P	P	P	P	P
(24)	Vehicle Course or Track	C	C	C	C				P
(25)	Donation Drop-Off Box or Vending Machine	P	P	P	P	C	P	P	
Temporary Land Uses (see Section 94.4.10 for descriptions and standards for each land use)									
(1)	Temporary Outdoor Sales	T	T	T	T	T	T	T	T
(2)	Garage, Yard, Estate, and In-Home Sales								T
(3)	Outdoor Assembly or Special Event	T	T	T	T	T	T	T	T
(4)	Contractor's Project Office	T	T	T	T	T	T	T	T
(5)	Contractor's On-Site Equipment Storage Facility	T	T	T	T	T	T	T	T
(6)	Relocatable Building	T	T	T	T	T	T	T	T
(7)	On-Site Real Estate Sales Office		T	T	T	T	T	T	
(8)	Seasonal Outdoor Sales of Farm Products	T		T	T				T
(9)	Temporary Portable Storage Container	T	T	T	T	T	T	T	T
(10)	Temporary Shelter	T	T	T	T	T	T	T	T
(11)	Temporary Agricultural Structure								T
(12)	Temporary Unscreened Outdoor Storage Accessory to Industrial Use				T		T	T	
(13)	Temporary Sales by Mobile Food Vendors	T	T	T	T	T	T	T	T

P = Permitted Use	**C = Conditional Use**	**T = Temporary Use**
P/C = Use allowance varies-see Sec. 94.4.0#	**Empty Cell = Prohibited Use**	

Land Use Category	**Zoning District (see key at end of figure)**							
(#) Land Use Type	**INT**	**B-1**	**B-2**	**B-3**	**BP**	**LI**	**GI**	**RM**
(14) Temporary Asphalt, Batch or Concrete, Stone Crushing and/or Processing Operations	T/C	T/C	T/C	T/C	T/C	T/C	T/C	T/C

Key to Zoning Districts:

INT = Institutional
B-1 = Neighborhood Business
B-2 = Highway Business
B-3 = General Business
BP = Business Park
LI = Limited Industrial
GI = General Industrial
RM = Rural Mix

[Amended via Ord. 16-021, 4/20/2016; Ord. 16-025, 5/18/2016; Ord. 16-032 and 16-036, 8/18/2016; Ord. 16-044, 10/20/2016; Ord. 16-046, 12/21/16; Ord. 17-010, 4/19/17; Ord. 17-020, 6/21/2017; Ord. 17-032, 9/21/2017; Ord. 17-034, 11/24/17; Ord. 19-001, 1/23/19]

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Article 4: LAND USE DESCRIPTIONS AND STANDARDS

Section 94.4.01: Purpose

(1) Article 4 includes descriptions and performance standards for the land use types listed in Figures 3.04 and 3.05 as permitted, conditional, or temporary uses in at least one standard zoning district. Where provided, performance standards shall be met as part of the establishment, expansion, and operation of land uses within the corresponding land use type.

(2) While the number of parking spaces for each land use type is provided in this Article, other specifications for parking lots and spaces are provided in Section 94.12.09.

Section 94.4.02: Residential Land Use Types

(1) **Single-Family Detached Residence.**

A dwelling unit designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit, and located on an individual lot. The dwelling unit must be a site-built structure built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or by federal law may be a manufactured dwelling (modular home) as permitted by the UDC or a manufactured home that has received a Federal Manufactured Housing Certificate label. Mobile homes that have not received a Federal Manufactured Housing Certificate label are not included within the Single-Family Detached Residence land use type.

Performance Standards: The following performance standards shall apply to each Single-Family Detached Residence constructed or expanded as defined by Section 94.10.02 after March 18, 2015, except that any of the standards 1 through 8 may be waived or modified by conditional use permit, upon a finding that the architectural style of the proposed residence provides compensating design features and that the proposed residence will be compatible and harmonious with other residences in the vicinity. If alterations are made to any of the individual standards listed below, then said standard shall be met.

1. Shall have minimum gross floor area of 1,000 square feet, not including an attached garage, carport, deck, porch, or unfinished basement.
2. Shall be served by a garage on the same lot of at least 400 square feet of gross floor area for each dwelling unit and meeting associated requirements in Section 94.4.09(2).
3. Shall have a roof with a pitch of at least 3 inches in height for each foot of width and an eave which extends at least 6 inches from the wall which supports the roof.
4. Each residence and attached building shall have a roof surfaced with any of the following: wood shakes; asphalt, composition, or wood shingles; clay, concrete or metal tiles; slate; built-up gravel materials; screw down metal roofing; rubber membrane (for flat roofs or roofs with no greater than a 1:12 pitch); or similar material approved by the Zoning Administrator.
5. Each residence and attached building shall be covered with siding made of wood, masonry, concrete, stucco, Masonite, vinyl, metal lap, or similar material approved by the Zoning Administrator. Exterior siding shall extend down to the top of the foundation. If the top of the foundation is below grade, the siding shall extend to the ground.
6. Shall be placed on a finished, permanent foundation, such as a poured concrete slab or basement meeting UDC requirements. Such foundation shall not extend more than 24 inches above the exterior finished grade of the lot, except that where the grade of the lot slopes, only that portion of the foundation which is on the highest point of the lot must meet this requirement.
7. The side of any residence facing the front yard shall not be less than 24 feet in width, not including attached garages, carports, and open decks. The ratio of each residence's length to its

width shall be no greater than 5 to 2. Therefore, a minimum 24-foot long residence must be at least 9 feet 7 inches wide.

8. The width of attached garages with front yard facing garage doors shall be limited to a maximum of 60 percent of the overall width of the residence as it faces the front yard.
9. May not be split into two or more dwelling units, except for "In-Home Suites" meeting the requirements of this Article.
10. If in a subdivision platted after March 18, 2015, shall meet the single-family and two-family housing variety standards in Section 94.10.02.
11. No carport may be attached to a Single-Family Detached Residence after March 18, 2015.
12. Minimum Required Off-Street Parking: 2 outdoor spaces, such as in a driveway, plus garage space(s). All motor vehicles shall be parked on a hard surface as defined in Section 94.17.04, or on a graveled surface if such surface was permitted before January 1, 2014 and completed within one year of issuance.

[Amended via Ord. 17-035, 12/20/2017; Ord. 19-015, 9/19/19]

(2) **Two-Family Residence.**

A single structure containing two separate dwelling units, each unit having a private individual exterior access, and with no shared internal access within the building. Two-Family Residences can be constructed as attached side-by-side units each with a ground floor and roof (duplex), or as a two-story structure with one unit above the other (flats). Where side-by-side, both dwelling units may either share the same lot or be on separate lots as a "zero lot line" structure, such as that depicted in the top panel of Figure 4.02. If alterations are made to any of the individual standards listed below, then said standard shall be met.

Performance Standards:

1. Each Two-Family Residence constructed or expanded as defined by Section 94.10.02 after March 18, 2015 shall meet performance standards 1 through 8 in subsection (1) above, except where otherwise allowed by conditional use permit.
2. The structure must be in compliance with the Wisconsin Uniform Dwelling Code (UDC).
3. Where side by side, a building code-required, fire rated wall must separate the two dwelling units from the lowest level to flush against the underside of the roof.
4. Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.
5. The minimum gross floor area of each dwelling unit shall be 700 square feet, exclusive of attached garages, carports, and open decks/porches.
6. If in a subdivision platted after March 18, 2015, shall meet the single-family and two-family housing variety standards in Section 94.10.02.
7. Each unit within each new Two-Family Residence shall be served by a separate driveway, or minimum driveway width for any shared driveway shall be not less than 30 feet at the front lot line.
8. No carport may be attached to a Two-Family Residence after July 26, 2017.
9. Minimum Required Off-Street Parking: 2 outdoor spaces per dwelling unit, such as in a driveway, plus spaces in garage(s). All motor vehicles shall be parked on a hard surface, or on a graveled surface if such surface was permitted before January 1, 2014 and completed within one year of issuance.
10. Zero Lot Line Structures (see Figure 4.02(1)). For buildings containing two separate dwelling units constructed side-by-side, with each unit located on a separate lot, having a private

individual exterior access, and no shared internal access within the building, the following additional standards shall apply:

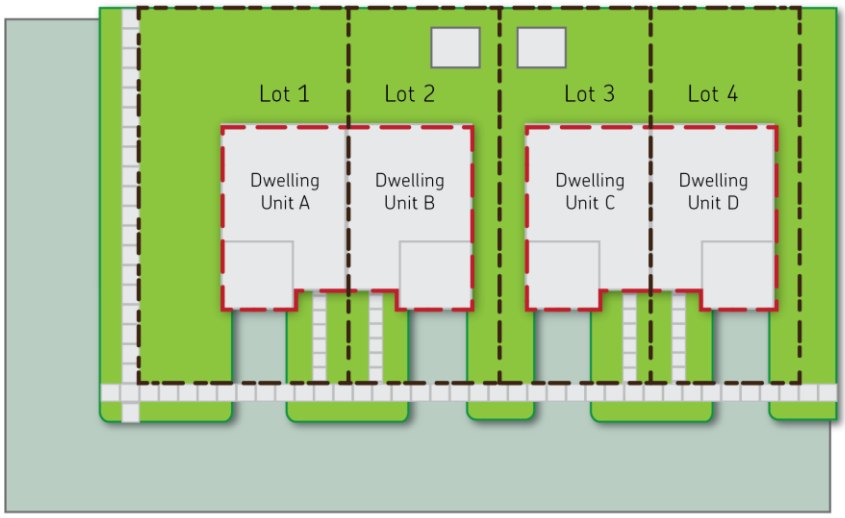
a. The duplex shall meet the front, side, and rear setbacks required for the applicable zoning district, except that the shared wall shall have no minimum setback requirement.

b. The builder shall provide, with the zoning permit or building permit application, an agreement or covenant specifying maintenance standards for the common wall, maintenance and replacement standards for exterior surfaces of the building to maintain a neat and harmonious appearance over time, maintenance standards for any common sewer lateral and any other common features, and restrictions against construction of detached single family residences on any of the affected lots in the event either or all sides of the zero lot line construction dwelling are destroyed. Such agreement or covenant shall also provide that it may not be terminated, amended or otherwise altered without the approval of the Village Board. Such agreement shall be subject to Zoning Administrator approval, and then recorded by the builder against all affected properties prior to occupancy of the dwelling as a zero-lot line structure.

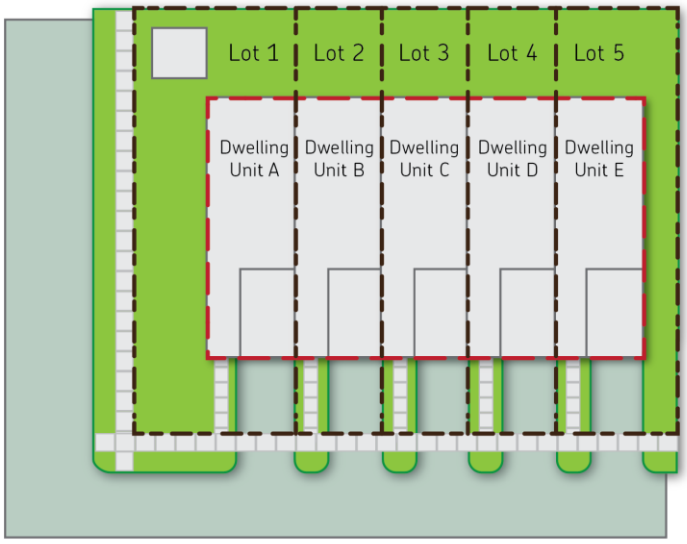
[Amended via Ord. 17-016, 7/26/2017; Ord. 17-035, 12/20/2017; Ord. 19-001, 1/23/19]

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: • 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 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]

(4) **Manufactured Home Community.**

This land use is a form of residential development that is exclusively reserved for individually sold or rented pads or sites containing mobile homes and/or manufactured homes. The placement or replacement of mobile homes, as defined in Article 17, is not permitted anywhere within the jurisdiction of this Chapter.

Performance Standards: The following performance standards apply to each new Manufactured Home Community established after March 18, 2015, any approved expansion or conversion to a Manufactured Home Community after such date, and each existing Manufactured Home Community to the extent determined practical by the Zoning Administrator.

1. No mobile or manufactured home may be split into two or more residences.
2. A concrete slab shall be provided for each mobile home space.
3. Prior to occupancy, the owner shall remove the axle, install a fire and weather resistant pre-finished material surrounding the entire perimeter of the home and completely enclosing a space between the exterior wall of such home and the ground. Such foundation siding shall be properly vented, harmonious, and compatible with the home.
4. Attachments to a mobile home unit, such as a sun porch or windbreak, shall not be wider than eight feet or longer than 24 feet.
5. Each mobile home shall be used primarily as a residence for one family. No mobile home shall be used primarily as a storage unit. Storage under mobile homes is prohibited.
6. No mobile or manufactured home site shall be rented for a period of less than 30 days.
7. Wrecked, damaged, dilapidated, or abandoned mobile or manufactured homes shall not be kept or stored upon any premise. The Building Inspector shall determine if a mobile home is abandoned, wrecked, damaged, or dilapidated to a point that makes it unfit for human occupancy without an investment in the mobile or manufactured home that is greater than 50 percent of its assessed value. Whenever the Building Inspector so determines and declared a public nuisance under Chapter 50 of the Code, he or she shall notify the licensee or landowner and owner of the mobile home in writing, giving the findings upon which, his determination is based and shall order such home removed or repaired to a safe and sanitary condition of occupancy.
8. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided and continuously maintained along all property borders abutting single family residentially zoned property.
9. No mobile/manufactured home units, attachments thereto, or associated parking areas shall be located closer than 40 feet to an abutting public right-of-way external to the Manufactured Home Community. Landscape plantings providing screening shall be provided between any external public right-of-way and a mobile/manufactured home or parking area.
10. No mobile/manufactured home unit or attachment thereto (including but not limited to decks and carports) shall be located closer than 20 feet from any other mobile/manufactured home unit or attachment thereto.
11. Vehicular entrances to a Manufactured Home Community shall only be provided on external collector streets or arterial streets.
12. Vehicular entrances to each mobile home shall be from a shared private street or dedicated public street internal to the Manufactured Home Community.
13. A minimum of 25 percent of the total lots or spaces approved within a Manufactured Home Community shall be completed and ready for occupancy before first occupancy is permitted. This standard shall not apply to an expansion of an existing Manufactured Home Community, provided such expansion is in full compliance with all applicable requirements of this Chapter.

14. No less than 10 percent of the total area of any Manufactured Home Community shall be devoted to common recreational areas and facilities, including but not limited to playgrounds, community swimming pools, community buildings, and off-street recreation trails. Areas included in the calculation of common recreational facilities shall not include streets or parking areas.
15. Access for pedestrians and cyclists entering or leaving the community shall be by safe and convenient routes. Pedestrian and bicycle crossings shall be safely located, marked, and controlled.
16. There shall be safe, efficient, convenient, and harmonious groupings of structures, uses, and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features. Streets shall be arranged so as to discourage outside traffic from traversing the community.
17. Pedestrian walkways shall form a logical, safe, and convenient system for pedestrian access to all dwellings, project facilities, and principal off-street pedestrian destinations. Maximum walking distance in the open between dwelling units and related parking spaces, delivery areas and trash and garbage storage areas intended for use of occupants shall not exceed 100 feet.
18. The Zoning Administrator, Fire Chief, or their lawful agents or employees are authorized and directed to inspect each Manufactured Home Community not less than once in every 12-month period to determine the health, safety, and welfare of the occupants of the park and inhabitants as affected thereby and the compliance of structures and activities therein with this Chapter and all other applicable laws.
19. Before any mobile or manufactured home may be located within a Manufactured Home Community, its placement shall be approved per Chapters 14 and 46 of the Code.
20. Except for those mobile homes in place as of March 18, 2015, there shall be no mobile homes placed, replaced, installed, stored, or otherwise kept in any Manufactured Home Community, as the term "mobile home" is defined in Article 17.
21. Except for those manufactured homes in place as of March 18, 2015, there shall be no manufactured homes placed, replaced, installed, stored, or otherwise kept in any Manufactured Home Community, as the term "manufactured home" is defined in Article 17, except for those manufactured homes that meet the criteria in Section 94.4.02(1).
22. Each vacant mobile home space or site shall be properly secured, maintained in a neat condition free from debris and properly mowed, and have all ground openings safely and securely covered or sealed.
23. No mobile or manufactured home or other building shall be installed, stored, or kept within any power, pipeline, or utility easement. Any preexisting mobile home so located shall be immediately removed from the Manufactured Home Community; any preexisting manufactured home may be removed or relocated to a non-easement location.
24. Each new and expanded Manufactured Home Community shall be subject to site plan approval under Section 94.16.09, and as part of the site plan submittal shall include a plan that includes clearly delineated lots that are at least 5,000 square feet and 50 feet in width each.
25. Each new and expanded Manufactured Home Community, with expansion meaning the addition of one or more improved mobile home sites, shall make available or install one or more storm shelters for use by residents during severe weather, meeting all applicable FEMA design standards.
26. Minimum Required Off-Street Parking: 2 spaces per mobile home plus parking necessary for other on-site uses, including but not limited to rental offices, community centers, or recreation facilities. All motor vehicles shall be parked on a hard surface, or on a graveled surface if such surface was permitted before January 1, 2014 and completed within one year of issuance.

    [Amended via Ord. 16-004, 4/20/2016]

(5) **Mixed Use Dwelling Unit.**

A Mixed Use Dwelling Unit is a residential dwelling unit located within the same building as another land use type, generally above the ground floor of a building used for an office, business, or institutional land use, except where otherwise allowed per the following performance standards.

Performance Standards:

1. With each building permit application, the applicant must provide evidence of covenants specifying the obligations for each dwelling unit with respect to any common structures, such as the shared wall, roof, and other inseparable improvements.
2. A Mixed se Dwelling Unit located on the ground floor of a building used for an office, business, or institutional land use may not be located within the first 24 feet of the ground floor as measured from the front of the building.
3. Additional entrances shall not be added to the front elevation of an existing building, but may be added to interior side, rear, or street side elevations.
4. Mixed Use Dwelling Unit entryways located off of a rear or interior side yard shall be connected to a street frontage by a hard-surfaced walkway or driveway.
5. Such uses shall, to the extent determined practical by the Village approval authority, meet the performance standards for "Multi-Family Residences" established in Figure 4.02(2).
6. Minimum Required Parking: Per Figure 4.02(2). Each non-residential use in the same building as a Mixed Use Dwelling Unit shall meet associated parking requirements in Section 94.4.05.

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

Section 94.4.03: Agricultural Land Use Types

(1) **Agricultural Use.**

Any of the following activities conducted for the purpose of producing an income, livelihood, or for purposes related to any type of hobby farm: crop or forage production; keeping farm animals; beekeeping; nursery, sod, or Christmas tree production; maple syrup production; floriculture; aquaculture; forest management; enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land and conservation payment program. Also includes an activity that is an integral part of, or incidental to, an Agricultural Use. Excludes any other separately listed land use in this Section, including but not limited to the Keeping of Farm Animals on a Residential Lot and School Sites, a Commercial Animal Establishment, and an Animal Fancier.

Performance Standards:

1. Shall meet the requirements of the Village's Animal ordinance and the County's Animal Waste Management Ordinance, where applicable.
2. No farm animals shall be permitted as part of a principal Agricultural Use on a lot or parcel that is less than five acres in area, exclusive of existing public rights-of-way and road easements.
3. The keeping of hogs and pigs intended for slaughter or market, goats, roosters, or fur-bearing animals (other than rabbits and ferrets) shall not be permitted, except within the FP, AR, and RM districts or on a farm operation of at least 20 acres established before March 18, 2015.
4. Within any RR and RM district, hobby farms meeting the definition in Section 94.17.04, including not more than 25 animal units, and on a lot or parcel at least 10 acres in area, shall be allowed as permitted uses. All other Agricultural Uses shall be regulated as conditional uses in any RR or RM district.

5. Beekeeping is permitted subject to the standards in Section 94.4.09(10), except that that the number of beehives shall be limited to one for each 2,500 square feet of lot area.
6. The raising or keeping of farm animals shall be permitted at a density not to exceed one animal unit per every acre owned, not considering fractional amounts of acreage. The definition of an animal unit is in Section 94.17.04. The Zoning Administrator may approve modifications and exceptions to this animal unit density standard if, each year the normal density standard is to be exceeded, the land owner provides conservation compliance documentation from Marathon County signifying that the keeping of a higher density of animal units is in compliance with all NR 151 Agricultural Runoff Performance Standards and Prohibitions.
7. Any area where farm animals are allowed to pasture or run shall be adequately fenced to keep them confined to such area.
8. Except for a farm in existence before March 18, 2015, barns, poultry houses, or similar animal enclosures may be no closer than 50 feet from any lot line, except that poultry houses for not more than eight chickens or ducks need only meet the minimum setback requirement for accessory structures.
9. This subsection does not establish regulations for household pets such as rabbits, ferrets, fish, song birds, potbelly pigs, cats, or dogs which are kept indoors. Household pets such as dogs or cats are regulated separately from this chapter through Chapter 10 of the Code. This subsection also does not establish regulations for the accessory use listed as "Keeping of Farm Animals on a Residential Lot and School Sites" in Section 94.4.09(10).

[Amended via Ord. 16-046, 12/21/2016; Ord. 17-034, 11/24/2017]

(2) **Agricultural-Related Use.**

A facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose: providing agricultural supplies, agricultural equipment, agricultural inputs, or agricultural services directly to farms; storing, processing, or handling raw agricultural commodities obtained directly from farms; slaughtering livestock; marketing livestock to or from farms; processing agricultural by-products or wastes received directly from farms. Examples of such uses include, but are not limited to, agricultural implement sales, storage, and/or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities (except those accessory to an "Agricultural Use"); commercial dairies; food processing facilities; licensed farm auction operations; canning and other food packaging facilities; greenhouses and garden centers; orchard stores; agricultural waste and by-product disposal facilities (except those accessory to an "Agricultural Use"); farms regularly open for tours, demonstrations, hayrides, corn mazes, farm breakfasts, and other similar events; sawmills; de-barking operations; and chipping facilities. Not included within this land use category are plants intended to convert agricultural products to energy on a large-scale basis, Sales of Farm and Forestry Products, landscape contractors, and or any other separately listed land use in this Section.

Performance Standards:

1. Within any RM district, agricultural and forestry storage facilities, sawmills, de-barking operations, chipping facilities, and other Agricultural-Related Uses of similar or lesser impact as determined by the Zoning Administrator shall be allowed as permitted uses. All other Agricultural-Related Uses shall be regulated as conditional uses in any RM district.
2. For agricultural implement sales, storage, and/or repair operations:
   a. The display of items shall not be permitted in required landscaped areas, required bufferyards, or required setback areas for the principal structure.
   b. Display areas shall be separated from any circulation area by a minimum of 10 feet, which shall be clearly delimited.

c. Items being displayed shall not interfere with motor vehicle, pedestrian, and bicycle traffic visibility.
d. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.

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

(3) **Community Garden.**

An area for cultivation and related activities divided into one or more plots to be cultivated by more than two operators or members, as a principal land use of a property. The Community Garden may be the sole principal use of the property or may be a second principal use on a property. Does not include gardens for cultivation of crops for home consumption.

Performance Standards: For any new or expanded Community Garden after March 18, 2015:

1. Issuance of a zoning permit is required. With the application for a zoning permit, the applicant shall demonstrate through the submittal of plans, written statements, or both that the Community Garden will meet all applicable performance standards.
2. All activity areas and structures shall comply with the required setbacks and height regulations for principal structures within the associated zoning district. Fences shall comply with Section 94.12.03.
3. The application shall include the name(s) of the property owner, any established sponsoring organization, and the garden manager.
4. The application shall include a plan that demonstrates consideration for and indicates locations of structures, materials storage, equipment storage, access for deliveries and pickups, water availability, and availability of parking.
5. The following structures are permitted: tool sheds, shade pavilions, restroom facilities, planting preparation houses, benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, fences, garden art, rain barrel systems, children's play areas, and barns with approval of the Plan Commission or Extraterritorial Zoning Committee.
6. There shall be no exterior lighting associated with the Community Garden use, except for standard residential yard lighting.

(4) **On-Site Agricultural Retail.**

The sale of non-animal agricultural products grown exclusively on the site or on an adjacent property in common ownership, on a year-round basis or requiring the construction and maintenance of permanent structures, except that packaging and equipment used to store, display, package, or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) may be produced off-site. Includes permanent or seasonal dining establishments in which products are grown and served on the same farm.

Performance Standards:

1. The sale of products that are grown or otherwise produced on non-adjacent property under the same ownership, or on property under different ownership, shall be prohibited.
2. The maximum total Gross Floor Area of a structure or a combination of structures dedicated primarily to the On-Site Agricultural Retail use shall be 1,000 square feet in area.
3. Structures shall all be set back at least 100 feet from any lot in a residential zoned district.
4. Roadside stands, less than 200 square feet in area, shall be set back a minimum of 20 feet from any lot line.

5. Minimum Required Off-Street Parking: four off-street parking spaces shall be provided or one space per 200 square feet of indoor and outdoor sales areas plus one space per employee on the largest work shift, depending on which calculation provides for the greater amount of off-street parking spaces.

Section 94.4.04: Institutional & Recreational Land Use Types

(1) **Passive Outdoor Public Recreation.**

Includes all recreational land uses located on public property or a public easement that involves passive recreational activities. Such land uses include arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, open grassed areas not associated with any particular "Active Outdoor Public Recreation" land use, picnic areas, picnic shelters, gardens, fishing areas (not including commercial fishing ponds), and similar land uses. Also includes private conservancy lands restricted against further development.

Performance Standards:

1. Minimum Required Off-Street Parking: One space per four expected patrons at maximum capacity for any use requiring over five spaces by this standard.
2. In the FP zoning district, the following additional standards shall also be met:
   a. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
   b. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
   c. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
   d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
   e. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

(2) **Active Outdoor Public Recreation.**

Includes all outdoor land uses located on public property or public easement that accommodates active recreational activities. Such land uses include play courts (such as tennis courts and basketball courts), playfields (such as ball diamonds, football fields, and soccer fields), tot lots, outdoor swimming pools, swimming beach areas, fitness courses, golf courses open to the public, and similar land uses.

Performance Standards:

1. Concession stands, shelters, pavilions, gazebos, restrooms, and other buildings commonly associated with an Active Outdoor Public Recreation use shall be permitted but shall meet size limitations associated with Accessory Buildings (for Non-Residential Use).
2. Air domes may be allowed to house part of use by conditional use permit.
3. Any Active Outdoor Public Recreation Use that involves balls or other projectiles shall provide netting, sufficient distance, or another method approved by the Zoning Administrator to prevent the balls or projectiles from leaving the property.
4. Minimum Required Off-Street Parking: One space per four expected patrons at maximum capacity for any use requiring over five spaces by this standard.

(3) **Indoor Institutional—General.**

Indoor facilities that include 20,000 square feet of indoor Gross Floor Area or less, including gyms, public or commercial swimming pools, libraries, museums, community centers, schools, churches, funeral homes, nonprofit clubs, nonprofit fraternal organizations, convention centers, and similar land uses generally serving a community purpose and meeting this size requirement. Crematoriums are lawful accessory use to a funeral home, where serving only customers of the funeral home and where meeting all performance standards in Article 12. Indoor Institutional uses do not include any arena, convention center, hospital, jail, prison, or similar use of a size and character that typically serve the needs of the whole community and region (regardless of whether over or under 20,000 square feet).

Performance Standards:

1. Shall provide a deliberately designed area exclusively for drop-offs and pick-ups of persons that is outside of the public right-of-way.
2. Minimum Required Off-Street Parking: Per Figure 4.04(1).

(4) **Indoor Institutional—Intensive.**

Indoor facilities that generally serve the community and (a) include over 20,000 square feet of indoor Gross Floor Area, including gyms, public or commercial swimming pools, libraries, museums, community centers, schools, churches, funeral homes, non-profit clubs, non-profit fraternal organizations that exceed this size threshold, and (b) all arenas, convention centers, hospitals, jails, prisons, and similar uses of a size and character that typically serve the needs of the whole community and region.

Performance Standards:

1. Shall provide a deliberately designed area exclusively for drop-offs and pick-ups of persons that is outside of the public right-of-way.
2. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
3. Minimum Required Off-Street Parking: Per Figure 4.04(1).

Figure 4.04(1): Indoor Institutional Parking Requirements	
Church	One space per four seats at maximum capacity
Community/Recreation Center	One space per 300 SF of GFA or one space per four patrons at maximum capacity, whichever is greater, plus one space per employee on the largest work shift.
Funeral Home	One space per three patron seats, plus one space per employee on the largest work shift
Hospital	One space per two hospital beds, plus one space per staff doctor, and one space per two staff on the largest work shift
Library, Museum	One space per 300 SF of GFA, or one space per four seats at maximum capacity, whichever is greater, plus one parking space per employee
Elementary or Middle School	One space per employee on the largest work shift
High School	One space per employee on the largest work shift, plus one space per three students at maximum school capacity

Figure 4.04(1): Indoor Institutional Parking Requirements	
University, College, or Trade School	One space per employee on the largest work shift, plus one space per three students at maximum school capacity
Other Uses	One space per three expected persons at maximum capacity

(5) **Outdoor Institutional.**

Includes cemeteries, country clubs, and similar land uses.

Performance Standards:

1. Minimum Required Off-Street Parking: Per Figure 4.04(2):

Figure 4.04(2): Outdoor Institutional Parking Requirements	
Cemetery	One space per shift employee
Other Uses	One space per three expected persons at maximum capacity

(6) **Public Service or Utility.**

Includes all municipal, county, State and Federal facilities (except those separately addressed in this Section); emergency service facilities such as fire departments and rescue operations; wastewater treatment plants; public and/or private utility substations; water towers and reservoirs; wells and well houses; utility and public service related distribution facilities; and similar land uses. Power production facilities (power plants) shall instead be regulated as "Heavy Industrial" uses.

Performance Standards:

1. Outdoor storage areas shall be located a minimum of 50 feet from any residentially zoned property.
2. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
3. The exterior of all buildings shall meet the standards for non-residential structures in Section 94.10.03.
4. Minimum Required Off-Street Parking: one space per employee on the largest work shift, plus one space per company vehicle normally stored or parked on the premises, plus one space per 500 square feet of gross square feet of office area.
5. In the FP zoning district, the following additional standards shall also be met:
   a. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
   b. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
   c. The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
   d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
   e. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

(7) **Institutional Residential.**

Includes senior housing, retirement homes, assisted living facilities, nursing homes, hospices, group homes, convents, monasteries, dormitories, convalescent homes, limited care facilities, rehabilitation centers, and similar land uses not considered to be Community Living Arrangements under Wis. Stat. §62.23.

Performance Standards:

1. There shall be a minimum of 800 square feet of Gross Site Area for each occupant of the development.
2. A minimum of 30 percent of the development's Gross Site Area shall be held as permanently protected green space.
3. An off-street passenger loading area shall be provided at a minimum of one location within the development.
4. Minimum Required Off-Street Parking: Per Figure 4.04(3).

Figure 4.04(3): Institutional Residential Parking Requirements	
Senior Housing, Retirement Housing	one space per dwelling unit
Assisted Living or Limited Care Facility	one space per two dwelling units
Nursing Home or Hospice	one space per four patient beds, plus one space per two employees on the largest work shift, plus one space per doctor
Monastery, Convent, Dormitory	one space per six residents, plus one space per employee on the largest work shift

(8) **Community Living Arrangement.**

Includes community living arrangements for adults, as defined in Wis. Stat. § 46.03(22); community living arrangements for children, as defined in Wis. Stat. § 48.743(1); foster homes, as defined in Wis. Stat. § 48.02(6); or adult family homes, as defined in Wis. Stat. § 50.01 (1) (a) or (b). Community Living Arrangements do not include "Group Day Care Centers" (see separate listing); nursing homes (an "Institutional Residential" land use); or hospitals, prisons, or jails (all "Indoor Institutional" land uses). Community Living Arrangement facilities are regulated depending upon their capacity, as provided for in Wis. Stats. § 61.35 and 62.23(7)(i), provided any such regulations and the performance standards below do not violate preemptive federal or state housing or anti-discrimination laws.

Performance Standards:

1. Except as provided in subsections 3. and 4. below, no Community Living Arrangement shall be established within 2,500 feet of any other such facility regardless of its capacity unless the Plan Commission and Village Board agree to a reduction in spacing. Two community living arrangements may be adjacent if the Village authorizes that arrangement and if both facilities comprise essential components of a single program.
2. Except as provided in subsection 3 below, the total combined capacity of all Community Living Arrangements (of all capacities) in the Village shall not exceed one percent of the combined population of the Village (unless specifically authorized by the Village Board following a public hearing). The applicant shall be responsible for providing information on the total, combined capacity of all Community Living Arrangements within the Village and its Extraterritorial Zoning Area.
3. A foster home that is the primary domicile of a foster parent and that is licensed under Wis. Stat. § 48.62, or an adult family home certified under Wis. Stat. § 50.032 (1m)(b) shall be a permitted

use in all residentially zoned areas and are not subject to subsections 1. and 2. above except that foster homes operated by corporations, child welfare agencies, churches, associations, or public agencies shall be subject to subsections 1 and 2.

4. No adult family home described in Wis. Stat. §50.01(1)(b) may be established within 2,500 feet, or any lesser distance established by an ordinance of the Village, of any other adult family home described in Wis. Stat. §50.01(1)(b), or any Community Living Arrangement. An agent of an adult family home described in Wis. Stat. §50.01(1)(b) may apply for an exception to this requirement, and the exception may be granted at the discretion of the Village.
5. There shall be no maximum to the number of Community Living Arrangement facilities, except as other performance standards may indirectly establish a limit.
6. Minimum Required Off-Street Parking: three spaces, plus one space for every three residents over eight residents (except for those residents under 16 years of age and otherwise without the ability to drive).

Section 94.4.05: Commercial Land Use Types

(1) **Office.**

Includes all exclusively indoor land uses whose primary functions are the handling of information, administrative services, or both, generally with little direct service to customers on-site. Office uses that are accessory to a principal residential use of a property are not considered "Office" uses but are instead regulated as "Home Occupations" or "Residential Businesses" under this chapter.

Performance Standards:

1. Minimum Required Off-Street Parking: one space per 300 square feet of Gross Floor Area.

(2) **Personal or Professional Service.**

Exclusively indoor land uses whose primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples include professional services, banks, insurance or financial services, realty offices, medical offices and clinics, veterinary clinics, barber shops, and beauty shops. Payday loan uses, as defined in Wis. Stat. § 138.14, are not considered "Personal or Professional Service" uses under this chapter and are not permitted within the Village. Service uses that are accessory to a principal residential use of a property are not considered "Personal or Professional Service" uses but are instead regulated as "Home Occupations" or "Residential Businesses" under this chapter.

Performance Standards:

1. Minimum Required Off-Street Parking: one space per 300 square feet of Gross Floor Area.

[Amended via Ord. 17-025, 7/26/2017]

(3) **Artisan Studio.**

A building or portion thereof used for the preparation, display, and sale of individually crafted artwork, photography, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven sections, and related items, and occupied by no more than five artists or artisans. Uses occupied by more than five artists or artisans shall be considered a "Light Industrial" use under Section 94.4.08(1). Studios that are accessory to a principal residential use of a property are not considered "Artisan Studio" uses but are instead regulated as home occupations under this chapter.

Performance Standards:

1. Minimum Required Off-Street Parking: one space per 300 square feet of Gross Floor Area.

(4) **Group Day Care Center.**

A land use in which licensed persons and facilities provide child care services for nine or more children, such as day care centers, pre-schools, and nursery schools. Such land uses may be operated as a stand-alone use, or in conjunction with another principal land use on the same site such as a church, primary school, business, or civic organization. Any child care facility located on the same site as a principal land use, and that is reserved solely for the use of company employees and their guests on the same site, are instead regulated as a "Company Provided On-Site Amenities" accessory use.

Performance Standards:

1. No Group Day Care Center shall be located within a building that is also occupied as a residence.
2. Minimum Required Off-Street Parking: one space per five students, plus one space for each employee on the largest work shift.

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

(5) **Indoor Sales or Service.**

Includes all land uses, except as otherwise separately listed in this Section, that conduct or display sales or rental merchandise or equipment, or that conduct non-personal or non-professional services, entirely within an enclosed building. This includes a wide variety of retail stores and commercial service uses not otherwise listed in this Chapter, along with self-service facilities such as coin-operated laundromats. Includes uses like retail bakeries and delis where the consumption of products typically occurs off-site, but does not include restaurants, which are instead classified as "Indoor Commercial Entertainment" uses. Display of products outside of an enclosed building shall be considered an "Outdoor Display Incidental to Indoor Sales" accessory use, or, if outdoor sales exceed 15 percent of the total sales area of the building(s) on the property, an "Outdoor Display" principal land use. Sales or service uses that are accessory to a principal residential use of a property are not considered "Indoor Sales or Service" uses but are instead regulated as "Home Occupations" or "Residential Businesses" under this chapter. Does not include any "Commercial Animal Establishment" use.

Performance Standards:

1. Use may also be subject to conditional use permit requirements and adherence to performance, building design, and site design standards in Section 94.10.06 if classified as a "Large Retail and Commercial Service Development" under Section 94.10.04. However, following initial conditional use permit approval, individual "Indoor Sales or Service" uses may occupy the constructed spaces without the need for a further conditional use permit.
2. Minimum Required Off-Street Parking: one space per 300 square feet of Gross Floor Area.

(6) **Outdoor Display.**

Includes all land uses, except as otherwise separately listed in this Article, that conduct sales or display sales or rental merchandise or equipment outside of an enclosed building. Examples include outdoor vehicle sales, outdoor vehicle rental, manufactured home sales, and monument sales. Such land uses do not include the storage or display of inoperative vehicles or equipment, or other materials typically associated with a "Junkyard or Salvage Yard" use. If an area less than 15 percent of the total sales area of the building(s) on the property is used for display of products outside of an enclosed building, such use shall instead be considered an "Outdoor Display Incidental to Indoor Sales" accessory use.

Performance Standards:

1. The display of items shall not be permitted in required landscaped areas, required bufferyards, or required setback areas for the principal structure.
2. Display areas shall be separated from any circulation area by a minimum of 10 feet, which shall be clearly delimited.
3. Items being displayed shall not interfere with motor vehicle, pedestrian, and bicycle traffic visibility.
4. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
5. The display of items outdoors shall be permitted during the entire calendar year; however, if items are removed from the display area, all support fixtures used to display the items shall be removed.
6. There must be a principal building on the same lot as the Outdoor Display land use, which serving as an essential component of that use, such as a sales office, indoor showroom, and/or storage facility. Such building shall be attached to a permanent foundation, and if erected or expanded after March 18, 2015, shall meet building design standards in Section 94.10.03.
7. Minimum Required Off-Street Parking: one space per 300 square feet of Gross Floor Area. In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below what is required in this Section. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.

(7) **Indoor Repair and Maintenance.**

Includes all land uses, except as separately listed, that perform repair and maintenance services for consumer products and contain all operations (except loading) entirely within an enclosed building, including electronics, mechanical, and small engine repair service businesses. Because of outdoor vehicle storage requirements, all vehicle repair and maintenance uses shall instead be regulated as "Outdoor and Vehicle Repair and Maintenance" uses.

Performance Standards:

1. Minimum Required Off-Street Parking: one space per 300 square feet of Gross Floor Area.

(8) **Outdoor and Vehicle Repair and Maintenance.**

Includes all land uses, except those that are separately listed in this Section, that perform maintenance services (including repair) and have all, or any portion (beyond simply loading) of their operations located outside of an enclosed building. Also includes all businesses that repair or maintain motor vehicles designed for road use and brought in from off-site.

Performance Standards:

1. All outdoor activity areas shall be completely enclosed by an opaque fence, wall, or building section for each Outdoor and Vehicle Repair and Maintenance use no later than January 1, 2017. Such enclosure shall be located a minimum of 50 feet from any residentially zoned property.
2. Outdoor storage of vehicle parts and abandoned, unlicensed, and inoperable vehicles is prohibited, except that each inoperable vehicle being serviced may be kept outdoors for a period not exceeding 30 days.
3. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
4. Minimum Required Off-Street Parking: one space per 300 square feet of Gross Floor Area, or one space per each employee on the largest shift, whichever is less.

(9) **Drive-Through and Drive-In Sales or Service.**

Includes all land uses that perform sales and/or services to persons in vehicles, or to vehicles that may or may not be occupied at the time of such activity (except "Outdoor and Vehicle Repair and Maintenance" land uses, which are separately listed and regulated). Such uses often have traffic volumes that exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples include drive-in, drive-up, and drive-through facilities in conjunction with another principal use (like a bank or restaurant), vehicular fuel stations, and car washes.

Performance Standards:

1. There shall be stacking space for at least five vehicles behind each drive-through order station, at least two vehicles between each order station and the first pass-through window, and at least two spaces beyond the last pass-through window for post-order pick-up.
2. The drive-through facility shall be designed so as to not impede or impair loading, vehicular movement, and pedestrian movement, or exacerbate the potential for conflicts with such activities.
3. Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to drive-through lane(s).
4. All vehicular areas shall have a hard surface that is designed to meet the requirements of a minimum four-ton axle load.
5. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
6. Vertical concrete curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports, and landscaped islands.
7. Any land use that conducts sales from a vehicle such as a food truck or trailer, or from any other structure for an outdoor food or beverage vendor, that is in one place for more than 7 consecutive days is not classified as a "Drive-Through and Drive-In Sales or Service" use and is prohibited within the Village.
8. Minimum Require Off-Street Parking: Refer to the parking requirements of the other land uses on the site, such as "Indoor Sales and Service" land uses for a gas station/convenience store.

(10) **Indoor Commercial Entertainment.**

Includes all uses that provide entertainment services entirely within an enclosed building, or where outdoor entertainment facilities are present, the land area of such facilities is not greater than 15 percent of the gross floor area indoors. Indoor Commercial Entertainment uses often have operating hours that extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, brewpubs, taverns, theaters, health or fitness centers, other indoor private recreation centers, training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, indoor shooting ranges, and pool halls. Does not include any "Micro-beverage Production Facility" or "Adult Entertainment or Adult-Oriented Establishment," which instead are listed and regulated separately. Does not include permanent or seasonal dining establishments in which products are grown and served on the same farm, which are instead regulated as "On-site Agricultural Retail" uses.

Performance Standards:

1. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.

2. Where the limited outdoor space allowed for Indoor Commercial Entertainment uses allows for the service or consumption of alcohol, the use requires a conditional use permit and is subject to the performance standards associated with an "Outdoor Alcohol Area" in Section 94.4.09(17).
3. Air domes may be allowed to house all or part of the indoor commercial entertainment use by conditional use permit.
4. Minimum Required Off-Street Parking: one space per every three patron seats, or the maximum capacity of the establishment (whichever is greater).

(11) **Outdoor Commercial Entertainment.**

Includes all principal uses that provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash, and late operating hours. Examples include outdoor commercial swimming pools, health or fitness centers where the area of outdoor facilities is greater than 15 percent of the gross floor area indoors, driving ranges, miniature golf facilities, amusement parks, drive-in theaters, go-cart tracks, racetracks, trap clubs, and shooting ranges. Does not include any golf course or "Adult Entertainment or Adult-oriented Establishment," which instead are listed and regulated separately.

Performance Standards:

1. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
2. Activity areas (including movie screens) shall not be visible from any residentially zoned property.
3. Shall at all times meet the noise standards in Section 94.12.13.
4. Where the limited outdoor space allowed for Indoor Commercial Entertainment uses allows for the service or consumption of alcohol, the use shall require a conditional use permit be subject to the performance standards associated with an "Outdoor Alcohol Area" in Section 94.4.09(17).
5. The keeping of horses and other non-domesticated animals may be permitted where accessory and integral to the principal use, where "Agricultural Use" standards in Section 94.4.03(1) related to the keeping of farm animals are met, and where other chapters including Chapter 10 of the Code are met.
6. Minimum Required Off-Street Parking: one space for every three persons at the maximum capacity of the establishment.

(12) **Commercial Animal Establishment.**

Includes uses that provide for the care, treatment, grooming, and/or boarding of animals as a principal use of the property. Examples include commercial stables, pet shops, grooming shops, boarding kennels, animal shelters, and veterinary facilities. A boarding kennel is a facility where dogs, cats, horses, or other animals are kept for 24 hours or more for boarding, training or similar purposes for compensation. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate approvals.

Performance Standards:

1. As part of the permit approval, the Village may establish a limit on the number of animals that are serviced or boarded. No boarding kennels or other commercial animal establishments including outdoor activities or overnight stays are allowed in the B-1 or B-2 districts.
2. Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit or special event permit has been secured.

3. Commercial stables and boarding facilities for horses or other riding animals are subject to all "Agricultural Use" standards in Section 94.4.03(1) related to the keeping of farm animals.
4. All principal structures and outdoor containment areas for horses or other riding animals shall be no less than 100 feet from any residential zoning district.
5. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
6. Shall meet all performance standards in Article 12, including but not limited to odor standards in Section 94.12.15.
7. In the FP zoning district, the use must meet the standards set forth in Section 94.4.03(2) for an Agricultural-Related Use.
8. Commercial kennels and animal boarding facilities are subject to the requirements and licensing standards set forth in Chapter 10 of the Code.
9. Minimum Required Off-Street Parking: one space per every 1,000 square feet of indoor Gross Floor Area.

[Amended via Ord. 17-010, 4/19/2017]

(13) **Bed and Breakfast.**

Exclusively indoor lodging facilities that provide meals only to paying lodgers, and in which the operator is also a resident of the premises. Such land uses must be licensed by the State. They may provide indoor recreational facilities for the exclusive use of their customers. This use classification does not include a "Boarding House," which instead is separately regulated.

Performance Standards:

1. The dwelling unit in which the Bed and Breakfast takes place shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the Bed and Breakfast establishment is active.
2. Shall meet all requirements of the Wisconsin Administrative Code.
3. The maximum stay for any occupants of a Bed and Breakfast establishment shall be 14 days.
4. Each operator shall keep a list of names of all persons staying at the Bed and Breakfast establishment. This list shall be kept on file for a period of one year. Such list shall be available for inspection by the Zoning Administrator at any time.
5. Meals may only be served to residents and overnight guests.
6. If alcoholic beverages of any kind are to be served on the premises, the owner of the establishment shall first obtain the appropriate licenses.
7. Prior to opening for business, every bed and breakfast establishment shall obtain a permit from the Village Clerk (or Town Clerk if in an Extraterritorial Zoning Area) by application made upon a form furnished by said officer. Such permit shall be void upon the sale or transfer of the property ownership. A bed and breakfast permit shall be valid until terminated by action of the Village Clerk for violation of the provisions of this Chapter or of State regulations.
8. Minimum Required Off-Street Parking: one space per each bedroom in addition to standard requirements for principal residential use.

(14) **Boarding House.**

Includes any residential use renting rooms, or providing rooms as part of an employment package on a farm, where each room does not contain a private bathroom facility or full kitchen. Also commonly referred to as a "rooming house." Does not include any "Multi-Family Residence", "Community Living Arrangement," "Institutional Residential," "Bed and Breakfast" uses, which are separately classified and regulated.

Performance Standards:

1. Uses that meet the definition of a Boarding House above, and the performance standards below, shall only be allowed where listed in Figures 3.04 and 3.05.
2. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property and public rights-of-way.
3. Each Boarding House may have no more than eight boarders and bedrooms for boarders.
4. The Boarding House must meet all design standards applicable to Multi-Family Residences in Section 94.10.03.
5. Except within the AR district, the operator of the Boarding House must live within the same building as the boarders.
6. If within the AR district:
   a. All boarders must be workers on the farm where the Boarding House is located.
   b. There may not be more than one boarder per every 20 acres on the farm.
   c. Wis. Stat. §103.92, regarding migrant labor camps, may also apply.
7. Minimum Required Off-Street Parking: one space per room for rent, plus one space per each employee on the largest work shift.

[Amended via Ord. 16-046, 12/21/2016; Ord. 19-001, 1/23/19]

(15) **Campground.**

A parcel of land designed, maintained, intended, or used for the purposes of providing a location for two or more camping units and designed and approved for overnight accommodation. A campground may be the sole principal use of a property, or part of a range of principal uses on a property (e.g., a component of a park, school forest, or other recreational facility).

Performance Standards:

1. The application for a conditional use permit shall include the following information:
   a. A written description of the proposed operation, including proposed months of operation; desired types of camping units; other ancillary uses proposed for the site; and assurances that the campground will be developed and operated in accordance with all approved plans.
   b. A campground plan map(s), drawn to scale, and including the proposed layout; location of camp sites, roads, parking areas, site boundaries; topography lines; minimum required yards; existing and proposed buildings and other structures; common recreational facilities; water supplies; sanitary waste disposal systems; grading plan and stormwater management system meeting the requirements of this Chapter; covered refuse storage areas; existing natural features including waterways, wetlands, floodplains, and shoreland areas; existing and proposed vegetation and recreation areas, and any other information the Zoning Administrator shall deem necessary. Professional engineering assistance is encouraged in such design, especially of access roadways, camping unit siting, site grading and stormwater management, and utility placement.
2. Any subsequent expansion beyond its approved number of sites and units or density of site or units, and construction of new or expanded recreational or service facilities shall require a new conditional use permit. Any modification of an approved plan which only moves sites and units or accessory buildings or recreational facilities shall only require site plan approval.
3. No single camping unit shall be occupied by the same party for a period of time longer than six continuous months in any 12-month period, except as may be further limited by State Statutes or Administrative Rules.

4. Campground shall have direct access to a public road, with no more than two camp road access points to each abutting public road for the first 100 camp sites, plus one additional access for each 100 sites thereafter. Access to public roads shall also meet applicable requirements of Chapter 71 of the Weston Municipal Code.
5. Camp sites and access roads shall be located, graded, and maintained so as to provide each site with positive site drainage.
6. Minimum lot size for any campground established after March 18, 2015 shall be 10 acres.
7. Maximum gross density shall be eight individual camp sites or camping units per acre of active camping area. Active camping area consists of camp sites and land supporting the camp sites including access roads, recreational facilities, and other permanent campground infrastructure.
8. Individual camp sites shall be at least 1,200 square feet in area. Each camp site shall be clearly marked with an alpha or numeric symbol on a sign which is clearly visible from an access road.
9. There shall be a minimum separation of 10 feet between camping units. Any accessory structure on the campsite, such as but not limited to, a deck, porch, awning, or storage structure shall be considered part of the camping unit for purposes of this separation requirement. The total footprint of these accessory structures plus the camping unit shall not exceed 400 square feet.
10. Separate areas may be designated as a campground for group camping in tents. Within each group camping area, no more than 20 tents containing no more than 80 persons per acre shall be permitted. The group camping area must be provided with proper sanitary service as required by State Statutes.
11. Each campground may have up to two single-family dwellings for the private use and occupation of the owners and caretakers of the campground.
12. Each campground may, for only those persons camping on site, registered as guests or visitors or persons making a bona fide visit to check out the campground, or otherwise paying for the use of the campground, provide for purchases of sundry supplies, cooked meals, and drinks including alcoholic beverages, if so licensed.
13. Each campground may accommodate common recreational facilities and amenities such as swimming pools, tennis courts, and other similar facilities. These facilities shall be considered a part of the active camping area.
14. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property and public roads.
15. Each campground established after March 18, 2015 shall provide a minimum of 200 square feet per camping unit or one continuous acre of common recreation open space, whichever is greater. Yard areas within minimum required setbacks around the perimeter of the campground and land within landscaped transitional yards may not be counted towards meeting this requirement.
16. Each campground or camping resort shall be maintained under a single management so that responsibility can be easily placed for cleaning of common facilities such as water supply, sewage disposal station, toilet, laundry, and washrooms, and refuse areas, and for enforcement of camp site cleanliness.
17. The number of camping cabins within a campground shall not exceed 15 percent of the total number of camping units in the campground.
18. Each campground shall comply with all state regulations applicable to campgrounds, except as may be permitted through other licenses or approvals from the state.
19. Minimum Required Off-Street Parking: 1.5 spaces per campsite.

(16) **Commercial Indoor Lodging.**

Includes land uses that provide overnight housing in more than one individual room or suite of rooms, each room or suite having a private bathroom, including hotels and motels. Such land uses may provide in-room or in-suite kitchens and may also provide indoor recreational facilities for the exclusive use of their customers. Restaurants, arcades, fitness centers, and other on-site facilities available to non-lodgers are not considered accessory uses and therefore require review as a separate principal land use. This land use category does not include "Bed and Breakfast" or "Tourist Rooming House" uses, which are instead listed and regulated separately.

Performance Standards:

1. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
2. Minimum Required Off-Street Parking: one space per bedroom, plus one space for each employee on the largest work shift.

(17) **Tourist Rooming House.**

A permanent dwelling unit where sleeping accommodations are offered for pay to tourists or transients for periods of time of 7 days or fewer. Commercial lodgings consisting of structures with rentable rooms or suites shall instead be regulated as a "Commercial Indoor Lodging" use (or if a room in a residence operated by the primary resident, a "Bed and Breakfast"). Also, does not include any "Boarding House," which is described and regulated separately. Any restaurant, arcade, fitness center, and other on-site facility available to non-lodgers is not considered an accessory use and therefore requires review as a separate principal land use.

Performance Standards:

1. The use must meet all performance standards associated with the type of dwelling in which it is located.
2. Occupancy shall be limited to two persons per bedroom, plus an additional two persons. At no time may the number of guests exceed eight regardless of the number of bedrooms in the unit. Two exits are required for each bedroom.
3. The appearance of use of the Tourist Rooming House shall not be altered in a manner that would cause the premises to differ from a typical dwelling unit either by the use of colors, materials, construction, lighting, signs, or noise exceeding Section 94.12.13.
4. No recreational vehicle may be used for living or sleeping purposes as part of a Tourist Rooming House.
5. The use must be licensed by the State of Wisconsin.
6. Required Off-Street Parking: A minimum/maximum of one space per bedroom.

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

(18) **Adult Entertainment or Adult-oriented Establishment.**

Any exhibition of any motion pictures, live performance, display or dance of any type, which has as its dominant theme, or is distinguished or characterized by an emphasis on, any actual or simulated specific sexual activities or specified anatomical areas, or the removal of articles of clothing to appear totally nude or to display a nude genital area or female nude breasts. Also, an adult bookstore having as its stock in trade, for sale, rent, lease, inspection or viewing, books, films, videocassettes, CDs, SD cards, flash drives, internet connection, magazines or other periodicals that are distinguished or characterized by their emphasis on matters depicting, describing or relating to specific sexual activities or specific anatomical areas, and in conjunction therewith have facilities for the presentation of adult-oriented films, movies or live performances, for observation by patrons.

Performance Standards:

1. Shall be further regulated under Chapter 18, Article 2 of the Code.
2. Shall be located a minimum of 1,000 feet from any residentially zoned property; and a minimum of 1,000 feet from any existing school, church, public library, "Institutional Residential" land use, "Active Outdoor Public Recreation" land use, or another Adult Entertainment or Adult-oriented Establishment.
3. Exterior signage shall be in accordance with that permitted for the zoning district within which the use is located. One additional exterior wall sign with an area of 2 square feet that reads "admittance to adults only" shall be placed near or on each customer entrance, along with hours of operation.
4. The use shall not admit minors on the premise and shall comply with all applicable federal, state, and Village laws and ordinances regulating alcoholic beverages and obscenity.
5. Minimum Required Off-Street Parking: one space per 300 square feet of Gross Floor Area, or one space per person at the maximum capacity of the establishment (whichever is greater).

(19) **Large Retail and Commercial Service Development.**

See Section 94.10.06 for description and performance standards.

(20) **Micro-beverage Production Facility.**

A type of beer, wine, spirits, or coffee production facility that produces limited amounts of product per year, and often includes a tasting room and on-site purchase of beer and related products, including gifts and food. Includes microbreweries, micro-distilleries, micro-wineries/small wineries, and micro-roasteries/small batch roasters that meet the following performance standards. In the event such a use exceeds one or more of the following performance standards, either at time of commencement or via growth, it shall instead be considered a "Light Industrial" land use. As defined in Article 17, brewpubs are also regulated separately as an "Indoor Commercial Entertainment" use.

Performance Standards:

1. Shall not exceed the following production quantities per year: microbrewery, 15,000 barrels or equivalent; micro-distillery, 10,000 gallons or equivalent; micro-winery, 15,000 gallons or equivalent; micro-roastery, 15,000 pounds or equivalent.
2. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
3. Shall meet all performance standards in Article 12, including but not limited to odor standards in Section 94.12.15.
4. Must provide evidence of valid State license before commencing operations or at any time upon the request of the Zoning Administrator.
5. If located outside of an industrial district, the following standards apply:
   a. The area used for production may not exceed 10,000 square feet.
   b. The operation must install odor-reducing filters or other equipment to minimize the impact on nearby properties.
   c. No outdoor growing of product used in the operation. Outdoor storage shall be limited to grain silos designed to be compatible with the principal building materials and colors. No other materials or equipment shall be stored outdoors.
6. Minimum required off-street parking: one space per every three patron seats, or the maximum capacity of the establishment (whichever is greater), plus one space for every employee engaged in production.

Section 94.4.06: Storage or Disposal Land Use Types

(1) **Indoor Storage or Wholesaling.**

Uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples include warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Retail outlets associated with this use shall be considered accessory uses, which are separately listed and regulated.

Performance Standards:

1. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
2. Minimum Required Off-Street Parking: one space per 2,000 square feet of Gross Floor Area.

(2) **Outdoor Storage or Wholesaling.**

Uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses, and where any activity beyond loading and parking is located outdoors. Examples of include contractors' outdoor storage yards, equipment yards, lumber yards, coal yards, landscaping materials yards, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a "Junkyard or Salvage Yard" use, which is separately listed and regulated.

Performance Standards:

1. Within the LI Light Industrial zoning district, outdoor storage yards be located or expanded within 300 feet of residentially zoned property shall first require a conditional use permit, and all other outdoor storage yards in the LI district shall be a permitted use. In either case, all of the following standards shall be met.
2. All outdoor storage areas shall be located no closer to a residentially zoned property than the required minimum setback for buildings on the subject property.
3. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
4. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls or fencing shall be designed to completely screen all stored materials from view from non-industrially zoned areas and public rights-of-way, up to the maximum fence heights allowed under Section 94.9.03.
5. The storage of items shall not be permitted in the minimum required front yard.
6. Minimum Required Off-Street Parking: one space for every 10,000 square feet of Gross Storage Area, plus one space per each employee on the largest work shift.

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

(3) **Personal Storage Facility.**

Includes indoor storage of items entirely within partitioned buildings with individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. Also known as mini-warehouses.

Performance Standards:

1. In addition to the building design standards in Section 94.10.03, buildings and facility shall be designed to minimize adverse visual impacts on nearby developments. The color, exterior

materials, and orientation of proposed buildings and other structures shall complement surrounding development and be consistent with any building design standards within the Comprehensive Plan.

2. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property and public rights-of-way.
3. The Plan Commission or Extraterritorial Zoning Committee may restrict or limit unit doors facing a public street right-of-way or property not in an industrial zoning district, or may otherwise require that any such doors be screened from view with berms, landscaping, and/or opaque fencing.
4. Facility shall be limited to indoor storage of household items and similar durable goods. No live animals, perishable items, odor producing materials (see Section 94.12.15), flammable or explosive materials (see Section 94.12.17), toxic or noxious materials (see Section 94.12.18), or hazardous materials (see Section 94.12.20) shall be stored on site.
5. No storage unit may have any other function aside from storage, including but not limited to any retail, wholesale, workshop, hobby shop, manufacturing, residential, lodging, or service use.
6. No outdoor storage of materials shall be permitted on site, with the exception of an outdoor trash or recycling receptacle, if proposed and approved as part of the site plan and screened in accordance with Section 94.12.06.
7. To prevent unauthorized access, each storage unit shall be outfitted with quality commercial locks and the Plan Commission or Extraterritorial Zoning Committee may require gated access to the facility and/or security fencing.
8. The Plan Commission or Extraterritorial Zoning Committee may require that the project be equipped with a digital security camera(s) that records site activity, with footage made available to the Everest Metro Police Department upon suspicion of criminal activity.
9. All storage units shall gain access from the interior of the building or site, as opposed to direct access from units to public streets.
10. The Plan Commission or Extraterritorial Zoning Committee may deny or limit a conditional use permit, where required, if it determines that the location, size, quantity, job or tax base creation, or other applicable characteristics of the proposed facility are incompatible with the economic development goals and objectives of the Village, including those within the Comprehensive Plan and any approved tax incremental district project plan.
11. Minimum Required Off-Street Parking: one space for each employee on the largest work shift.

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

(4) **Junkyard or Salvage Yard.**

Any land or structures used for a salvaging operation including but not limited to the above-ground, outdoor storage and/or sale of waste paper, rags, scrap metal, and any other discarded materials intended for sale or recycling; and/or the collection, dismantlement, storage, or salvage of two or more unlicensed and/or inoperative vehicles. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use.

Performance Standards:

1. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
2. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls or fencing shall be designed to completely screen all stored materials from view from off site, up to the maximum fence heights allowed under Section 94.12.03.

3. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
4. Activity and storage areas shall not be permitted in the minimum required front yard.
5. Shall not involve the storage, handling, or collection of hazardous materials, including any of the materials listed in Section 94.9.20.
6. A license must be also obtained pursuant to Chapter 18, Article V of the Code for the proposed use.
7. Minimum Required Off-Street Parking: one space for every 20,000 square feet of Gross Storage Area, plus one space for each employee on the largest work shift.

(5) **Solid Waste Disposal, Composting, and/or Recycling Facility.**

Any use dedicated to the collection, storage, processing, and/or disposal of solid wastes as defined by Wis. Stat. § 289.01(33), organic materials for composting or for off-site energy production, and/or materials for recycling.

Performance Standards:

1. In addition to the information normally required for conditional use permit applications, the application shall include the following information:
   a. A written description of the proposed operation, including the types and quantities of the materials that would be kept, stored, or processed; the proposed date to begin operations; existing natural features on and adjacent to the site; where materials would be hauled from and to and over what roads; types, quantities, and frequency of use of equipment to move, process, and haul materials within and to and from the site; whether, which, and how frequently sorting, burning, processing, and other activities would be performed on site; description and elevations of all temporary and permanent structures; proposed hours and days of operation; any special measures that will be used for spill prevention and control, dust control, and environmental protection; methods to keep all public roads free of all mud, debris, and dust; assurances that the site will be developed and operated in accordance with all approved plans and all village, county, state, and federal regulations; and a listing of all applicable regulations, licenses, and permits required.
   b. A site or operations plan map, drawn to scale by a qualified professional, and including site boundaries; existing contour lines; existing roads, driveways, entrances, and utilities; existing natural features including lakes, streams, floodplains, wetlands, and shoreland areas; all dwellings and private and municipal wells within 1,000 feet; location of the proposed staging areas, fueling, fuel storage, and material and equipment storage areas; proposed location and surfacing of roads, driveways, and site access points; proposed phasing plan, if any; proposed and fencing of property and gating of access points; proposed locations of stockpiles; proposed location and types of bufferyards, screening berms, and landscaping; and proposed temporary and permanent structures, including scales and offices.
   c. An erosion control plan, drawn to scale by a professional engineer, meeting all applicable Village, state, and county requirements.
   d. A reclamation plan clearly depicting proposed stages of restoration, proposed contours following restoration, and proposed land use.
2. The applicant shall obtain all required Federal, State, County permits and licenses, as well as any other Village permits and/or licenses, necessary to operate the facility. The applicant shall maintain requirements set forth by these permits and licenses, and abide any standards set therein, as well as any other ordinances and statutes applicable to the operation. The applicant shall provide copies of all required permits and licenses, and inspections and reports thereunder,

to the Village Zoning Administrator immediately upon applicant receipt or in another timeframe specified by the conditional use permit.

3. All buildings, structures, storage, and activity areas shall be located a minimum of 50 feet from all lot lines.
4. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders.
5. Operations shall not involve the on-site holding, storage, processing or disposal of hazardous materials, food scraps, or other vermin-attracting materials.
6. Outdoor material stockpiles shall be limited to no more than 30 feet in height, except as may be specifically prescribed by the Plan Commission or Extraterritorial Zoning Committee by conditional use permit.
7. All performance standards in Article 12 shall be met.
8. The use shall be established and maintained so as to not create a fire hazard as determined by the Fire Inspector.
9. Trucking activity shall be limited to a maximum number of trips per day as indicated in the Plan Commission/Extraterritorial Zoning Committee approved operational plan. A written request to exceed the maximum number of trips for a specific limited period of time not to exceed 30 days may be approved in advance by the Zoning Administrator, where he or she determines that exceptional circumstances are present. Exceptions exceeding 30 days must first be approved by the Plan Commission or Extraterritorial Zoning Committee.
10. To prevent tracking of mud onto public roads, access driveways for all new and expanded uses shall be hard surfaced within one 100 feet of public roads, unless the adjacent road is not hard surfaced.
11. All public roads to all such uses shall be kept free of all mud, debris, and dust by sweeping or other means.
12. Access to the site shall only be through points designated as entrances on the site or operations plan. Such access points shall be secured when the site is not in operation.
13. The conditional use permit may include limits on the amount of time the use shall remain in operation and/or hours and days of operation.
14. The conditional use permit may include provisions for the upgrade, repair, and maintenance of public roads serving the use, which shall depend on the intensity of the operation and the existing condition and capacity of such roads. A bond or other performance guarantee for such work may be required as part of the conditional use permit provided that a clear relationship is established between the operation and the need for road upgrades, repair, and maintenance.
15. If any public road is damaged or destroyed as a result of any such use, the owner shall restore or pay for the restoration of the same to an acceptable condition and value. The owner shall have the right to show and bear the burden of proof in showing that the indicated damage was not the result of its operation.
16. For all such facilities, including facilities established prior to March 18, 2015, noise levels shall be kept at or below allowable limits under Section 94.12.13. The owner may be required to verify, through use of appropriate equipment and an analysis technique approved by the Zoning Administrator, that such limits are met. If the Zoning Administrator determines that noise requirements under Section 94.12.13 are not met, he or she may enforce such requirements per Section 94.16.19 and/or refer the matter to the Plan Commission or Extraterritorial Zoning Committee. The Commission or Committee may require additional conditions or mechanisms to control noise in a manner that meets ordinance requirements, or may enact proceedings under subsection 17 below.

17. Approval shall be subject to amendment or revocation if non-compliance with approved plans, this subsection, or approval conditions is identified.
18. Approved operations shall be subject to periodic review to ensure compliance with the conditional use permit, including but not limited to approved limitations over the portion of the lot or parcel where activities may occur.
19. Any conditional use permit issued for such use shall not be transferable to a new owner of the property, except via a new or amended conditional use permit. In other words, the conditional use permit shall not run with the land.
20. Minimum Required Off-Street Parking: one space for each employee on the largest work shift, plus parking spaces for expected patrons of the facility as indicated in the approved conditional use permit.

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

(6) **Auction Yard.**

A use or parcel dedicated to the regular auctioning of products, generally produced at another location and transported to the site for the auction.

Performance Standards:

1. In addition to the information normally required for conditional use permit applications, the application shall include the following information:
   a. A written description of the proposed operation, including the types and quantities of the materials that would be auctioned; the proposed date to begin operations; existing natural features on and adjacent to the site; where materials would kept; description and elevations of all temporary and permanent structures and parking; proposed hours and days of operation; any special measures that will be used for spill prevention and control, dust control, or environmental protection; methods to keep all public roads free of all mud, debris, and dust; assurances that the site will be developed and operated in accordance with all approved plans and all village, county, state, and federal regulations; and a listing of all applicable regulations, licenses, and permits required.
   b. A site or operations plan map, drawn to scale by a qualified professional, and including site boundaries; existing contour lines; existing roads, driveways, entrances, and utilities; existing natural features including lakes, streams, floodplains, wetlands, and shoreland areas; location of the proposed auction, storage, staging, and parking areas; proposed location and surfacing of roads, driveways, and site access points; and proposed temporary and permanent structures.
2. The use shall comply with all county, State and Federal regulations at all times.
3. All buildings, structures, storage, and activity areas shall be located a minimum of 50 feet from all lot lines.
4. Operations shall not involve the on-site holding, storage, auctioning, processing, or disposal of hazardous materials, food scraps, or other vermin-attracting materials.
5. Outdoor material stockpiles shall be limited to no more than 30 feet in height.
6. No odor shall be created that exceeds the standard in Section 94.12.13.
7. The level of noise generated by the facility or equipment meet the noise standards in Section 94.12.13.
8. Access to the site shall only be through points designated as entrances on the site or operations plan. Such access points shall be secured when the site is not in operation.
9. Hours or days of operation may be limited by the Village.

10. Minimum Required Off-Street Parking: one space for each employee on the largest work shift, plus additional on-site parking in suitable quantity and location to accommodate projected and actual traffic.

Section 94.4.07: Transportation Land Use Types

(1) **Off-Site Parking.**

Includes any areas used for the parking of vehicles that are fully registered, licensed, and operative, which are not accessory to another principal use on the same lot.

Performance Standards:

1. All off-site parking areas must be hard surfaced as defined in Section 94.17.04.
2. Must meet landscaping and other applicable general performance standards of this Chapter.

(2) **Airport or Heliport.**

A facility providing takeoff, landing, servicing, storage, and other services for air transportation vehicles. The operation of any type of air transportation vehicle (including ultralight aircraft, hang gliders, parasails, and related equipment, but excepting model aircraft) within the jurisdiction of this Chapter shall occur only in conjunction with an approved Airport or Heliport land use. Does not include helipads that are accessory to certain uses, such as hospitals.

Performance Standards:

1. All buildings, structures, outdoor airplane or helicopter storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
2. All crops, trees, structures, fences, storage areas, and parking areas shall be located and setback from all runways in accordance with an airport master plan developed by the applicant in accordance with FAA guidelines.
3. Minimum Required Off-Street Parking: one space per each employee on the largest work shift, plus one space per every leasable hangar space, plus sufficient parking required for any other approved on-site use.

(3) **Freight Terminal and Mass Transportation Depot.**

Lands and buildings representing either end of one or more truck carrier line(s) principally serving several businesses, bus storage yards or garages, bus transfer stations, train stations, or similar facilities focused on the storage or staging of multiple trucks, busses, train cars, and/or other large vehicles designed to carry goods or passengers. Such uses may have some or all of the following facilities: large vehicle storage and/or staging yards, multiple loading docks, management offices, indoor and outdoor storage yards, fueling stations, weighing stations, parking areas, vehicle maintenance and repair facilities serving the use, and other related facilities.

Performance Standards:

1. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
2. For freight terminals and train stations, all buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
3. For freight terminals and train stations, all outdoor storage areas and vehicles shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls or fencing shall be designed to completely screen all stored materials and vehicles from view from non-industrial zoned areas and public rights-of-way, up to the maximum fence heights

allowed under Section 94.12.03. For other types of transportation depot uses, landscaping installed to screen the vehicles from view are sufficient meet this requirement (but not outdoor storage areas).

4. Activity and storage areas shall not be permitted in the minimum required front yard setback, except for employee or patron parking.
5. Minimum Required Off-Street Parking: one space per each onsite employee on the largest work shift and one space for each four passengers for uses where patrons are parking on-site.

[Amended via Ord. 16-044, 10/20/2016]

(4) **Distribution Center.**

Facilities oriented to the short-term indoor storage and possible repackaging and reshipment of the materials and products of a single user. Retail outlets associated with this use shall be considered accessory uses, which are separately listed and regulated.

Performance Standards:

1. A conditional use permit and a bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
2. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
3. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls or fencing shall be designed to completely screen all stored materials from view from non-industrial zoned areas and public rights-of-way, up to the maximum fence heights allowed under Section 94.12.03.
4. Activity and storage areas shall not be permitted in the minimum required front yard.
5. Minimum Required Off-Street Parking: one space per each employee on the largest work shift.

[Amended via Ord. 17-032, 9/21/2017]

(5) **Livestock or Farm Commodity Trucking.**

A type of freight service dedicated primarily to movement of locally produced agricultural products principally serving one or more farms or lumber operations, and which may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities. Trucking services not specifically related to local agriculture production shall instead be regulated as a "Freight Terminal and Mass Transportation Depot."

Performance Standards:

1. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
2. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
3. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls or fencing shall be designed to completely screen all stored materials from view from non-industrial zoned areas and public rights-of-way, up to the maximum fence heights allowed under Section 94.12.03.
4. Activity and storage areas shall not be permitted in the minimum required front yard.
5. Shall meet all performance standards in Article 12, including but not limited to odor standards in Section 94.12.15.

6. In the FP zoning district, the Livestock or Farm Commodity Trucking use must meet the standards set forth in Section 94.4.03(2) for an Agricultural-Related Use.
7. Minimum Required Off-Street Parking: one space per each employee on the largest work shift.

[Amended via Ord. 16-044, 10/20/2016]

Section 94.4.08: Industrial Land Use Types

(1) **Light Industrial.**

Industrial facilities, manufacturing operations, and contractor shops at which all operations are conducted entirely within an enclosed building, with the exception of fully screened outdoor storage and loading operations. Light industrial facilities are those which are not associated with nuisances such as odor, noise, heat, vibration, and radiation detectable at the property line and which do not pose a significant safety hazard such as danger of explosion. A "Light Industrial" land use may conduct retail sales activity as an accessory use in accordance with the requirements of Section 94.4.09(13). Landscape contractors and indoor aquaculture uses, which include the farming of aquatic organisms (plants and animals) under controlled conditions that are located entirely within an enclosed building and utilize recirculating (closed) system technology (including aquaponics), are considered "Light Industrial" uses. Primary food processing activities involving the processing of cabbage, fish and fish products, and meat products shall be considered and regulated as "Heavy Industrial" land uses. Breweries, distilleries, wineries, and coffee roasters that exceed one or more limitations of the "Micro-beverage Production Facility" land use are considered "Light Industrial" uses. Crematoriums shall be considered "Heavy Industrial" uses, except where accessory to a funeral home and where serving only customers of the funeral home.

Performance Standards:

1. All activities shall be conducted entirely within the confines of a building, except for parking, circulation, loading and unloading, and fully screened outdoor storage.
2. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls or fencing shall be designed to completely screen all stored materials from view from all adjacent properties and rights-of-way, up to the maximum fence heights allowed under Section 94.12.03.
3. No loading, unloading, or storage shall be permitted in the minimum required front yard.
4. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
5. The use shall comply with all of the performance standards in Article 12.
6. For indoor aquaculture uses, the following additional performance standards shall apply:
   a. Indoor aquaculture operations shall be connected to the municipal water and sanitary sewer system and all wastewater shall be discharged to the municipal sanitary sewer system.
   b. Applicants wishing to establish indoor aquaculture operations shall prepare and submit a report outlining the estimated average daily water usage and quantity of wastewater discharge.
   c. On-site processing of seafood is permitted, provided the activity is conducted entirely within an enclosed building and no odors are detectable from the property line.
   d. The on-site retail sale of seafood or vegetables shall be considered an "Indoor Sales Incidental to Storage or Light Industrial Land Use" subject to the provisions of Section 94.4.09(13).

e. On-site composting shall be permitted, provided compost areas are fully screened on all four sides and comply with all county, state, and federal rules, regulations, and permitting requirements.

7. New Light Industrial development within the AR and RM zoning districts shall be served by public sanitary sewer and water services.
8. Minimum Required Off-Street Parking: One space per each employee on the largest work shift.

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

(2) **Heavy Industrial.**

Industrial facilities at which operations have one or more of the following characteristics: conducted partially or wholly outside of an enclosed building (not including loading/unloading operations); associated with nuisances such as odor, noise, heat, vibration, and radiation detectable at the property line; and/or involving materials that pose a significant safety hazard (such as danger of explosion). Examples of "Heavy Industrial" land uses include slaughter houses; tanneries; primary meat processing and fish processing; cabbage processing; alcoholic beverage producers other than breweries and wineries; paper, pulp, or paperboard producers; chemical and allied product producers (except drug producers); petroleum and coal product producers; asphalt, concrete, or cement producers; stone, clay, or glass product producers; power production facilities (power plants); primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; and recycling facilities not involving the on-site storage of salvage materials.

Performance Standards:

1. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
2. All indoor activity areas and outdoor storage areas shall be located a minimum of 100 feet from residentially zoned property, "Institutional Residential" uses, or "Indoor Institutional" uses.
3. Minimum Required Off-Street Parking: one space per each employee on the largest work shift.

(3) **Communications Tower.**

Includes all free-standing broadcasting, receiving, or relay structures, and similar principal land uses; and any office, studio, or other land uses directly related to the function of the tower. See land use descriptions and regulations associated with "Exterior Communication Devices" regulated as accessory uses later in this Section, where, unlike Communications Towers, the communications use is clearly incidental to the principal use on the site. It is the policy of the Village to encourage the placement of communications devices on pre-existing towers and other support structures (e.g., water towers) over the erection of new Communications Towers.

Performance Standards:

1. Each application for conditional use permit, site plan approval, and/or building permit under this subsection shall include the following information:
   a. The name and business address of, and the contact individual for, the applicant.
   b. The location of the proposed or affected Communications Tower or other support structure.
   c. The location of the proposed equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment.
   d. If the application is for a "substantially modification" to an existing Communications Tower or other support structure, a construction plan which describes the proposed modifications

to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications. For purposes of this subsection (3), "substantial modification" means the modification of a Communications Tower, including the mounting of an antenna on such a structure, that does any of the following:

i. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.

ii. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.

iii. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.

iv. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

e. If the application is to construct a new Communications Tower, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

f. If an application is to construct a new Communications Tower, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

g. Evidence and information to indicate compliance or intent to obtain compliance with other applicable provisions of this subsection and Chapter.

2. Each Communications Tower and modification thereto shall be erected and installed in accordance with the state electrical code adopted by reference in the National Electrical Code, Federal Communications Commission and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.

3. If an application is to construct a new Communications Tower, the Village may consult with a third party to verify that collocation on an existing Communication Tower or other support structure within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider. All costs and expenses associated with such consultation shall be borne by the applicant, except for travel expenses. Failure to pay such costs and expenses or provide related information to the third-party consultant shall be grounds for denial of the conditional use permit.

4. Each Communications Tower shall be placed or constructed so it can be utilized for the collocation of additional antenna arrays to the extent technologically and economically feasible. The Village shall, unless it is shown to be unreasonable, condition the granting of each conditional use permit upon the applicant placing or constructing the Communications Tower to accommodate, at a minimum height of 150 feet, the collocation of two additional antenna arrays similar in size and function to that placed on the Tower by the applicant. Collocation sites need not be available on the Tower as initially placed or constructed, provided that the Tower will support the later addition of the required number of collocation sites at the specified minimum height. The holder of each conditional use permit under this subsection (3) and the predecessor

Chapter shall make the collocation sites required hereunder available for the placement of technologically compatible antenna arrays and equipment upon contractual provisions that are standard in the industry and at prevailing market rates allowing the permit holder to recoup the cost of providing the collocation sites and a fair return on investment.

5. Each Communications Tower and associated equipment shall, to the extent determined possible by the Zoning Administrator, match the color of existing facilities and be installed in a fashion to lessen the visual impacts of such installation. Accessory buildings, if required, shall be constructed to be compatible with the surrounding or adjacent buildings by virtue of their design, materials, textures, and colors.
6. For Communications Towers erected after March 18, 2015, and in conjunction with the installation of new ground mounted buildings or equipment totaling 300 square feet or greater, the applicant shall provide a bufferyard meeting the requirements of Section 94.11.02(3)(d) along all property borders abutting residentially zoned property. Other landscaping requirements of Article 11 shall also apply.
7. A new or amended conditional use permit and site plan shall be required for a "substantial modification" to an existing Communication Tower. Neither a conditional use permit nor site plan approval shall be required for any modification including collocation that is not defined as a "substantial modification," but a building permit shall be required.
8. Prior to the issuance of a building permit for a Communications Tower erected after March 18, 2015, the applicant shall provide a written agreement stating that if the Communications Tower, antennas, or transmitters are unused for a period exceeding 12 months, the applicant shall remove the tower, antennas, or transmitters upon written request from the Zoning Administrator at no cost to the Village within 60 days of such request. If such listed items are not removed within 60 days of such notification, the Village may remove the items at the expense of the holder of the conditional use permit. Within 30 days of the date on which the tower use ceases, the permit holder shall provide the Village with written notice of the cessation of use. A performance bond or deposit of $20,000 shall be required to ensure compliance with all applicable requirements for removal of the Communications Tower and equipment.
9. The owner of any Communications Tower shall maintain insurance against liability for personal injury, death, or property damage caused by the maintenance and/or operation of the Communications Tower and accessory structures with a single combined limit of not less than $1,000,000.00 per occurrence. The policy shall contain a provision that it may not be canceled or materially modified without the approval of the Village. The owner shall provide the Village with a certificate of such insurance before issuance of a building permit and upon each policy renewal thereafter.
10. Upon written inquiry from the Village, the recipient of a conditional use permit under this subsection (3) shall have the burden of presenting credible evidence establishing the continued compliance with the approved plans and all conditions placed upon the conditional use permit. Failure to establish compliance with the approved plans and all conditions placed upon the conditional use permit shall be grounds for revocation of the permit. If the Village determines that it is necessary to consult with a third party to ascertain compliance with conditions on a conditional use permit, all costs and expenses associated with such consultation shall be borne by the holder of subject conditional use permit, except for travel expenses. Failure to pay such costs and expenses or provide information requested by the Village shall be grounds for revocation of the conditional use permit.
11. Upon written inquiry from the Village, any owner or operator of a Communications Tower shall provide information on the Tower, including but not limited to available sites on the Tower for potential co-locators; evidence that such collocation sites are in fact available for the placement of technologically compatible antenna arrays and equipment upon contractual provisions that are

standard in the industry and at prevailing market rates allowing the Tower owner to recoup the cost of providing the collocation sites and a fair return on investment; contact information for future co-location inquiries that the Village may receive; and number and placement of antenna arrays and ground mounted equipment, type of service provided (e.g., 4G LTE, etc.), contact information, and expiration dates of user agreements or leases associated all current users of the Tower.

12. In its evaluation of any permit or plan approval for a Communications Tower, the limitations under Wis. Stat. §§ 66.0404(4) and 66.0406(2) shall apply.
13. In the FP zoning district, the following additional standards shall also be met:
    a. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
    b. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
    c. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
    d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
    e. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
14. Minimum Required Off-Street Parking: one space per each employee vehicle needed for ongoing maintenance.

(4) **Non-Metallic Mineral Extraction.**

Any land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities. Wisconsin Statutes may limit Village regulation of non-metallic mineral extraction operations associated with projects completed by the Wisconsin Department of Transportation.

Performance Standards:

1. In addition to the information normally required for conditional use permit applications, each application for approval of a new or expanded Non-Metallic Mineral Extraction Operation shall include the following information:
    a. A written description of the proposed operation, including the types and quantities of the materials that would be extracted; proposed dates to begin extraction, end extraction, and complete reclamation; geologic composition and depth and thickness of the mineral deposit; existing use of the land and proposed use after reclamation; existing natural and archaeological features on and adjacent to the site; where extracted materials would be hauled and over what roads; types, quantities, and frequency of use of equipment to extract, process, and haul; types of materials and equipment used or stored on site; whether and how frequently blasting, drilling, mining, crushing, screening, washing, refueling, fuel storage, asphalt batching, or concrete mixing would be performed on site; if washing is to be performed, estimated daily quantity of water required, its source and its disposition; whether excavation will occur below the water table and, if so, how ground water quality will be protected; description and elevations of all temporary or permanent structures; proposed hours and days of operation; any special measures that will be used for spill prevention and control, dust control, or environmental protection; if within the FP district, justification that the use meets all standards associated with such district; and assurances that the site will be

developed, operated, and reclaimed in accordance with all approved plans and all county, state, and federal regulations, including a listing of all applicable regulations.

b. A site or operations plan map, drawn to scale by a qualified professional, and including site boundaries; existing contour lines; existing roads, driveways, and utilities; existing natural features including lakes, streams, floodplains, wetlands, and shoreland areas; all dwellings and private and municipal wells within 1,000 feet; location of the proposed extraction, staging areas, fueling, fuel storage, and equipment storage areas; proposed location and surfacing of roads, driveways, and site access points; proposed phasing plan, if any; proposed fencing of property and gating of access points; proposed locations of stockpiles; proposed location and types of screening berms, fencing, and/or landscaping; and proposed temporary and permanent structures, including scales and offices.

c. An erosion control plan, drawn to scale by a professional engineer, meeting all applicable Village, state, and county requirements.

d. A reclamation plan prepared in accordance with the Wisconsin Administrative Code and the Marathon County non-metallic mining reclamation ordinance, and clearly depicting proposed stages of restoration, proposed contours following restoration, depth of topsoil and vegetative cover, and proposed land use.

2. Each Non-Metallic Mineral Extraction Operation, regardless of when established, shall have on file with the Zoning Administrator current operational, erosion control, and reclamation plans covering the subject matter in subsection 1. above. Operations established before March 18, 2015 shall operate and restore the site in compliance with previously approved plans and conditions; with the provisions of this chapter; and to assure public safety, minimization of nuisances, and proper restoration of the site, provided that such requirements shall not be economically and technically unreasonable with respect to existing conditions.
3. The applicant shall obtain all required Federal, State, County permits and licenses, as well as any other Village permits and/or licenses, necessary to operate the Non-Metallic Mineral Extraction operation. The applicant shall maintain requirements set forth by these permits and licenses, and abide any standards set therein, as well as any other ordinances and statutes applicable to the operation. The applicant shall provide copies of all required permits and licenses, and inspections and reports thereunder, to the Village Zoning Administrator immediately upon applicant receipt or in another timeframe specified by the conditional use permit.
4. For new and expanded operations, a bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property and public rights-of-way.
5. The conditional use permit may include limits on the amount of time the non-metallic mineral extraction use shall remain in operation and/or hours and days of operation.
6. The conditional use permit may include restrictions and/or hours for blasting, drilling, screening, asphalt batching, washing, and other processing.
7. All mineral extraction activities and washing, crushing and similar processing shall be at least 200 feet from any right-of-way or property line. All ancillary operations, such as offices, parking areas, and stockpiles, shall be at least 100 feet from any right-of-way or property line. This provision shall apply to all Non-Metallic Mineral Extraction operations, including pre-existing ones, except to the extent that buildings, structures, and surface activity areas were closer than specified as of March 18, 2015.
8. To prevent tracking of mud onto public roads, access driveways for all new and expanded Non-Metallic Mineral Extraction operations shall be hard surfaced within one 100 feet of public roads, unless the adjacent road is not hard surfaced.

9. All public roads to all Non-Metallic Mineral Extraction operations, including operations established prior to March 18, 2015, shall be kept free of all mud, debris, and dust by sweeping or other means.
10. Access to all Non-Metallic Mineral Extraction sites shall only be through points designated as entrances on the site or operations plan map or as otherwise legally established. The operator shall secure such access points when the site is not in operation.
11. For all Non-Metallic Mineral Extraction operations, the site and driveway shall be sprayed to control dust, except when the temperature is below freezing. Spraying may also be required in and around the excavation pit to further reduce dust. All operations and sites, regardless of when established, shall also meet the air pollution standards in Section 94.12.14.
12. The conditional use permit may include provisions for the upgrade, repair, and maintenance of public roads serving the use, which shall depend on the intensity of the operation and the existing condition and capacity of such roads. A bond or other performance guarantee for such work may be required as part of the conditional use permit provided that a clear relationship is established between the operation and the need for road upgrades, repair, and maintenance.
13. If any public road is damaged or destroyed as a result of any Non-Metallic Mineral Extraction operation, including operations established prior to March 18, 2015, the owner shall restore or pay for the restoration of the same to an acceptable condition and value. The owner shall have the right to show and bear the burden of proof in showing that the indicated damage was not the result of its operation.
14. On-site bulk fuel storage areas and areas for fueling of equipment shall be located in accordance with the Wisconsin Administrative Code and State Statutes. A conditional use permit granted for a new or expanded operation may also require that such areas, facilities, and equipment be located above the water table to minimize the potential for groundwater contamination.
15. If blasting, drilling, or other processing is requested and approved as part of the conditional use permit, additional standards or conditions may be applied to the conditional use permit with relation to frequency, dust, noise and vibration levels, notice to neighbors, pre-inspection of neighboring basements and wells, and claims procedures in accordance with the Wisconsin Administrative Code.
16. All approved blasting shall be conducted in accordance with the provisions of Wis. Admin. Code Chapter SPS 307. The owner shall notify the Village Zoning Administrator, and any others as specified by law or under the conditional use permit, of blasting days and times at least three (3) days in advance of such blasting. The owner may be required to verify, such as through hiring a professional engineering firm, that vibrations and other impacts associated with actual blasting activities are within the limits prescribed by Wis. Admin. Code and the conditional use permit.
17. For all Non-Metallic Mineral Extraction operations, including operations established prior to March 18, 2015, noise levels shall be kept at or below allowable limits under Section 94.12.13. The owner may be required to verify, through use of appropriate equipment and an analysis technique approved by the Zoning Administrator, that such limits are met. If the Zoning Administrator determines that noise requirements under Section 94.12.13 are not met, he or she may enforce such requirements per Section 94.16.19 and/or refer the matter to the Plan Commission or Extraterritorial Zoning Committee. The Commission or Committee may require additional conditions or mechanisms to control noise in a manner that meets ordinance requirements, or may enact proceedings under subsection 20 below.
18. For Non-Metallic Mineral Extraction operations established or expanded after March 18, 2015, the area of extraction shall be completely enclosed by a security fence meeting applicable requirements of Section 94.12.03, or maintained at a slope not to exceed 3:1.

19. The owner of each Non-Metallic Mineral Extraction operation, regardless of when established, shall maintain insurance against liability for personal injury, death, or property damage caused by the maintenance and/or operation of the Non-Metallic Mineral Extraction operation and accessory structures. Such insurance policy shall have with a single combined limit of not less than $1,000,000.00 per occurrence and contain a provision that it may not be canceled or materially modified without the approval of the Village. The owner shall provide the Zoning Administrator with a certificate of such insurance before issuance of a building permit, upon each policy renewal thereafter, and otherwise upon written request.
20. Upon written inquiry from the Village, each Non-Metallic Mineral Extraction operation, regardless of when established, shall have the burden of presenting credible evidence establishing the continued compliance with applicable provisions of this subsection (4), and approved plans and conditions placed upon the conditional use permit or any other prior or subsequent Village approval. Failure to establish compliance with applicable provision, the approved plans, and all conditions placed upon the conditional use permit or other Village approval shall be grounds for revocation of the permit. If the Village determines that it is necessary to consult with a third party to ascertain compliance, all costs and expenses associated with such consultation shall be borne by the owner of the Non-Metallic Mineral Extraction operation. Failure to pay such costs and expenses or provide information requested by the Village shall be grounds for revocation of the conditional use permit or other Village approval, and/or enforcement under the provisions of this chapter.
21. Any conditional use permit issued for a Non-Metallic Mineral Extraction operation shall not be transferable to a new owner of the property, except via a new or amended conditional use permit. In other words, the conditional use permit shall not run with the land.
22. Within the FP district, such use shall also be subject to the following additional limitations:
    a. The operation complies with subch. I of Wis. Stat. § 295 and rules promulgated under that subchapter, with applicable provisions of the local ordinance under §§ 295.13 or 295.14, and with any applicable requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining sites.
    b. The operation and its location in the FP district are consistent with the purposes of that district.
    c. The operation and its location in the FP district are reasonable and appropriate, considering alternative locations outside the FP district, or are specifically approved under state or federal law.
    d. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
    e. The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
23. Minimum Required Off-Street Parking: one space per each employee on the largest work shift.

[Amended via Ord. 16-025, 5/18/2016; Ord. 19-001, 1/23/19]

Section 94.4.09: Accessory & Miscellaneous Land Use Types

(1) **Detached Accessory Structure (for Non-residential Use).**
An accessory structure serving a non-residential principal land use and building (e.g., an industry or commercial service use), but not attached to the principal building.

Performance Standards:

1. Any such structure exceeding 2,000 square feet or the maximum height for an accessory structure established in Figures 5.04(2) and 5.05(2) shall be regulated as a principal structure.

2. No Detached Accessory Structure (for Non-residential Use) shall be constructed on any lot prior to establishment of a principal use on that same lot, unless otherwise stated in this Chapter.
3. Each Detached Accessory Structure (for Non-residential Use), shall be designed to withstand a minimum of a 40-pounds per square foot of snow load.
4. See Figures 5.02(1) and 5.02(2) for setback, floor area, and coverage standards associated with Detached Accessory Structures in non-residential zoning districts.
5. Except within an agricultural zoning district, no hoop building or structure of similar design shall be permitted as a Detached Accessory Structure (for Non-residential Use), except on a temporary basis for a maximum of five consecutive days within a 30-day period for a special event such as a sale or on the property following issuance of a temporary use permit.
6. No Detached Accessory Structure (for Non-residential Use) shall be occupied as a dwelling unit or otherwise used for human habitation, unless it has first been approved for such use by the Building Inspector and meet all applicable code requirements for a dwelling of the State for a dwelling and under Section 94.4.09(8).
7. Each Detached Accessory Structure (for Non-residential Use) shall meet associated building and site design standards in Section 94.10.03.

(2) **Detached Accessory Structure (for Residential Use).**
An accessory structure serving a residential principal land use and building (e.g., a house or apartment building), but not attached to the principal building. Includes detached residential garages and carports (where permitted) designed primarily to shelter parked passenger vehicles, utility sheds as defined in Section 94.17.04, private recreation structures such as gazebos, and detached elevated decks or walkways associated with residential uses. All structures that are utilized for Agricultural Land Use Types (as listed in Section 94.4.03), that exceed 2,000 square feet in floor area, are within a rural and open space or RM zoning district, or are on parcels over 10 acres in area shall instead be regulated as a principal structure, and not as a "Detached Accessory Structure."

Figure 4.09(2): Detached Accessory Structure (for Residential Use) Allowances

Principal Land Use	Zoning District	Maximum Permitted Type and Quantity of Detached Accessory Structure [1]	Minimum Distance from Other Buildings [2]
Single-Family Detached Residence	FP, RM, AR and RR-5	Maximum of five [3]	10 feet
	Any other zoning district	1 Detached Garage; and 1 Utility Shed; and 1 Gazebo	10 feet
Two-Family Residence	Any district where principal building located	1 Utility Shed per Housing Unit	10 feet
Multi-Family Residence	Any district where principal building located	*As approved through Site Plan Procedures	10 feet
Manufactured Home or Mobile Home	MH	1 Utility Shed [4] and 1 Carport [5] or 1 Detached Garage [6]	5 feet from the accompanying home and 10 feet from all other buildings

[1] The terms detached garage, utility shed, gazebo and carport are defined in Section 94.17.04.

[2] See Figures 5.01(1) and 5.01(2) for maximum floor areas, maximum lot coverage, minimum property line setbacks, and maximum heights relating to detached accessory buildings.

[3] Except where approved by the Plan Commission as part of an approved site plan.

[4] Each Utility Shed within the MH zoning district shall not be greater than 144 square feet in floor area with a 5-foot building separation.

[5] Each Carport within the MH zoning district shall not be greater than 200 square feet in floor area with a maximum width of 10 feet.

[6] Each Detached Garage within the MH zoning district shall not be greater than 344 square feet in floor area with a maximum width of 14 feet.

Performance Standards:

1. No Detached Accessory Structure (for Residential Use) shall be constructed on any lot prior to establishment of a principal use on that same lot.
2. Except within the AR and RM zoning districts, no hoop building, tarp shed, or carport shall be a permitted as a Detached Accessory Structure (for Residential Use), except on a temporary basis for a maximum of five consecutive days within a 30-day period for a special event such as a sale on the property following issuance of a temporary use permit.
3. The roof of each Detached Accessory Structure (for Residential Use), including those permitted under standard 2, shall be designed to withstand a minimum of a 40-pounds per square foot of snow load.
4. All driveways built to serve Detached Accessory Structures (for Residential Use) are subject to associated standards under Section 94.12.08. Each Detached Accessory Structure (for Residential Use) shall be served by a driveway connected to a public road if used to shelter a motor vehicle or trailer, or where vegetative ground cover to an overhead door cannot be maintained in the determination of the Zoning Administrator or Building Inspector.
5. The exterior walls of each Detached Accessory Structure (for Residential Use) shall be sided with wood, masonry, concrete, stucco, Masonite, horizontal vinyl or metal lap siding, or similar material approved by the Zoning Administrator. Vertical siding is also allowed in all RM and rural and open space zoning districts aside from RR-2. All exterior siding shall extend to the top of the foundation. If the top of the foundation is below grade, the siding shall extend to the ground.
6. Roofs of Detached Accessory Structures (for Residential Use) shall be surfaced with any of the following materials: wood shakes; asphalt, composition, or wood shingles; clay, concrete or metal tiles; slate; built-up gravel materials; screw down metal roofing; rubber membrane (for flat roofs or roofs with no greater than a 1:12 pitch); or similar material approved by the Zoning Administrator.
7. Pole or ladder constructed buildings shall be permitted only within the RM and rural and open space zoning districts, except for the RR-2 district, and shall be subject to subsections 5. and 6. of this section.
8. No Detached Accessory Structure (for Residential Use) shall involve or include the conduct of any business, trade, or industry, except for home occupations and residential businesses as described and limited elsewhere in this Article 4.
9. No Detached Accessory Structure (for Residential Use) shall be occupied as a dwelling unit or otherwise used for human habitation, unless it has first been approved for such use by the Building Inspector and meets all applicable requirements of the State for a dwelling and under Section 94.4.09(8).
10. In all residential, RR-2 and non-residential and mixed-use zoning districts, and for all Multi-family Residences regardless of district, no portion of a Detached Accessory Structure (for Residential Use) shall occupy any land between the principal building on a residential lot and a

street right-of-way, except where approved by the Plan Commission as part of an approved site plan.

11. See Figures 5.01(1) and 5.01(2) for other setback, floor area, building height, and coverage standards associated with Detached Accessory Structures in residential zoning districts. Maximum floor area and total building coverage shall not exceed the maximums set forth in Figure 5.01(1), except as allowed by a conditional use permit, subject to the procedures in Section 94.16.06 and all of the following standards for the Detached Accessory Structure:
    a. Not taller or have more floors above ground level than the principal building.
    b. Has a similar roof slope and overhang width as the principal building. If the principal building has multiple roof slopes and/or overhang widths, the roof slopes and widths of the accessory structure shall reflect those principal building roof characteristics that are most visible from the public street.
    c. Shingles or other roof surface shall be of a similar material and color as the roof surface of the principal building.
    d. Siding shall be of a similar material and color as the siding on the principal building, except that where the siding on the principal building is stone or brick, another compatible material may be selected.
    e. May not be located further toward the front lot line than the principal building.
    f. Shall meet all setback requirements normally applicable to principal buildings per Figure 5.01(2).
12. Detached garages serving Multi-Family Residences shall be accompanied by a bufferyard meeting the requirements of Section 94.11.02(3)(d) between the garage and (a) the public right-of-way and (b) a property line abutting any residentially zoned property.

[Amended via Ord. 16-034, 8/18/2016; Ord. 16-046, 12/21/2016; Ord. 17-015, 6/21/2017; Ord 17-026 8/23/2017; Ord. 17-036, 11/24/2017; Ord. 19-001, 1/23/19; Ord. 19-015, 9/19/19]

(3) **Family Day Care Home (4 to 8 Children).**

An occupied residence in which a qualified person(s) provides child care for four to eight children. Does not include a child provided care by his or her legal guardian or his or her parent, grandparent, great-grandparent, stepparent, brother, sister, first cousin, nephew, niece, uncle, or aunt of a child, whether by blood, marriage, or legal adoption. The care of fewer than four children is not subject to the regulations of this Chapter. These shall not be considered "Home Occupations" or "Residential Businesses" for purposes of this Chapter.

Performance Standards:

1. Facility must be licensed by the State and follow rules and procedures in Wis. Stats. § 48.65 and 66.1017(1)(a) and DCF 202, Wis. Admin. Code, including but not limited to physical plant, equipment, and open space requirements.
2. Each Family Day Care Home must be conducted by one or more members of the immediate family residing on the premises, with no outside employees conducting care on site.
3. The use must meet all performance standards associated with the type of dwelling in which it is located.
4. There shall be no exterior alterations to the dwelling that change the character thereof as a dwelling.

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

(4) **Intermediate Day Care Home (9 to 15 Children).**

An occupied residence in which a qualified person(s) provides child care for 9 to 15 children. These shall not be considered "Home Occupations" or "Residential Businesses" for purposes of this Chapter.

Performance Standards:

1. Facility must be licensed by the State and follow rules and procedures in Wis. Stat. § 48.65 and DCF 202 and 251, Wis. Admin. Code, as applicable, including but not limited to physical plant, equipment, and open space requirements.
2. Each Intermediate Day Care Home must be conducted by one or more members of the immediate family residing on the premises.
3. Subject to Plan Commission or Extraterritorial Zoning Committee approval, an Intermediate Day Care Home may employ up to one employee living off-site.
4. The Plan Commission or Extraterritorial Zoning Committee may impose additional limitations on the percentage of the property and/or buildings that may be devoted to the use.
5. The use must meet all performance standards associated with the type of dwelling in which it is located.
6. There shall be no exterior alterations to the dwelling that change the character thereof as a dwelling, except that signage shall be as permitted for Intermediate Day Care Homes in Article 13.
7. Each Intermediate Day Care Home shall provide for drop-off and pick-up of children in a manner that the Plan Commission or Extraterritorial Zoning Committee determines is safe and not impactful to traffic movement and the character of the neighborhood.
8. No dwelling unit in a Two-family Residence or Multi-family Residence, and no mobile or manufactured home, may serve as an Intermediate Day Care Home.
9. No Intermediate Day Care Home shall endanger the public health and safety or interfere with the enjoyment of other parcels in the neighborhood.
10. No residence may serve as both an Intermediate Day Care Home and a Home Occupation or Residential Business.
11. Each conditional use permit for an Intermediate Day Care Home shall run with the applicant and not with the land.

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

(5) **Home Occupation.**

A low-impact economic activity performed within a dwelling unit and/or its attached garage, where the principal use of the lot is the residence of the person conducting the economic activity.

Performance Standards:

1. The occupation shall be conducted only within the dwelling and/or an attached garage.
2. The area used to conduct the Home Occupation shall not exceed 25 percent of the improved square footage of the dwelling unit, excluding the garage, and shall not exceed 25 percent of the area of any floor.
3. A Home Occupation shall be undertaken only by a member of the immediate family residing on the premises.
4. There shall be no exterior alterations to the dwelling that change the character thereof as a dwelling, except for signage. Signage shall be as permitted for Home Occupations in Article 13.

5. No activity, materials, goods or equipment incidental to the Home Occupation shall be externally visible, except for one licensed car, van, or light duty truck used for the Home Occupation and external storage normally allowed for the principal residential use.
6. No Home Occupation shall endanger the public health and safety or interfere with the enjoyment of other parcels in the neighborhood.
7. No mechanical or electrical equipment may be used other than such as customarily incidental to domestic use or that creates any disturbance at the property line.
8. The use shall not involve the use of commercial vehicles for more than the occasional delivery of materials to or from the premises.
9. No occupied residence may serve as both a Home Occupation and a Family or Intermediate Day Care Home, except if approved by conditional use permit and meeting the performance standards for a Residential Business use.
10. No Home Occupation, combined with the principal residential use of the property, shall generate more than 15 vehicle trips per day.

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

(6) **Residential Business.**

Compared to a "Home Occupation," a higher-impact economic activity performed in a dwelling unit, its attached garage, and/or its "Detached Accessory Structure (for Residential Use)," where the principal use of the lot remains the residence of the person primarily conducting the economic activity.

Performance Standards:

1. A Residential Business may be conducted within the dwelling, an attached garage, and/or in a permanent Detached Accessory Structure (for Residential Use).
2. The area used to conduct the Residential Business shall not exceed 25 percent of the improved square footage of the principal dwelling unit, excluding any attached garage.
3. The Plan Commission or Extraterritorial Zoning Committee may impose additional limitations on the percentage of the property and/or buildings that may be devoted to the occupation.
4. Subject to Plan Commission or Extraterritorial Zoning Committee approval, a Residential Business may employ up to one employee living off-site, provided an immediate family member residing on site is the principal owner and operator of the business.
5. No activity, materials, goods or equipment incidental to the Residential Business shall be externally visible, except for one licensed car, van, or light duty truck used for the Residential Business and external storage normally allowed for the principal residential use.
6. No Residential Business may include retail sales other than items produced or value added on site. The Plan Commission may prohibit or limit the on-site sale of items or products produced or enhanced on the premises.
7. No Residential Business shall endanger the public health and safety or interfere with the enjoyment of other parcels in the neighborhood.
8. No mechanical or electrical equipment may be used that creates any disturbance at the property line.
9. Signage shall be as permitted for Residential Businesses in Article 13.
10. No occupied residence may serve as both a Residential Business and an Intermediate Day Care Home.
11. Each conditional use permit for a Residential Business shall run with the applicant and not with the land.

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

(7) **In-Home Suite.**

An area within a "Single-Family Detached Residence" dwelling unit that may contain separate kitchen, dining, bathroom, laundry, living, sleeping, and/or recreation areas. A permanent interior, non-locking access way between the habitable area of the principal dwelling and the In-Home Suite is required. A separate outdoor access to a shared garage may be provided. Distinguished from an "Accessory Dwelling Unit," which is a separately listed and regulated land use.

Performance Standards:

1. Each In-Home Suite shall be considered a part of the principal dwelling unit for purposes of this Chapter.
2. The principal dwelling unit and the In-Home Suite shall together appear from the outside as one single-family detached residence.
3. A separate address and utility connection or meters for the In-Home Suite is not permitted.
4. An all-weather interior access between the main habitable area of the principal dwelling and the In-Home Suite shall be maintained at all times. Connections through attics, basements, garages, porches, or non-living areas shall not be sufficient to meet the requirement for connected interior access. A connecting door may be used to separate the In-Home Suite from the rest of the dwelling provided that it is a non-locking door. Doors to bedrooms and bathrooms are exempt from the non-locking requirement.
5. A separate driveway, garage, or walled garage area shall not be permitted. A separate connecting door between the In-Home Suite and the garage may be provided.
6. Direct incidental access to the In-Home Suite from the building exterior may be provided via exterior porches, patios, and decks, but external stairs providing principal access to a second story In-Home Suite shall be prohibited.
7. When an application is submitted for a building permit to accommodate what is explicitly listed as, or could possibly serve as, an In-Home Suite, the building plan shall be marked as "Not a separate dwelling unit nor apartment," and a signed letter from the applicant stating agreement with the performance standards in this subsection shall be filed with the Zoning Administrator.

(8) **Accessory Dwelling Unit.**

A residential dwelling unit located on the same lot as a "Single-Family Detached Residence", either as part of the same building as the "Single-Family Detached Residence" or in a detached building. Accessory Dwelling Units are sometimes also referred to as granny flats. An Accessory Dwelling Unit is different from an "In-Home Suite" in that an interior physical connection between the Accessory Dwelling Unit and the primary "Single-Family Detached Residence" is not required for the former. The "Single-Family Detached Residence"/Accessory Dwelling Unit combination is different from a "Two-Family Residence" because the former may be in separate buildings and because they are subject to different performance standards.

Performance Standards:

1. The gross floor area of the Accessory Dwelling Unit shall not exceed 50 percent of the principal dwelling's gross floor area, or 1,500 square feet, whichever is less.
2. The appearance or character of the "Single-Family Detached Residence" must not be significantly altered so that its appearance is no longer that of a single-family dwelling.
3. The Accessory Dwelling Unit shall not be sold separately from the "Single-Family Detached Residence," or the land under the Accessory Dwelling Unit divided from the land occupied by the "Single-Family Detached Residence."

4. Attached Accessory Dwelling Units shall adhere to the setback requirements and standards applicable to principal structures in the applicable zoning district. Detached Accessory Dwelling Units shall adhere to the setback requirements and standards applicable to accessory structures in the applicable zoning district.
5. The occupants of the Accessory Dwelling Unit shall not exceed one family plus one unrelated person, or two unrelated individuals.

(9) **Animal Fancier.**

An accessory use wherein a person who owns or keeps, within or adjoining a residence, four to ten dogs or five to ten cats for personal and noncommercial purposes, which are limited to hunting, tracking, exhibition in dog shows, obedience trials, field trials, dog sledding, animal foster rescue or to enhance or perpetuate a given breed, and who has secured a license for such activity in accordance with the provisions of this Chapter and Chapter 10 of the Code.

(10) **Keeping of Farm Animals on Residential Lots and School Sites.**

The keeping or raising of farm animals on a residential lot or school sites, in zoning districts where allowed under Figure 3.04 and where such activity is clearly accessory to the principal residential use, as opposed to a principal "Agricultural Use." Farm animals are as defined in Article 17. The animals may be kept for show, breeding, or products that are predominantly consumed or used by the residents of the same lot. Gardening and residential composting are allowed in all zoning districts.

Performance Standards:

1. All animals shall be kept within a completely enclosed, covered area to the rear of the residence.
2. Animal enclosure areas may not exceed 20 percent of the lot area.
3. Use shall meet all performance standards in Article 12, including odor standards in Section 94.12.15.
4. Any slaughtering shall take place in a completely enclosed building.
5. The use of mechanized farm equipment and on-site sale of food or fur are prohibited.
6. To be considered an accessory use within any RR zoning district:
   a. The only permitted farm animals are up to 8 chickens, up to 8 ducks, and bees.
   b. All animal enclosures and beehives shall meet the minimum interior side and rear setback requirements for detached accessory buildings per Figure 5.01(2).
   c. No animal enclosure shall be located closer than 10 feet from the principal building.
   d. The minimum lot size for the keeping of farm animals is two acres (three acres for bees).
   e. The raising or keeping of farm animals shall be permitted at a density not to exceed one animal unit per every acre owned, not considering fractional amounts of acreage.
7. Within the AR and RM zoning districts:
   a. The keeping or raising or hogs or fur-bearing animals as an accessory use to the principal residential use, as opposed to a principal "Agricultural Use," shall not be permitted.
   b. The raising or keeping of farm animals shall be permitted at a density not to exceed one animal unit per every acre owned, not considering fractional amounts of acreage. The definition of an animal unit is in Section 94.17.04. The Zoning Administrator may approve modifications and exceptions to this animal unit density standard if, each year the normal density standard is to be exceeded, the land owner provides conservation compliance documentation from Marathon County signifying that the keeping of a higher density of animal units is in compliance with all NR 151 Agricultural Runoff Performance Standards and Prohibitions.

c. Animal enclosures may be no closer than 50 feet from any lot line, except that beehives and poultry houses for not more than eight chickens or ducks need only meet the minimum setback requirement for detached accessory buildings in Figure 5.01(2).

8. The keeping of bees shall be governed by the following additional regulations:
   a. No more than one beehive shall be kept for each 5,000 square feet of lot area.
   b. The front of any beehive shall face away from the property line of the residential property closest to the beehive. A "flyway barrier" consisting of a solid fence of six feet in height or a dense hedge at least six feet in height shall be placed along the side of the beehive that contains the entrance to the hive, be located within five feet of the hive, and extend at least two feet on either side of the hive. No such flyway barrier shall be required if all beehives are located at least 25 feet from all property lines.
   c. A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.
   d. No Africanized bees may be kept.

[Amended via Ord. 16-046, 12/21/2016; Ord. 17-034, 11/24/2017]

(11) **Company Cafeteria.**

A food service operation that provides food only to company employees and their guests, meets state food service requirements, and is located on the same property as a principal land use engaged in an operation other than food service.

(12) **Company Provided On-Site Amenities**

An accessory use located on the same site as a principal land use, with such accessory use providing an amenity or benefit reserved solely for the use of company employees, their families, and their occasional guests. Such accessory uses may be devoted to recreation, health, wellness, child care, training, and other similar employee and guest support activities as determined by the Zoning Administrator. The Zoning Administrator may also apply to a "Company Provided On-Site Amenities" use those performance standards in this Article that are normally applicable when such use is a principal use of a premises. Such uses may require further licensing by the State.

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

(13) **Indoor Sales Incidental to Storage or Light Industrial Land Use.**

Includes any retail sales activity conducted exclusively indoors that is incidental to a principal land use such as warehousing, wholesaling, or any "Light Industrial" land use on the same site.

Performance Standards:

1. The total gross floor area devoted to sales activity shall not exceed 25 percent of the total gross floor area of the buildings on the property. Areas devoted to uses such as custom ceramics, glass, wood, paper, fabric, and similar crafts may exceed 5,000 square feet with the granting of a conditional use permit.
2. The indoor sales area shall by physically separated by a wall from other activity areas.
3. Parking requirement: Adequate parking, per the requirements for "Indoor Sales or Service" land uses, shall be provided for customers. Said parking shall be in addition to that required for the "Light Industrial" or other uses on the lot.

(14) **Light Industrial Activities Incidental to Indoor Sales or Services.**

Any "Light Industrial" use conducted exclusively indoors that is incidental to another principal land use such as "Indoor Sales or Service" land use on the same site.

Performance Standards:

1. Must be conducted exclusively indoors and with doors and windows to the building closed.
2. Floor area devoted to light industrial activities must not exceed 20 percent of the total floor area of the buildings in the property, or 5,000 square feet, whichever is less.
3. Must be physically separated by a wall from other activity areas that are available for public access.
4. Must not generate any noise, odor, or vibration at any property line.
5. May only operate between the hours of 7 a.m. and 6 p.m., Monday through Friday.

(15) **Outdoor Display Incidental to Indoor Sales or Service.**

Any "Outdoor Display" use as defined in Section (d)(6) of this Section that does not exceed 15 percent of the total sales area of the principal building on the site, or 15 percent of the Gross Floor Area of the principal use(s) with which it is associated, whichever is less.

Performance Standards:

1. Shall comply with all conditions applicable to a principal "Outdoor Display" principal use.

(16) **Outdoor Alcohol Area.**

Outdoor Alcohol Areas are those that serve or allow for the consumption of alcohol outside of the principal structure, generally associated with an approved "Indoor Commercial Entertainment" use such as a restaurant, tavern, bar, and/or live music venue, but possibly also certain "Indoor Institutional" uses and other land uses. Examples of Outdoor Alcohol Areas include, but are not limited to, beer gardens and outdoor dining and recreational areas (e.g., volleyball courts) that allow the consumption of alcohol.

Performance Standards: The following standards shall apply to all Outdoor Alcohol Areas established or expanded after March 18, 2015, except as specifically indicated below:

1. In the zoning districts where they are allowed, Outdoor Alcohol Areas that are proposed to be within 300 feet of residentially zoned property and/or propose hours different than subsection 6 shall first require a conditional use permit, and all other Outdoor Alcohol Areas shall be a permitted use. In either case, all of the following standards shall be met.
2. Non-temporary Outdoor Alcohol Areas shall be set back a minimum of 100 feet from any residential use in any zoning district and provide a bufferyard meeting the requirements of Section 94.11.02(3)(d) along all property borders abutting residentially zoned property.
3. The maximum allowable area for an Outdoor Alcohol Area shall not exceed 50 percent of the indoor gross floor area where accessory to a principal "Indoor Commercial Entertainment" use.
4. As may be limited by State Statute or rule, the exterior of the Outdoor Alcohol Area shall be enclosed with a fence or wall, which shall be decorative except for temporary areas as determined by the Zoning Administrator. Emergency exits shall be provided in accordance with applicable Fire and Building Codes.
5. Except as a temporary use or in conjunction with a recreational use, an Outdoor Alcohol Area must be located on an impervious surface or hard all-weather decking material. No parking lot or driveway shall be used for any Outdoor Alcohol Area established or expanded after February 23, 2018, unless the pavement is professionally replaced or overlaid with a raised non-asphaltic material to establish the Outdoor Alcohol Area as a protected and deliberately designed space for persons outside of vehicles.
6. Except where otherwise specified by the conditional use permit, Outdoor Alcohol Areas shall not open earlier than 7 a.m. or remain open later than 11 p.m. on any day.

7. Except where otherwise limited by conditional use permit, Outdoor Alcohol Areas may play amplified music, whether live or recorded and may have speakers, microphones, televisions, or other audio or video devices provided all noise standards established in Section 94.12.13 are met.
8. Outdoor Alcohol Areas shall at all times comply with all applicable regulations concerning accessibility and nondiscrimination in the providing of service.
9. All applications for conditional use permit or site plan approval for an Outdoor Alcohol Area shall include operational details and site plan details addressing each of the requirements above in addition to the requirements for site plan review in Section 94.16.09. Any application for this use directly abutting a public right-of-way, parking lot, or driveway shall include details regarding the specific location of street, parking lot, or driveway improvements, and how the activity will be kept off of the street, parking lot, or driveway.
10. Each Outdoor Alcohol Area shall meet all state and local permit and license requirements before commencing operations and at all times during operation, including but not limited to a local liquor license and a Wisconsin Department of Health and Family Services to operate said establishment pursuant to Wis. Stat. Chapter 254.
11. Minimum Parking Off-Street Requirements: one space for every three persons at the maximum capacity of the Outdoor Alcohol Area. No conversion of space formally utilized for parking spaces to the Outdoor Alcohol Area shall reduce the number of parking spaces serving all uses on the premises below, or further below, the minimums under this chapter.

[Amended via Ord. 18-007, 2/23/2018; Ord. 19-001, 1/23/19]

(17) **Small Exterior Communication Device.**

Includes roof top antennas 15 feet in height or less as measured from the highest part of the roof to the top of the antenna and satellite dishes with an area of 7 square feet or less, generally used for television, radio, telephone, or internet reception, but allowable for other forms of transmission or reception (except for cellular and digital communication facilities).

Performance Standards:

1. Small Exterior Communications Devices shall meet setback standards applicable to accessory structures.
2. Small Exterior Communications Devices shall be erected and installed in accordance with the state electrical code adopted by reference in the National Electrical Code, Federal Communications Commission, and the instructions of the manufacturer.

(18) **Large Exterior Communications Device.**

Includes any apparatus capable of sending and/or receiving communications from a transmitter or a transmitter relay, and consisting of satellite dishes with a diameter greater than 7 square feet; antennas greater than 15 feet in height as measured from highest part of the roof to the top of the antenna; and/or ground-mounted antenna arrays. Does not include any commercial cellular and digital communication facilities that are mounted on a "Communications Tower," which instead is described and regulated as a principal use earlier in this Article.

Performance Standards:

1. No Large Exterior Communications Device shall be erected or installed within the front yard or street side yard. In non-residential districts, if reasonable reception of signals is not possible within an interior side or rear yard placement due to the physical characteristics of the lot and area, such facility may be placed in the front yard or street side yard, or on a building roof. Any ground-mounted device and its supporting structure shall be located a minimum of 10 feet from any interior side or rear property line.

2. There shall be not more than one Large Exterior Communications Device per residentially zoned lot. On residentially zoned lands, Large Exterior Communications Devices shall not be allowed on rooftops, and the total height of ground-mounted signal receiving devices and any platform or structure upon which said device is mounted or affixed shall not exceed 12 feet in height as measured from the ground to the highest point of the device.
3. Signal receiving antennas attached to any structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. The Zoning Administrator may require engineering calculations.
4. The signal receiving antenna shall not exceed 15 feet in diameter, except for systems used to provide community antenna television services or cellular transmission.
5. In non-residential zoning districts, ground-mounted signal receiving devices, including any platform or structure upon which said device is mounted or affixed, may not exceed 18 feet in height.
6. All such devices shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of 80 MPH.
7. Large Exterior Communication Devices shall be erected and installed in accordance with the Wisconsin State electrical code adopted by reference in the National Electrical Code, Federal Communications Commission, and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground installation. If a signal receiving antenna is to be used by two or more residential property owners, all interconnecting electrical connections, cables, and conduits must also be underground. The location of all such underground lines, cables, and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.
8. No form of advertising or identification sign or mural is allowed on the any part of the device other than the customary manufacturer's identification and warning plates.
9. Communications devices shall be filtered, positioned, and/or shielded so as to prevent the emission and reflection of any electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on the same or adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the communications device shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
10. Supporting structures and equipment for antennas and satellite dishes shall be screened with foundation landscaping, decorative fencing, or placement within a building.
11. The installation and use of all signal receiving antennas shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder.
12. In making a recommendation on each conditional use permit application for an amateur radio antennae that exceeds the one or more thresholds for a "Small Exterior Communications Device," the Plan Commission shall make reasonable efforts to formulate reasonable conditions and the minimal practical restrictions that will allow for the approval of such facilities and shall deny such application only if it finds that the requested use, if installed and operated in accordance with all reasonable conditions and restrictions, will cause a significant danger to the public safety or welfare. It shall be a condition to each conditional use permit for an amateur radio antenna that the operation of the amateur radio service using such antennae shall at all times be maintained in compliance with the applicable regulations and permit conditions issued by the Federal Communications Commission.

(19) **Geothermal Energy System (GES).**

A Geothermal Energy System (GES) is a central heating and/or cooling system that uses the moderate temperatures of subsurface ground or a body of water to assist with the heating or cooling of a building or a building's water. A GES requires an underground heat exchanger, in the form of a network of underground or underwater pipes or tubes filled with a liquid medium (refrigerant, water mixed with anti-freeze, or water). The liquid medium within the heat exchanger is transferred between a structure and the heat exchanger via pumps. In an Open Loop GES, ground or surface water is continuously drawn from an outside source through the heat exchanger pipes and discharged after use. In a Closed Loop GES, the system is designed so that heat exchanger fluid does not come in direct contact with soils, groundwater, or surface water.

Performance Standards:

1. Mechanical pumps used to move water between heat exchangers structures shall be located entirely within principal or accessory structures.
2. Underground GES pipes or tubes shall be set back a minimum of 10 feet from any lot line, public right-of-way, buried utility line, utility easement, and permanently protected natural resource area.
3. Underground GESs shall comply with state requirements regarding setbacks from private or public water wells.
4. Earth moving or drilling activities associated with installation or maintenance of the underground element of GES heat exchangers shall comply with applicable erosion control requirements.
5. Installation of a GES within a WHP Wellhead Protection Area Overlay District shall be allowed subject to review and approval by the Director of Public Works and in accordance with all applicable licensing and permit requirements.
6. All activities, materials, structures, and products associated with the installation and maintenance of a GES shall comply with applicable state-approved standards and drilling permit procedures and shall meet the certification standards established by the IGSHPA or other professional geothermal system accreditation association recognized by the State of Wisconsin. Materials shall be able to withstand long-term exposure to the levels of moisture and/or acidity of soils of the site.
7. Open loop GESs using only water as the heat exchange fluid shall be permitted. GESs may not be installed directly in a navigable body of water, and discharged water shall meet the state requirements for thermal and other water pollutants. Discharged water shall not be directed onto adjacent property or interfere with the function of on-site or off-site stormwater management structures.
8. In closed loop GESs, only heat exchange fluids certified by the State of Wisconsin for use with underground heat exchangers may be utilized. Heat exchange fluids shall not pose a contamination hazard to ground water quality. Fluids removed from closed loop heat exchangers shall be disposed of in accordance with State and Federal requirements and shall not be discharged onto neighboring properties.

(20) **Small Wind Energy System.**

Equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy with an installed nameplate capacity of not more than 100 kilowatts each and a total installed nameplate capacity of not more than 300 kilowatts.

Performance Standards: The following performance standards shall apply to any new Small Wind Energy System, and to any expansion or other material change to any existing Small Wind Energy System:

1. Shall be subject to all definitions, provisions, and requirements of Wis. Admin. Code PSC § 128 and Wis. Stat. § 66.0401 that are applicable to Small Wind Energy Systems, including the owner's and the Village's responsibilities under such requirements, except as limited by the standards below.
2. The height and setback of a Small Wind Energy System near airports, heliports, or helipads shall be as follows:
   a. If near a public use airport, shall comply with Wis. Stat. §§ 114.135 or 114.136, or if no applicable height or setback provision is contained in such sections, shall comply with Federal Aviation Administration obstruction standards in 14 CFR Part 77.
   b. If near a private use airport or private heliport/helipad at a medical facility used for air ambulance service, shall comply with Federal Aviation Administration obstruction standards for private use airports or public use heliports/helipads, respectively.
   c. If the Small Wind Energy System includes turbine-mounted lighting, such lighting shall include shielding or control systems approved by the Federal Aviation Administration to reduce visibility of lighting to individuals on the ground, to the extent determined practical by the Zoning Administrator.
3. No Small Wind Energy System, or an expansion or material change to an existing System, shall be constructed prior to obtaining zoning and building permits. In addition to meeting zoning permit and building permit application requirements, the applicant shall submit all application materials required under Wis. Admin. Code PSC §128.30(2), as limited for Small Wind Energy Systems by Wis. Admin. Code PSC §128.60, along with information showing that the applicant has complied with the notice requirements in Wis. Admin. Code PSC §128.105 and Wis. Admin. Code PSC §128.30(5), with such notices also providing contact information for the Zoning Administrator.
4. After receiving an application for zoning and building permit approval for a Small Wind Energy System (or expansion or material change thereto), the Zoning Administrator shall:
   a. Determine the completeness of the application, and notify the applicant in writing whether the application is complete or incomplete no later than 15 days after the day the application is filed.
   b. Publish a Class I notice per Wis. Stat. §66.0401(4)(a)1, including a brief description of the proposed Small Wind Energy System, its proposed location, the locations where the application is available for public review, the method and time period for the submission of public comments, and the approximate schedule for review of the application by the Village.
   c. Make the application available for public review at the nearest public library to the proposed installation and at the Zoning Administrator's office.
   d. Accept written public comments on the application for 20 days after the Class I notice is published, or until the administrative hearing is held, whichever is later.
   e. Prior to action on the zoning and building permit, conduct an administrative hearing to obtain comments on and to inform the public about the proposed Small Wind Energy System.
   f. Either grant or deny the land use permit within 60 days of the submittal of a complete application.
5. The Village may hire professional consultants to assist with the review and processing of the application. In addition to paying the required permit fees, the applicant for any Large Wind Energy System shall reimburse the Village for such consultant time, within 30 days of receipt of

an invoice from the Village, per the requirements and limitations in Wis. Admin. Code PSC § 128.32(5)(b).

6. Per PSC 128.33(5), the Zoning Administrator may require a written report from the owner of an approved Small Wind Energy System, no greater than once per year, documenting compliance over the previous calendar year with the requirements of this Chapter, Wis. Admin. Code PSC §128, Wis. Stat. § 66.0401, approved plans, conditions of approval, the requirement to maintain the System in good repair and operating condition; including all necessary state and federal permits and approvals; and including the maintenance log for each wind turbine. The log must contain the date and time maintenance was performed, the nature of the maintenance performed, and the reason for the maintenance. Such written report shall be provided within 60 days of Zoning Administrator request.
7. In the event that the Village determines that a Small Wind Energy System does not comply with the requirements of this Chapter, Wis. Admin. Code PSC §128, Wis. Stat. § 66.0401, approved plans, conditions of approval, and the requirement to maintain the System in good repair and operating condition, the zoning and building permits may be revoked per normal procedures associated with such permits.
8. Consistent with Wis. Admin. Code PSC §§128.12(2) and128.18(3)(am), and Wis. Stat. Chapter 91, in the FP zoning district, the Small Wind Energy System shall be subject to the following additional standards:
   a. The use and its location are consistent with the purpose of the FP district.
   b. The use and its location are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
   c. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(21) **Small Solar Energy System.**

A Small Solar Energy System is an energy system that converts solar energy to usable thermal, mechanical, chemical, or electrical energy, where such solar energy system is accessory to the principal use of the lot (such as a solar panel system providing energy for a dwelling on the same lot), and primarily supplies energy to such principal use.

Performance Standards:

1. Rooftop, ground-mounted, and building-mounted solar energy systems shall comply with the height limits and minimum required yards for principal structures.
2. The requirements of Wisconsin Statutes, including but not limited to Wis. Stat. §§ 66.0401 and 66.0403, shall apply to all Small Solar Energy Systems.

(22) **Outdoor Solid Fuel Furnace.**

An outdoor accessory structure designed to heat air or water through a fire and then transmit that heated air or liquid to a different structure for direct use and/or structural heating.

Performance Standards:

1. Shall be set back a minimum of 75 feet from all property lines and roads and 100 feet from any dwelling unit on an adjacent property.
2. If less than 300 feet from any dwelling unit on an adjacent property, the smoke stack shall be required to be raised to the height of the roofline of the dwelling that the furnace serves and a Class A (triple wall) chimney pipe shall be installed to facilitate the dispersion of smoke.
3. Shall be prohibited on lots less than three acres in area.

4. Fuel shall only be natural wood (not painted, stained, or treated), wood pellets, corn products, biomass pellets or other listed fuels specifically permitted by the manufacturer's instructions, such as fuel oil, coal, natural gas or propane backup.
5. Shall be required to have a spark arrestor if the manufacture's specifications allow such spark arrestor.
6. Shall comply with SPS 323.045, Wis. Adm. Code, and the Uniform Dwelling Code. Design shall also be laboratory tested and listed to comply with appropriate safety standards, such as Underwriters Laboratories or American National Standards Institute standards.
7. Shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this Chapter. In the event of a conflict, the requirements of this Chapter shall apply unless the manufacturer's instructions are stricter in which case the manufacturer's instructions shall apply.

(23) **Private Lake (Pond).**

A manmade water body containing water year-round.

Performance Standards:

1. The slope of the proposed pond is no steeper than three to one.
2. The perimeter of the pond and all other associated disturbed areas shall be planted to vegetation within five days of completion of the excavation or construction. In cases where pond construction occurs during frozen soil conditions the establishment of vegetation cover may be delayed until soils have thawed.
3. The private lake or pond must meet the setback requirements normally applicable to a principal building in the associated zoning district.
4. The stocking of a private lake or pond with fish for personal use shall be permitted. Commercial fish hatcheries shall be regulated as an "Agricultural Use." Commercial fishing ponds shall be regulated as an "Outdoor Commercial Entertainment."

(24) **Vehicle Course or Track.**

Any privately-operated track, course, circuit, strip, or loop designed for use by motorized vehicles such as automobiles, trucks, ATVs, motorcycles, motocross bikes, "dirt bikes," snowmobiles, go-carts, or boats, where an accessory use. Such uses occasionally are operated for recreational purposes for family use. This use shall meet the following performance standards:

Performance Standards:

1. Minimum lot size shall be 5 acres.
2. If such use abuts any residentially zoned or used property, all track facilities shall be located a minimum of 200 feet from such property and such use shall not be permitted to have night lighting nor operate between 8 p.m. and 8 a.m.
3. Such uses may be subject to enforcement actions under nuisance law and Article 12 for noise, dust, or other impacts.

(25) **Donation Drop-Off Box or Vending Machine.**

A free-standing receptacle located outside of a building that is used either to (a) automatically dispense small consumer goods, such as beverages, candy, and DVDs, when money is inserted, or (b) collect clothing, shoes, or other contributions, generally collected from persons not occupying the premises on which the receptacle is located and with such contributions generally intended for reuse elsewhere. The term does not include a trash container or recycling bin designed to contain waste from a household, business, or other land use on the same premise.

Performance Standards: The following standards shall apply to all Donation Drop-Off Box or Vending Machines installed after March 18, 2015, and for pre-existing installations to the extent determined practical by the Village approval authority in cases where site plan approval is required for a new or expanded activity on the parcel per Section 94.3.03(10):

1. Shall require issuance of a zoning permit prior to installation, which shall be issued only upon evidence of compliance with this subsection and receipt of written authorization by the property owner, or his legal representative.
2. Shall be setback from property lines a distance equal to accessory buildings in the district.
3. Must be placed on a hard, all-weather surface.
4. Shall not obstruct pedestrian or vehicular circulation nor be located in a public right-of-way or approved parking space.
5. Shall not be placed in a fire lane, loading zone, or any other location that may cause hazardous conditions, constitute a threat to the public safety, or create a condition detrimental to surrounding land uses and developments.
6. May be constructed of painted metal, rubber, wood, or plastic and shall be properly maintained in a safe and good condition.
7. Shall not be accompanied by any items stored or left outside of the container that houses the Donation Drop-Off Box or Vending Machine. The area around each Donation Drop-Off Box or Vending Machine shall be maintained by the property owner, free of litter and any other undesirable materials. All donated items must be collected and stored in the Donation Drop-Off Box.
8. Each Donation Drop-Off Box shall:
   a. Have a firmly closing lid.
   b. Have a capacity no greater than six cubic yards.
   c. Not exceed seven feet in height.
   d. Be clearly marked to identify the specific items and materials requested to be left for donation, the name of the operator or owners of the donation container, and a telephone number where the owner, operator or agent of the owner or operator may be reached at any time.
   e. Display a notice stating that no items or materials shall be left outside of the Donation Drop-Off Box.
9. Each Donation Drop-Off Box or Vending Machine not located or maintained in compliance with this Article shall be subject to revocation of the zoning permit or other enforcement actions under this Chapter.

Section 94.4.10: Temporary Land Use Types

(1) **Temporary Outdoor Sales.**

Includes the short-term display and/or sale of any items outside the confines of a building. Examples of this land use include but are not limited to seasonal garden shops, tent sales, flea markets, and church sales. This category does not include "Garage, Yard, Estate, and In-Home Sales", "Seasonal Outdoor Sales of Farm Products" (including farmers markets) or "Drive-in or Drive-Through Sales or Service."

Performance Standards:

1. Each such use shall not exceed 120 days in any calendar year, except via Plan Commission approval of a site plan under Section 94.16.09.

2. In commercial and industrial zoning districts, the products displayed and sold outdoors shall be of the same general nature as the permanent retail activity conducted on the property.
3. Within the PR district and within public parks in other zoning districts, Temporary Outdoor Sales are permitted only in conjunction with a Village approved festival or other event.
4. There shall be no evidence of the Temporary Outdoor Sales use 24 hours before or after the sales are permitted, either on-site or off-site.
5. No fireworks stands are permitted.
6. Hoop buildings and structures of similar design shall be a permitted for a maximum of five consecutive days within a 30-day period, shall comply with Chapter 34, Fire Prevention and Protection, and shall in non-residential and mixed-use zoning districts require a tent permit from the Fire Department.
7. The applicant and operator shall comply with temporary use review and approval procedures in Section 94.16.07. A temporary use permit shall only be issued to the owner/operator of the associated permanent use of the property.
8. The applicant or operator shall provide a layout of the activities, and additional details if requested by the Zoning Administrator.

(2) **Garage, Yard, Estate, and In-Home Sales.**

Includes the short-term display and sales of household products in a residence, residential garage, driveway, or yard, whether for one or multiple families.

Performance Standards:

1. Shall be limited to properties in residential use.
2. Shall be permitted in association with a two-family and multiple family residence only in a private driveway from the residential unit to the public street or in a garage serving a two- to four-unit building. Sales within parking lots, common driveways, or yard areas of two-family or multiple family residences are not permitted.
3. May only be conducted by or on behalf of the occupants of the residence.
4. Shall be limited to a maximum of four sales per year, with a maximum duration of three days per sale.
5. Shall not require a temporary use review and approval under Section 94.16.07.
6. No hoop buildings or structures of similar design shall be used in conjunction with the sale.
7. Signs shall meet applicable one-time event sign standards in Section 94.13.08 No sign shall be placed in the public right-of-way, except with the express consent of the Zoning Administrator.

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

(3) **Outdoor Assembly or Special Event.**

Includes any organized assembly of more than 200 persons, outdoors, including church festivals, community events, and other similar activities open to the public, but excluding one-time and occasional auctions, weddings, funerals, family reunions, and other similar private events. Also includes special events as defined in Chapter 67 of the Code.

Performance Standards:

1. Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
2. Adequate parking, drinking water, toilet facilities, and crowd control shall be provided.

3. If the subject property is located within or adjacent to a residentially zoned area, activities shall be limited to daylight hours, unless licensed for longer hours.
4. Each such use or activity shall not exceed 14 days per quarter.
5. The applicant and operator shall comply with temporary use review and approval procedures in Section 94.16.07.

(4) **Contractor's Project Office.**

Includes any structure containing an on-site construction management office for an active construction project.

Performance Standards:

1. Facility may be installed no sooner than 10 days before construction commences and shall be removed within 10 days of issuance of an occupancy permit for all structures on the construction site.
2. The applicant shall comply with temporary use review and approval procedures in Section 94.16.07.

(5) **Contractor's On-Site Equipment Storage Facility.**

Includes any structure or outdoor storage area designed for the on-site storage of construction equipment and/or materials for an active construction project.

Performance Standards:

1. Facility may be installed no sooner than 10 days before construction commences and shall be removed within 10 days of issuance of an occupancy permit for all structures on the construction site.
2. The applicant shall comply with temporary use review and approval procedures in Section 94.16.07.

(6) **Relocatable Building.**

Includes any manufactured building that serves as a temporary building, supplementing permanent buildings on the site, but not including other temporary uses or buildings included in this Section. Examples include temporary classrooms and temporary manufacturing facilities.

Performance Standards:

1. The building shall conform to all setback and height regulations for principal buildings in the associated zoning district, as provided in Article 5.
2. The building shall conform to all building code regulations.
3. Each such building shall not be placed on a site for more than 120 days in any calendar year, except by conditional use permit.
4. The applicant shall comply with temporary use review and approval procedures in Section 94.16.07.

(7) **On-Site Real Estate Sales Office.**

Includes any building that serves as an on-site sales office for a development project.

Performance Standards:

1. Facility may be installed no sooner than 10 days before construction commences.
2. The office shall be removed or converted to a permitted land use within 10 days of the completion of sales activity.

3. The applicant shall comply with temporary use review and approval procedures in Section 94.16.07.

(8) **Seasonal Outdoor Sales of Farm Products.**

Includes outdoor display and sales of farm products on a seasonal basis as an accessory use, including but not limited to seasonal roadside stands, farmers markets, and Christmas tree lots.

Performance Standards:

1. Outside of agricultural zoning districts, such uses shall be limited to the sale of holiday trees and associated products, except where conducted by organizations that are tax-exempt under Section 501(c)(3) of the Internal Revenue Code.
2. The display of products shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
3. If subject property is located adjacent to residentially zoned property, sales and display activities shall be limited to daylight hours.
4. Each such use shall not exceed 120 days in any calendar year.
5. Roadside stands, less than 200 square feet in area, shall be set back a minimum of 30 feet from the existing road right-of-way line and 20 feet from any other lot line.
6. Shall comply with temporary use review and approval procedures in Section 94.16.07.

(9) **Temporary Portable Storage Container.**

A portable storage container designed and used primarily for temporary storage of household goods and other such materials for use on a limited basis on residential property. Also known as a "pod."

Performance Standards:

1. The container shall be permitted on the property for up to 30 days associated with each change of occupancy as defined by a recorded change in property ownership or valid lease.
2. The Temporary Portable Storage Container cannot encroach on the public right-of-way, neighboring property, sidewalk, or be placed in the street. The unit must be sited on a hard surface as defined in Section 94.17.04.
3. Shall comply with temporary use review and approval procedures in Section 94.16.07.

(10) **Temporary Shelter.**

Shelters that are typically supported by poles, have a fabric, metal, or vinyl roof and/or sides, and are usually used to shelter automobiles, boats, recreational vehicles, temporary sales use, and gatherings of people on a temporary basis. These structures are not designed for the snow loading that can occur during the winter months.

Performance Standards:

1. Shall be a permitted as a temporary use only, for a maximum of five consecutive days within a 30-day period.
2. Shall comply with Chapter 34, Fire Prevention and Protection of the Code.
3. Shall comply with temporary use review and approval procedures in Section 94.16.07.

(11) **Temporary Agricultural Structure.**

Temporary structures normally accessory and incidental to farming operations.

Performance Standards:

1. Shall be a permitted as a temporary use only, for a maximum of 180 days.

2. The parcel the structure is proposed to be located on shall be a minimum of 40 acres in area.
3. The structure shall conform to the underlying zoning district's setback regulations.
4. The structure must be affixed to the ground or a structure to prevent the wind from relocating the structure.
5. Need not comply with temporary use review and approval procedures in Section 94.16.07.

(12) **Temporary Unscreened Outdoor Storage Accessory to an Industrial Use.**

Provisions for the temporary unscreened or marginally screened outdoor storage of products, equipment, or supplies used by a principal "Light Industrial" or "Heavy Industrial" use on the same property, intended to address one-time and rare occasions of heavy activity in the business.

Performance Standards:

1. Shall be a permitted as a temporary use only, for a maximum of 90 days.
2. The building shall conform to all setback regulations for principal buildings.
3. Must be sited on a hard surface or gravel surface.
4. Shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
5. The Zoning Administrator may limit such storage to only those uses and lots where a site plan approved after March 18, 2015 designated the possibility of a Temporary Unscreened Outdoor Storage Accessory to an Industrial Use.
6. The Zoning Administrator may require measures to screen or buffer the storage area, or direct the placement to a location that minimizes visual impact, to the extent practical.
7. Shall comply with temporary use review and approval procedures in Section 94.16.07.

(13) **Temporary Sales by Mobile Food Vendors**

Includes the short-term sale of products and foods outside the confines of a building. Foods and beverages are made by the licensed mobile food vendor. Examples of this land use category include, but are not limited to, mobile retail food establishment, temporary retail food establishment, pushcart, ice cream vendor and temporary food stands. This category does not include "Seasonal Sales of Farm Products" (including farmers' markets), "Drive-in or Drive-through Sales or Service," or licensed mobile food vendors associated with a licensed and approved "Outdoor Assembly or Special Event."

Performance Standards:

1. Each such use shall require the issuance of a "Mobile Food Vendor" License from the Village Clerk per Section 18.148 of the Municipal Code.
2. Vending shall only be permitted to operate between the hours of 7:00 a.m. and 30 minutes after the provided closing hours for Class "B" licensed alcohol establishments as provided in Wis. Stat. §125.32(3).
3. No mobile food vending unit may be set up at any one location for more than a 7-day period. Mobile food vending units that operate out of a motorized vehicle shall be parked in a parking stall overnight as to not inhibit traffic flow.
4. All mobile food vendor units shall be located on a hard or gravel surface, as defined by this Chapter.
5. All mobile food vendor units shall adhere to the setbacks of the hard or gravel surface of the respected zoning district as defined in Figure 5.02(2) Non-residential District Setbacks and Height Standards within this Chapter.
6. Written permission from the property owner or designee granting the permission to vend food from a mobile food vending unit on their property.

7. No mobile food vendor unit shall be located or operate within a rural, open space or residentially zoned district, with the exception of the PR – Parks and Recreation district or unless the mobile food vendor is identified under Section 18.148(d)(2) of Licensing.
8. No mobile food vendor unit shall be located or operate within the right-of-way, which includes, but not limited to, the street and sidewalk, with the exception of a mobile ice cream vendor. No vending shall be made in a public street from a vehicle or other on-street unit except from the curbside of said vehicle or on-street unit. Vehicle or pedestrian flow shall not be impeded in any way. All vending from the right-of-way shall cease at sunset.
9. No mobile food vendor unit shall be located within 10 feet of a fire hydrant or designated bus stop and shall not be located within the vision triangle as described in Chapter 71.
10. No mobile food vendor unit shall be located on the same parcel or any adjacent parcel where a business is selling the same or similar products during the hours of operation of said business, unless written permission is granted by the owner of said business and such documentation is provided with the required application.
11. No mobile food vendor unit shall be located or operating within 1000 feet of school property during school hours, unless written permission is granted by the school superintendent or designee and such documentation is provided with the required application.
12. It shall be prohibited for any mobile food vendor units to be connected to any public source of water, sewer or electricity.
13. The utilization of public property, such as light poles, utility pole, planters is prohibited.
14. The utilization of a drive-up or drive-through window for motorized vehicles is prohibited.
15. The licensee or designated operator of the mobile food vendor unit shall be present at all times during which food is being displayed and sold, except that the operator may leave his/her vending location and mobile vending unit unattended during lawful vending hours for a maximum of 30 minutes per day.
16. The Everest Metropolitan Police Department or the Village shall have the authority to remove or cause the removal of any mobile food vendor unit, any of its accessories or product that is in violation of this chapter or poses a risk to the health, safety or welfare of the general public. In addition to any forfeiture that may be imposed, the violator shall also be liable for any removal, towing and storage charges incurred by the Village or any of its associated agencies as a result.
17. Any signs that are attached to the mobile vending unit are exempt from the requirements of filing a sign permit but shall adhere to all regulations within Article 13.

[Amended via Ord. 16-021, 4/20/2016]

(14) **Temporary Asphalt, Batch or Concrete, Stone Crushing and/or Processing Operations**

Where not accessory to a non-metallic mineral extraction operation, this temporary use shall be proposed in conjunction with and exclusively serving a specific public highway or road improvement, other public works project, or large scale construction project warranting on-site processing in the Zoning Administrator's opinion that benefits the Village and/or the Extraterritorial Zoning District, subject to the issuance of a temporary use permit and the following performance standards.

Performance Standards:

1. The permitted length of time of operation are as follows:
   a. All temporary use permits within the Village for any such operation shall not exceed a six-month (6) period.
      i. An extension of the permit may only be considered for up to one year by conditional use permit. Projects proposed to exceed 1-year must qualify as a Solid Waste Disposal, Composting and/or Recycling Facility as defined in Section 94.4.06(5).

b. All temporary use permits within the Extraterritorial Zoning District for any such operation shall only be considered by conditional use permit.
   i. Projects proposed to exceed 1-year must qualify as a Solid Waste Disposal, Composting and/or Recycling Facility as defined in Section 94.4.06(5)

2. Batch plants and material processing operations shall only be permitted as a temporary use within the AR *Agriculture and Residential* district, Non-Residential, and Mixed-Use Districts; or within a Subdivision where the preliminary plat has been approved or construction phase authorized within the preceding year.
3. All temporary use permit applications shall include detailed site and operational plans, which describe the specific nature of the proposed operation, justification for why the operation needs to be performed on-site; the specific project(s) which the operation would supply; types and quantities of materials and processes; types, quantities, and frequency of use of equipment to move, process, and haul materials within and to and from the site; where materials would be hauled from and to and over what routes and roads; any special measures that will be used for spill prevention and control, dust control, and environmental protection; methods to keep all public roads free of all mud, debris, and dust; number of employees; proposed days and hours of operation; proposed time length of operation; other state, county, or federal permits required; public safety measures including fencing; evidence of adequate insurance, and contact information for all on-site managers/supervisors.
4. All applications shall include a detailed map of the impacted areas showing the designated truck routes and frequency of travel. All off-site travel shall be restricted to arterial and collector streets and highways unless prior written approval is received from the Director of Public Works to use other streets.
5. A bond or other performance guarantee for such work may be required as part of the temporary use permit provided that a clear relationship is established between the operation and the need for road upgrades, repair, and maintenance.
6. All applications shall include a detailed site plan in accordance with Section 94.16.09 and shall also include the following:
   a. Location of all fences or other screening mechanisms;
   b. Location of processing equipment and areas and material and equipment storage areas;
   c. The proposed type and amount of material being processed and/or stored;
   d. Employee parking; and
   e. An erosion control plan, drawn to scale by a professional engineer, meeting all applicable Village, State, and County requirements.
   f. Other location-specific items required under subsection 3 indicated.
7. Driveway access of the operation shall adhere to Section 94.12.08 and Chapter 71 of the Municipal Code.
8. Batch plants and material processing operations proposed within 1,000 feet of any residential land use (not including undeveloped subdivisions) shall also have to obtain a conditional use permit per Section 94.16.06.
9. On-site bulk fuel storage areas and areas for fueling of equipment shall be located in accordance with the Wisconsin Administrative Code and State Statutes. Fuel storage located within the Wellhead Protection Zones shall require a conditional use permit per Section 94.6.03 to minimize the potential for groundwater contamination.
10. Depending on the nature of the use, the Zoning Administrator may require a reclamation plan clearly depicting the restoration of the property, proposed contours, depth of topsoil, vegetative cover and the proposed land use. A bond or letter of credit may be required to cover the costs of

reclamation in the event that the applicant fails to complete the process or is unable to due to other circumstances. The amount is determined by the preexisting conditions of the site.

11. At maximum, the operation of the batch plants and material processing uses shall be permitted between the hours of 7:00AM through 5:00PM, Monday through Friday; and between 7:00AM and 12:00PM on Saturday. Transportation of materials to and from the site shall not occur outside of these hours when within 1,000 feet of an existing residential land use. The entire project area shall be screened from view from all neighboring parcels and rights-of-way.
12. To prevent tracking of mud onto public roads, access driveways shall be hard surfaced within one 100 feet of public roads, unless the adjacent road is not hard surfaced. This requirement may be satisfied with the use of a tracking pad as part of the erosion control plan.
13. Material processed on site shall be only used for the project specified on the permit application. If it has been determined by the Zoning Administrator that other activities are occurring within the proposed site area unrelated to the specified project the temporary use permit shall be revoked.
14. All public roads to all operations shall be kept free of all mud, debris, and dust.
15. Operation sites and driveways shall be sprayed to control dust, except when the temperature is below freezing. All operations and sites shall also meet the air pollution standards in Section 94.12.14.
16. Minimum Required Off-Street Parking: one space per each employee on the largest work shift.

[Amended via Ord. 16-032, 8/18/2016]

VILLAGE OF WESTON, WISCONSIN
AGENDA ITEM COVER SHEET / REQUEST FOR CONSIDERATION

DESCRIPTION:	March & April Staff-approved Certified Survey Maps and Site Plans.
FROM:	Jennifer Higgins, Director of Planning & Development Valerie Parker, Planning Technician
FOR REVIEW BY:	Plan Commission, 05/11/2020
POLICY QUESTION:	Should the PC acknowledge the staff approvals as submitted by the Department?
ISSUE-IN-BRIEF:	March & April Staff-approved Certified Survey Maps and Site Plans.
FISCAL IMPACT:	TBD.
GUIDANCE:	Director of Planning & Development recommends the PC acknowledge the report and place on file.
PRIOR REVIEW:	No previous public review.
REQUEST:	Acknowledge and place on file.

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

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

List of CSM's and Site Plans Approved by Staff Since the last PC Meeting:

Certified Survey Maps –

#20200109 Select Choice, LLC (Lokre), Land Reconfiguration – 6001 Alderson Street

#20200126 Willow Street Estates, Land Combination – 5420, 5506, & 5510 Willow Street

Site Plans –

#20191332 T&A Hoffmann, LLC, 6005 Mesker Street – Addition of multi-storage unit and office space

#20200066 Lewis Construction, 9307 Camp Phillips Road – Addition of 12,000 sq. ft. building

VILLAGE OF WESTON, WISCONSIN
AGENDA ITEM COVER SHEET / REQUEST FOR CONSIDERATION

DESCRIPTION:	Report re: March & April 2020 Building Permits
FROM:	Jennifer Higgins, Director of Planning & Development Scott Tatro, Building Inspector Roman Maguire, Property Inspector
FOR REVIEW BY:	Plan Commission, 5/11/2020
POLICY QUESTION:	Should the PC acknowledge the March & April 2020 building permits issued as submitted by the Department?
ISSUE-IN-BRIEF:	Monthly report from the Planning & Development Department – Building Inspections Division.
FISCAL IMPACT:	**2020 Building Permits to date (5/6/20)** **328 total permits issued (321 Village, 5 Town, 2 Rothschild)** **$53,125 in permit fees received with a valuation of $11,094,845** **In the Village of Weston-** **321 permits** **$44,995 in permit fees received** **$9,946,099 in permit valuation**
GUIDANCE:	Director and Inspectors recommend the PC acknowledge the report and place on file.
PRIOR REVIEW:	No previous public review.
REQUEST:	Acknowledge and place on file.

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

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

March & April 2020 Building Permits Issued Report

March & April 2020 Permit Total Report Code

Permits Issued

Date From 03/01/20 and Date To 03/31/20

Permit #	Templates	Permit Address	Parcel ID	Owner Name	Contractor	Finished Sq Ft	Issue Date	Valuation	
176									
202000191	Excavation	9904 ALDERSON ST, ROTHSCHILD	17628083119974	DAVID A WOLF	Wisconsin Public Service Corporation		03/18/2020		$75.00
202000142	Special Assessment	2211 WESTON AV, ROTHSCHILD	17628083011005	ANTHONY SNOEYENBOS	Runkel Abstract & Title Co		03/05/2020		$40.00
						176 Permits Issued			2
						176 Permits Fees			$115
						176 Permits Valuation			
Town of Weston									
202000237	WUBPA	162895 ROSS AV, WESTON	08228080130983	Jordan Becker	TIMBER RIDGE BUILDERS LLC	2,223	03/30/2020	$200,000	$4,630.00
						Town of Weston Permits Is			1
						Town of Weston Permits F			$4,630
						Town of Weston Permits V			$200,000
Village of Weston									
202000148	Commercial Building	5604 JAMAR ST, WESTON	19228081640991	GLORIA J FENHAUS	Dun-Rite Exteriors		03/06/2020	$5,000	$200.00

Permits Issued

Date From 03/01/20 and Date To 03/31/20

Permit #	Templates	Permit Address	Parcel ID	Owner Name	Contractor	Finished Sq Ft	Issue Date	Valuation	
202000238	Commercial Building	5620 BUSINESS HIGHWAY 51, WESTON	19228081830038	WSI Properties LLC	WSI Properties LLC		03/30/2020	$10,000	$100.00
202000146	Commercial Building	6500 ALDERSON ST, WESTON	19228081910994	D C EVEREST AREA SCHOOL DISTRICT	SMA Construction Services		03/05/2020	$2,750,000	$1,000.00
202000183	Electrical	6500 ALDERSON ST, WESTON	19228081910994	D C EVEREST AREA SCHOOL DISTRICT			03/17/2020		$2,000.00
202000167	Electrical	3910 SCHOFIELD AV, WESTON	19228081740894	3910 SCHOFIELD AVEUE LLC	Croker Electric, LLC		03/11/2020		$150.00
202000239	Electrical	5620 BUSINESS HIGHWAY 51, WESTON	19228081830038	WSI Properties LLC	WSI Properties LLC		03/30/2020		$160.00
202000242	Electrical	7805 CALLON AV, WESTON	19228082320995	EVAN D JOHNSON SR SHARON M LYON			03/31/2020		$55.00
202000200	Electrical	6806 LANG LN, WESTON	19228081540990	INCREDIBLE BANK	BEST-1 PLUMBING & HEATING INC		03/23/2020		$55.00
202000208	Electrical	2813 JOSEPH AV, WESTON	19228081730009	JOHN L STONE	FLOYD J MOORE		03/23/2020		$55.00
202000189	Electrical	5303 COLLEEN AV, WESTON	19228081610073	CHRISTOPHER OLSON	Thor Electric		03/18/2020		$55.00
202000216	Excavation	5407 VOLKMAN ST, WESTON	19228081830989	JAMES M SHELBRACK DEANN M SHELBRACK	Wisconsin Public Service Corporation		03/24/2020		$75.00
202000215	Excavation	7805 CALLON AV, WESTON	19228082320995	EVAN D JOHNSON SR SHARON M LYON	Wisconsin Public Service Corporation		03/24/2020		$75.00
202000186	Excavation	6300 BIRCH ST, WESTON	19228082010996	MHWI COLONIAL GARDENS OF WESTON LLC	Wisconsin Public Service Corporation		03/18/2020		$150.00
202000209	Excavation	Right of Way	Timber St; Sunset St; Arrow St		Wisconsin Public Service Corporation		03/24/2020		$0.00
202000195	Excavation	Right of Way	Timber St & Sternberg Ave		Wisconsin Public Service Corporation		03/19/2020		$0.00
202000194	Fence	3710 SANDY LN, WESTON	19228080940175	Alan Sunie			03/18/2020	$3,000	$30.00

Permits Issued

Date From 03/01/20 and Date To 03/31/20

Permit #	Templates	Permit Address	Parcel ID	Owner Name	Contractor	Finished Sq Ft	Issue Date	Valuation	
202000190	Fence	6210 VON KANEL ST, WESTON	19228082120147	MICHAEL VAN OFFEREN			03/18/2020	$5,745	$30.00
202000240	General	6005 MESKER ST, WESTON	19228081640107	T & A HOFFMANN LLC			03/31/2020	$420,000	$200.00
202000187	General	5620 BUSINESS HIGHWAY 51, WESTON	19228081830038	JUNION LLC	WSI Properties LLC		03/18/2020	$50	$0.00
202000188	General	5721 BUSINESS HIGHWAY 51, WESTON	19228081831027	WSI PROPERTIES LLC	WSI Properties LLC		03/18/2020	$50	$0.00
202000180	General	No Address		Village of Weston	Village of Weston		03/12/2020	$1,100	$0.00
202000164	Home Improvement	6402 CREEL DR, WESTON	19228081010010	CLARK K REETZ SUSAN M REETZ			03/10/2020	$7,000	$135.00
202000241	Home Improvement	4602 CREST RIDGE AV, WESTON	19228082120132	XANG LOR KIA LOR			03/31/2020	$7,000	$245.00
202000210	Home Improvement	1316 NEUPERT AV, WESTON	19228081830974	PERRY G HENCH JEAN M HENCH	4 Squared Construction		03/24/2020	$10,000	$270.00
202000236	Home Improvement	4302 RIVER BEND RD, WESTON	19228081030078	SHARI L MARKOFSKI	Robert Ross Construction, LLC		03/30/2020	$28,000	$105.00
202000201	HVAC	6806 LANG LN, WESTON	19228081540990	INCREDIBLE BANK	BEST-1 PLUMBING & HEATING INC		03/23/2020	$6,200	$30.00
202000192	HVAC	6500 ALDERSON ST, WESTON	19228081910994	D C EVEREST AREA SCHOOL DISTRICT	Fore-Front Mechanical Inc.		03/18/2020	$2,200,000	$100.00
202000166	Interior Remodel	6707 ALTA VERDE ST, WESTON	19228081910121	JANE E BORCHARDT	KEN BAUER CONSTRUCTION LLC		03/11/2020	$8,000	$110.00
202000244	Lateral	6001 MESKER ST, WESTON	19228081640107	T & A HOFFMANN LLC			03/31/2020		$545.00
202000159	Minor Home Improvement	3102 BEVERLY LN, WESTON	19228080830010	JAMES W SIPPL LINDA J SIPPL	MSR&I Construction		03/06/2020	$1,800	$50.00
202000196	Minor Home Improvement	5203 SCOTT ST, WESTON	19228081610127	GREGORY G HOFFMANN MARY E HOFFMANN			03/19/2020	$2,800	$50.00
202000230	Minor Home Improvement	4710 ROSS AV, WESTON	19228081620961	CAROL C BAUMANN	BAUMANN PLUMBING & HEATING		03/25/2020	$5,500	$50.00

Permits Issued

Date From 03/01/20 and Date To 03/31/20

Permit #	Templates	Permit Address	Parcel ID	Owner Name	Contractor	Finished Sq Ft	Issue Date	Valuation	
202000199	Minor Home Improvement	5008 SUNSET ST, WESTON	19228081620059	OLIVER K BURROWS III DONNA MAE A BURROWS			03/20/2020	$7,500	$50.00
202000233	Minor Home Improvement	6110 LAWNDALE ST, WESTON	19228081910048	ANDREW R KLASCHUS	A RITE CONSTRUCTION AND ROOFIN		03/30/2020	$28,500	$50.00
202000185	Occupancy	5620 BUSINESS HIGHWAY 51, WESTON	19228081830038	WSI PROPERTIES LLC	Bartelt Insurance Services LLC		03/17/2020		$50.00
202000126	Occupancy	3115 CAMP PHILLIPS RD, WESTON	19228080920976	THE JIG PROPERTIES LLC	New Day Christian Church		03/02/2020		$50.00
202000182	Occupancy	1611 SCHOFIELD AV, WESTON	19228081830005	STRATTON CAPITAL SCHOFIELD LLC	PDM Construction		03/16/2020		$0.00
202000193	Plumbing	6500 ALDERSON ST, WESTON	19228081910994	D C EVEREST AREA SCHOOL DISTRICT	Fore-Front Mechanical Inc.		03/18/2020		$100.00
202000202	Plumbing	6806 LANG LN, WESTON	19228081540990	INCREDIBLE BANK	BEST-1 PLUMBING & HEATING INC		03/23/2020		$30.00
202000165	Roof	6400 ALDERSON ST, WESTON	19228081910999	D C EVEREST AREA SCHOOL DISTRICT	Quality Roofing, Inc.		03/10/2020	$314,525	$100.00
202000178	Sales	3001 SCHOFIELD AV, WESTON	19228081730952	L & L OF MANITOWOC INC	Wagner Oil Co		03/12/2020		$25.00
202000179	Sales	10002 ADVENTURE WAY, WESTON	19228082440010	WAGNER HOLDINGS LLC	Wagner Oil Co		03/12/2020		$25.00
202000177	Sales	3001 SCHOFIELD AV, WESTON	19228081730952	L & L OF MANITOWOC INC	Wagner Oil Co		03/12/2020		$50.00
202000162	Sign	5815 ALTA VERDE ST, WESTON	19228081840977	VILLAGE OF WESTON	D.C. Everest Youth Baseball		03/09/2020	$0	$250.00
202000125	Sign	3406 SCHOFIELD AV, WESTON	19228081740987	JACOB ROTH	EVELIA´S RESTAURANT LLC		03/02/2020	$2,400	$50.00
202000176	Sign	3306 SCHOFIELD AV, WESTON	19228081740984	JOUAPAO PLAZA LLC			03/11/2020	$10,468	$208.00
202000124	Sign	6205 ALDERSON ST, WESTON	19228082020974	MT OLIVE LUTHERAN CHURCH			03/02/2020	$20,150	$50.00

Permits Issued

Date From 03/01/20 and Date To 03/31/20

Permit #	Templates	Permit Address	Parcel ID	Owner Name	Contractor	Finished Sq Ft	Issue Date	Valuation	
202000149	Sign	5309 SCHOFIELD AV, WESTON	19228081640148	MAIN ST. HOMES INC	Finishing Touch Signs, LLC.		03/06/2020	$21,000	$75.00
202000155	Special Assessment	5901 PINE TER, WESTON	19228081030123	BRETT T SCHULZ SHELLY J SCHULZ	County Land and Title Co.		03/06/2020		$40.00
202000160	Special Assessment	5409 HEWITT AV, WESTON	19228080940238	WILLIAM C SCHILDT KRISTI L SCHILDT	POINT TITLE LLC		03/09/2020		$40.00
202000156	Special Assessment	1810 NEUPERT AV, WESTON	19228081840079	1810 NEUPERT LLC	County Land and Title Co.		03/06/2020		$40.00
202000157	Special Assessment	6903 FEITH AV, WESTON	19228082210127	TAPPE & TAPPE RENTALS	County Land and Title Co.		03/06/2020		$40.00
202000158	Special Assessment	6905 FEITH AV, WESTON	19228082210128	TAPPE & TAPPE RENTALS	County Land and Title Co.		03/06/2020		$40.00
202000212	Special Assessment	3404 HARRAH DR, WESTON	19228083220153	INCREDIBLE BANK	Runkel Abstract & Title Co		03/24/2020		$40.00
202000213	Special Assessment	3402 HARRAH DR, WESTON	19228083220154	INCREDIBLE BANK	Runkel Abstract & Title Co		03/24/2020		$40.00
202000131	Special Assessment	3609 WESTON AV, WESTON	19228082910990	PATINO PROPERTIES LLC	Runkel Abstract & Title Co		03/05/2020		$40.00
202000132	Special Assessment	4311 SCHOFIELD AV, WESTON	19228081630943	RJS VENTURE INC	Runkel Abstract & Title Co		03/05/2020		$40.00
202000143	Special Assessment	5102 ROSS AV, WESTON	19228081610989	HUNTER'S RENTALS LLC	Runkel Abstract & Title Co		03/05/2020		$40.00
202000154	Special Assessment	9628 SANDHILL DR, WESTON	19228083220090	TRAVIS J MIKES	County Land and Title Co.		03/06/2020		$40.00
202000144	Special Assessment	7802 MEADOW ROCK DR, WESTON	19228082910008	MEADOW ROCK LLC	Runkel Abstract & Title Co		03/05/2020		$40.00
202000145	Special Assessment	5806 WESTON MEADOWS PASS, WESTON	19228081540172	WESTON RIDGE LLC	Runkel Abstract & Title Co		03/05/2020		$40.00
202000211	Special Assessment	No Address	19228082230984	No Address	Runkel Abstract & Title Co		03/24/2020		$40.00

Permits Issued

Date From 03/01/20 and Date To 03/31/20

Permit #	Templates	Permit Address	Parcel ID	Owner Name	Contractor	Finished Sq Ft	Issue Date	Valuation
202000171	Special Assessment	2605 PARKWAY LN, WESTON	19228083220123	JOHN W JOHNSON	Knight-Berry		03/11/2020	$40.00
202000203	Special Assessment	4406 W RAYBELLE DR, WESTON	19228080840037	THOMAS P GUNDRUM LORI A GUNDRUM	The Closing Co.		03/23/2020	$40.00
202000204	Special Assessment	2913 PARK RIDGE DR, WESTON	19228082020010	KEITH C GAYKEN SHERRY L GAYKEN	The Closing Co.		03/23/2020	$40.00
202000172	Special Assessment	6110 COUNTY ROAD J, WESTON	19228082420993	STEVEN R WITUCKI	Knight-Berry		03/11/2020	$40.00
202000173	Special Assessment	6110 COUNTY ROAD J, WESTON	19228082420993	STEVEN R WITUCKI	Knight-Berry		03/11/2020	$40.00
202000205	Special Assessment	5202 LOUANN DR, WESTON	19228080940223	TODD D MORK	The Closing Co.		03/23/2020	$40.00
202000206	Special Assessment	6214 QUENTIN ST, WESTON	19228081010066	JEFFREY AND JACQUELINE EDWARDSON IRREV TRUST	The Closing Co.		03/23/2020	$40.00
202000174	Special Assessment	2605 PARK RIDGE DR, WESTON	19228082020052	CAROL J WINTER	Knight-Berry		03/11/2020	$40.00
202000129	Special Assessment	6002 ERIC ST, WESTON	19228081730137	WILLIAM HENRICH STEPHEN M HENRICH	Runkel Abstract & Title Co		03/05/2020	$40.00
202000207	Special Assessment	9915 WESTON AV, WESTON	19228082510995	GEORGE R RABENOLD KRISTIN M RABENOLD	The Closing Co.		03/23/2020	$40.00
202000130	Special Assessment	3109 SHOREY AV, WESTON	19228083220978	COLE J BRUNER	Runkel Abstract & Title Co		03/05/2020	$40.00
202000133	Special Assessment	9505 VENETIAN WAY, WESTON	19228083220164	INCREDIBLE BANK	Runkel Abstract & Title Co		03/05/2020	$40.00
202000134	Special Assessment	3108 BALLY PARK PL, WESTON	19228083220185	INCREDIBLE BANK	Runkel Abstract & Title Co		03/05/2020	$40.00
202000135	Special Assessment	3106 BALLY PARK PL, WESTON	19228083220186	CHARLES M KIRBY JOANNE C KIRBY	Runkel Abstract & Title Co		03/05/2020	$40.00
202000136	Special Assessment	3308 MONTE CARLO DR, WESTON	19228083220173	INCREDIBLE BANK	Runkel Abstract & Title Co		03/05/2020	$40.00

Permits Issued

Date From 03/01/20 and Date To 03/31/20

Permit #	Templates	Permit Address	Parcel ID	Owner Name	Contractor	Finished Sq Ft	Issue Date	Valuation
202000137	Special Assessment	3304 MONTE CARLO DR, WESTON	19228083220174	INCREDIBLE BANK	Runkel Abstract & Title Co		03/05/2020	$40.00
202000175	Special Assessment	5311 FULLER ST, WESTON	19228081530989	ADC PROPERTIES LLC	Knight-Berry		03/11/2020	$40.00
202000128	Special Assessment	6005 HILGEMANN ST, WESTON	19228081640128	MEYER-PETERSON ADJUST- MENT COMPANY INC	Midwest Title Group		03/05/2020	$40.00
202000138	Special Assessment	7005 RIVER TRAIL DR, WESTON	19228081540176	CARL N LUEBBE RENE M LUEBBE	Runkel Abstract & Title Co		03/05/2020	$40.00
202000139	Special Assessment	7509 RYAN AMY DR, WESTON	19228082320042	ROXANNE SCHROEDER	Runkel Abstract & Title Co		03/05/2020	$40.00
202000140	Special Assessment	6903 BREHM ST, WESTON	19228082430017	DOUGLAS R CLIFF VICTORIA J CLIFF	Runkel Abstract & Title Co		03/05/2020	$40.00
202000141	Special Assessment	5209 SCHOFIELD AV, WESTON	19228081640140	STEPHEN SMITALA	Runkel Abstract & Title Co		03/05/2020	$40.00
202000220	Special Assessment	4010 E EVEREST AV, WESTON	19228082010008	ALBERTO H ARAYA HOLLY L ARAYA	County Land and Title Co.		03/25/2020	$40.00
202000214	Special Assessment	5504 ZADRA ST, WESTON	19228081630980	BRIAN L KRAUSE	Runkel Abstract & Title Co		03/24/2020	$40.00
202000217	Special Assessment	4407 W RAYBELLE DR, WESTON	19228080840030	GAIL DRAKE	County Land and Title Co.		03/25/2020	$40.00
202000161	Special Assessment	5715 PINE PARK ST, WESTON	19228081840972	MITCHELL LEU MEGHAN SCHULZ	Knight Barry Title - QTax		03/09/2020	$40.00
202000219	Special Assessment	4002 SANDY LN, WESTON	19228080940113	WILLIAM J RESCH III BRITTNY L RESCH	County Land and Title Co.		03/25/2020	$40.00
202000218	Special Assessment	4611 HOLLY AV, WESTON	19228081630172	ERIC R GABRIELSEN	County Land and Title Co.		03/25/2020	$40.00
202000222	Special Assessment	6309 QUENTIN ST, WESTON	19228081010077	JOSEPH PILECKY II KORTNEY BACKHAUS	County Land and Title Co.		03/25/2020	$40.00
202000223	Special Assessment	7107 BREHM ST, WESTON	19228082430045	PAUL E HUNT	County Land and Title Co.		03/25/2020	$40.00
202000221	Special Assessment	3005 WEILAND AV, WESTON	19228081720085	DENYON HOMES INC	County Land and Title Co.		03/25/2020	$40.00

Permits Issued

Date From 03/01/20 and Date To 03/31/20

Permit #	Templates	Permit Address	Parcel ID	Owner Name	Contractor	Finished Sq Ft	Issue Date	Valuation	
202000224	Special Assessment	5808 ISAIAH ST, WESTON	19228081020088	NICHOLAS J KRAUSE LAURA B KRAUSE	County Land and Title Co.		03/25/2020		$40.00
202000225	Special Assessment	2813 JOSEPH AV, WESTON	19228081730009	JOHN L STONE	County Land and Title Co.		03/25/2020		$40.00
202000229	Special Assessment	5909 MARY LN, WESTON	19228082220115	JERRY TREBUS JULIE E TREBUS	County Land and Title Co.		03/25/2020		$40.00
202000226	Special Assessment	2916 NORMA AV, WESTON	19228081730097	DAVID VANG XIA VANG	County Land and Title Co.		03/25/2020		$40.00
202000227	Special Assessment	2319 BLOEDEL AV, WESTON	19228081840115	CUONG HUYNH LY NGUYEN	County Land and Title Co.		03/25/2020		$40.00
202000228	Special Assessment	5410 MESKER ST, WESTON	19228081640079	TNT ASSETS LLC	County Land and Title Co.		03/25/2020		$40.00
202000127	WUBPA	4301 HOWLAND AV, WESTON	19228083330990	MICHAEL R KORPELA	Jeremy Voigt Construction	4,739	03/04/2020	$600,000	$3,675.00

Village of Weston Permits	100
Village of Weston Permits	$12,958
Village of Weston Permits	$6,475,788

Total Permits Issued	**103**
Total Permits Fees	**$17,703**
Total Permits Valuation	**$6,675,788**
Total Finished Sq Ft	**6,962**

Permit Total Report Code

Issued From 03/01/20 and Issued To 03/31/20 and Jurisdiction Village of Weston

Type	Report Code	Jurisdiction	No of Permits	Total Valuation	Fees Paid
Commercial Building					
	202 - Commercial Addition/ Build Out/ Remodel	Village of Weston	3	$2,765,000	$1,300.00
Electrical					
	700 - Commercial Electrical	Village of Weston	3		$2,310.00
	702 - Residential Electrical	Village of Weston	4		$220.00
Excavation					
	300 - Excavation	Village of Weston	5		$300.00
Fence					
	108 - New Fence or Alteration (Residential)	Village of Weston	2	$8,745	$60.00
General					
	215 - Early Start (Commercial)	Village of Weston	1	$420,000	$200.00
	403 - Face Copy Replacement	Village of Weston	3	$1,200	$0.00
Home Improvement					
	105 - 1&2 Family Interior Remodel	Village of Weston	4	$52,000	$755.00
HVAC					
	604 - Residential HVAC Replacement	Village of Weston	1	$6,200	$30.00
	601 - Commercial HVAC Replacement	Village of Weston	1	$2,200,000	$100.00
Interior Remodel					
	902 - Residential Non-Structural Remodel	Village of Weston	1	$8,000	$110.00
Lateral					
	504 - Commercial Lateral	Village of Weston	1		$545.00
Minor Home Improvement					
	901 - Residential Exterior Remodel	Village of Weston	5	$46,100	$250.00
Occupancy					
	750 - Non-Residential Zoning	Village of Weston	3		$100.00
Plumbing					
	500 - Commercial Plumbing	Village of Weston	1		$100.00
	502 - Residential Plumbing	Village of Weston	1		$30.00
Roof					

Permit Total Report Code

Issued From 03/01/20 and Issued To 03/31/20 and Jurisdiction Village of Weston

Type	Report Code	Jurisdiction	No of Permits	Total Valuation	Fees Paid
	205 - Commercial Roofing	Village of Weston	1	$314,525	$100.00
Sales					
	757 - Outdoor Sales of Farm Products	Village of Weston	3		$100.00
Sign					
	400 - Permanent Sign	Village of Weston	5	$54,018	$633.00
Special Assessment					
	910 - Special Assessment	Village of Weston	51		$2,040.00
WUBPA					
	100 - New Home Construction	Village of Weston	1	$600,000	$3,675.00
Total			**100**	**$6,475,788**	**$12,958.00**

Permits Issued

Date From 04/01/2020 and Date To 04/30/2020

Permit #	Templates	Permit Address	Parcel ID	Owner Name	Contractor	Finished Sq Ft	Issue Date	Valuation	
Town of Weston									
202000498	Home Improvement	162640 ROSS AV, WESTON	08228080240995	NATHAN M KUEHL ABIGAIL K THELEN	Basement Repair Specialists		04/30/2020	$3,425	$30.00
202000306	HVAC	1610 SWANEE AV, WESTON		BELVIN G BULGRIN CAROL L BULGRIN	Steves Plumbing		04/17/2020	$5,321	$30.00
						Town of Weston Permits Is			2
						Town of Weston Permits F			$60
						Town of Weston Permits V			$8,746
Village of Weston									
202000246	Accessory	3601 CAMP PHILLIPS RD, WESTON	19228080930984	SCOTT L TURNER MARY R TURNER	Larry Meyer Construction LLC		04/02/2020	$0	$598.00
202000335	Accessory	6300 BIRCH ST, WESTON	19228082010996	MHWI COLONIAL GARDENS OF WESTON LLC	shed perment		04/21/2020	$200	$30.00
202000287	Accessory	3205 PORTAGE ST, WESTON	19228081020244	DAVID E THOMPSON KIMBERLY A THOMPSON			04/16/2020	$1,000	$60.00
202000499	Accessory	5303 CATHY DR, WESTON	19228080940123	WILLIAM J BIRKENMEIER			04/30/2020	$1,500	$30.00
202000434	Accessory	2912 PARK RIDGE DR, WESTON	19228082020009	SCOTT HENNEMAN BLAIR HENNEMAN			04/27/2020	$1,500	$30.00
202000409	Accessory	2808 WEILAND AV, WESTON	19228081720988	PERRY W VANDENHEUVEL			04/23/2020	$102,000	$480.00
202000446	Accessory	2605 POINTE RD, WESTON	19228082020162	JEFFREY T ENGMAN DONNA J ENGMAN			04/28/2020	$2,000	$50.00
202000285	Commercial Building	5504 STERNBERG AV, WESTON	19228081640989	RICHARD BENDER RENTALS	Richard Bender Rentals, LLC		04/15/2020	$7,000	$100.00

Permits Issued

Date From 04/01/2020 and Date To 04/30/2020

Permit #	Templates	Permit Address	Parcel ID	Owner Name	Contractor	Finished Sq Ft	Issue Date	Valuation	
202000304	Commercial Building	5603 BUSINESS HIGHWAY 51, WESTON	19228081831012	ZRH A GENERAL PARTNERSHP			04/16/2020	$15,000	$100.00
202000458	Commercial Building	2806 SCHOFIELD AV, WESTON	19228081730992	ROUNDY'S INC CORPORATE OFFICES	Interstate CM		04/28/2020	$97,000	$140.00
202000274	Deck	5004 QUIRT SANN DR, WESTON	19228081720050	DENYON HOMES INC			04/08/2020	$3,000	$75.00
202000445	Deck	5702 MARY LN, WESTON	19228082220104	TINA MASEK			04/28/2020	$3,200	$75.00
202000281	Deck	3006 BARCLAY WAY, WESTON	19228081720052	DENYON HOMES INC			04/13/2020	$3,500	$75.00
202000443	Demolition	6602 SCHOFIELD AV, WESTON	19228081540977	JULIE A WAGNER	PGA Inc.		04/28/2020		$0.00
202000442	Driveway	4906 ASPEN ST, WESTON	19228081710102	ROSE KRESSIN			04/28/2020	$500	$75.00
202000253	Electrical	9505 KMIECIK ST, WESTON	19228083410995	JEREMY P HUNT SANDRA M HUNT	FLOYD J MOORE		04/07/2020		$100.00
202000309	Electrical	7605 SCHOFIELD AV, WESTON	19228082320949	KWIK TRIP INC	Ron's Refrigeration & Air Cond LLC		04/17/2020		$100.00
202000302	Electrical	5603 BUSINESS HIGHWAY 51, WESTON	19228081831012	ZRH A GENERAL PARTNERSHP	Ron's Refrigeration & Air Cond LLC		04/16/2020		$100.00
202000506	Electrical	4300 STERNBERG AV, WESTON	19228081620981	D C EVEREST AREA SCHOOL DISTRICT	Van Ert Electric		04/30/2020		$0.00
202000254	Electrical	6300 BIRCH ST, WESTON	19228082010996	MHWI COLONIAL GARDENS OF WESTON LLC	FLOYD J MOORE		04/07/2020		$55.00
202000280	Electrical	7804 SHOREY AV, WESTON	19228082630995	MARJORIE A NEITZKE			04/13/2020		$55.00
202000448	Excavation	7804 SHOREY AV, WESTON	19228082630995	MARJORIE A NEITZKE	Wisconsin Public Service Corporation		04/28/2020		$75.00
202000337	Excavation	4005 COMMUNITY CENTER DR, WESTON	19228082010980	ASPIRUS WAUSAU HOSPITAL	Nsight		04/21/2020		$75.00
202000489	Fence	2509 JELINEK AV, WESTON	19228082020982	LAURI M MCDONALD DEAN D MCDONALD			04/29/2020	$550	$30.00

Permits Issued

Date From 04/01/2020 and Date To 04/30/2020

Permit #	Templates	Permit Address	Parcel ID	Owner Name	Contractor	Finished Sq Ft	Issue Date	Valuation	
202000490	Fence	2511 JELINEK AV, WESTON	19228082020982	LAURI M MCDONALD DEAN D MCDONALD			04/29/2020	$550	$30.00
202000305	Fence	6907 BREHM ST, WESTON	19228082430016	MARK D STROBEL CYNTHIA A STROBEL	RBE Property Management		04/17/2020	$3,000	$30.00
202000284	Fence	5710 RIPPLING CREEK DR, WESTON	19228081020197	MARCIA L SPACHER			04/15/2020	$3,300	$30.00
202000273	Fence	6206 DUSK ST, WESTON	19228082310002	JOSEPH N VANDERGEEST KATIE VANDERGEEST			04/08/2020	$3,500	$30.00
202000413	Fence	9303 CHRISTIE LN, WESTON	19228082430048	JARED C TOMANY SIDNEY R TOMANY			04/23/2020	$3,600	$30.00
202000393	Fence	6108 TOWER RIDGE PL, WESTON	19228082120171	KIMBERLY G STITCHER CHRISTOPHER T STITCHER			04/23/2020	$3,731	$30.00
202000313	Fence	3007 WEILAND AV, WESTON	19228081720086	JUSTIN LANDWEHR JAMIE LANDWEHR			04/20/2020	$3,800	$30.00
202000300	Fence	2908 BARCLAY WAY, WESTON	19228081720055	MARLENE ROSSIN			04/16/2020	$5,682	$30.00
202000420	Fence	5805 RIPPLING CREEK DR, WESTON	19228081020187	GAOLY XIONG PETER HER			04/26/2020	$8,997	$30.00
202000408	General	9303 CAMP PHILLIPS RD, WESTON	19228083210977	LEWIS PROPERTIES I LLC	Lewis Construction		04/23/2020	$240,000	$200.00
202000266	General	5008 SUNSET ST, WESTON	19228081620059	OLIVER K BURROWS III DONNA MAE A BURROWS			04/08/2020	$7,795	$35.00
202000303	HVAC	5603 BUSINESS HIGHWAY 51, WESTON	19228081831012	ZRH A GENERAL PARTNERSHP	Ron's Refrigeration & Air Cond LLC		04/16/2020	$30,000	$100.00
202000310	HVAC	7605 SCHOFIELD AV, WESTON	19228082320949	KWIK TRIP INC	Ron's Refrigeration & Air Cond LLC		04/17/2020	$30,000	$100.00
202000247	Interior Remodel	3211 MOUNT VIEW AV, WESTON	19228081730055	TYLER A SCHWERTFEGER			04/03/2020	$5,000	$170.00
202000277	Interior Remodel	3502 SANDY LN, WESTON	19228080910008	ROBERT E BLUHM SUSAN M BLUHM	Red Oak Builders LLC		04/09/2020	$6,500	$80.00
202000472	Interior Remodel	2902 WEILAND AV, WESTON	19228081720062	DENYON HOMES INC	Denyon Homes, LLC.		04/29/2020	$7,000	$220.00
202000311	Interior Remodel	5207 ASPEN ST, WESTON	19228081710002	BANK OF AMERICA N A	Holzhauer Homes LLC		04/19/2020	$30,000	$400.00

Permits Issued

Date From 04/01/2020 and Date To 04/30/2020

Permit #	Templates	Permit Address	Parcel ID	Owner Name	Contractor	Finished Sq Ft	Issue Date	Valuation	
202000505	Lateral	7102 COMMERCE DR, WESTON	17628072650930	MARATHON COUNTY	Tito Inc.		04/30/2020		$545.00
202000264	Minor Home Improvement	6806 LANG LN, WESTON	19228081540990	INCREDIBLE BANK	Sillars Hardscape & Remodeling		04/08/2020	$2,500	$50.00
202000249	Minor Home Improvement	6300 BIRCH ST, WESTON	19228082010996	MHWI COLONIAL GARDENS OF WESTON LLC	A+ ROOFING & PAINTING		04/06/2020	$4,000	$50.00
202000250	Minor Home Improvement	6300 BIRCH ST, WESTON	19228082010996	MHWI COLONIAL GARDENS OF WESTON LLC	A+ ROOFING & PAINTING		04/06/2020	$4,000	$150.00
202000349	Minor Home Improvement	6110 LABRADOR RD, WESTON	19228082020003	DENNIS VAN SWOL DONNA VAN SWOL			04/22/2020	$4,000	$50.00
202000336	Minor Home Improvement	2503 COUNTRY CREEK LN, WESTON	19228083220097	NATHAN E GARVEY			04/21/2020	$5,000	$50.00
202000312	Minor Home Improvement	5707 FULLER ST, WESTON	19228081530973	PLEASANT VALLEY PROPERTIES OF WI LLC			04/20/2020	$5,000	$50.00
202000307	Minor Home Improvement	6203 KELLY PL, WESTON	19228082220047	JOEY D NINNEMANN MARY K NINNEMANN	JOEY D NINNEMANN CONSTRUCTION		04/17/2020	$5,000	$50.00
202000423	Minor Home Improvement	5906 WESTON AV, WESTON	19228082230996	GERALD J BARNETT			04/27/2020	$10,000	$50.00
202000286	Minor Home Improvement	4917 MAPLE ST, WESTON	19228081720982	ELLEN L HANNEMAN	Brotzman Seamless Corp.		04/15/2020	$30,389	$50.00
202000245	Minor Home Improvement	5712 HIDDEN RIVER CIR, WESTON	19228081030038	KEITH A MARQUARDT KIM R MARQUARDT			04/01/2020	$70,000	$50.00
202000314	Minor Home Improvement	6105 MORNING VIEW LN, WESTON	19228081520139	JODY L WILKINS BARBARA E WILKINS	Dun-Rite Exteriors		04/20/2020	$90,079	$50.00
202000392	Mobile Home	6300 BIRCH ST, WESTON	19228082010996	MHWI COLONIAL GARDENS OF WESTON LLC	Colonial Gardens MHP LLC.		04/22/2020	$3,500	$100.00
202000251	Mobile Home	6300 BIRCH ST, WESTON	19228082010996	MHWI COLONIAL GARDENS OF WESTON LLC	Colonial Gardens MHP LLC.		04/06/2020	$3,500	$100.00
202000252	Mobile Home	6300 BIRCH ST, WESTON	19228082010996	MHWI COLONIAL GARDENS OF WESTON LLC	Colonial Gardens MHP LLC.		04/06/2020	$3,500	$100.00

Permits Issued

Date From 04/01/2020 and Date To 04/30/2020

Permit #	Templates	Permit Address	Parcel ID	Owner Name	Contractor	Finished Sq Ft	Issue Date	Valuation	
202000421	Occupancy	5504 STERNBERG AV, WESTON	19228081640989	RICHARD BENDER RENTALS	Dri-Design, Inc		04/27/2020		$50.00
202000278	Plumbing	3704 RIVER MEADOW DR, WESTON	19228080940225	KRISTOFER MANHART	Mad City Windows		04/09/2020		$30.00
202000500	Roof	2806 SCHOFIELD AV, WESTON	19228081730992	ROUNDY'S INC CORPORATE OFFICES	commercial roofing, a tecta america company llc		04/30/2020	$206,928	$100.00
202000308	Roof	6906 BREHM ST, WESTON	19228082430019	MARY P POPLAWSKI THEODORE M POPLAWSKI			04/17/2020	$7,000	$50.00
202000447	Special Assessment	9802 WOODLAND DR, WESTON	19228083320979	JOSEPH P SPYCHALLA MARY E SPYCHALLA	Knight Barry Title - QTax		04/28/2020		$40.00
202000345	Special Assessment	1309 NEUPERT AV, WESTON	19228081830056	MICHAEL J KOCHER	County Land and Title Co.		04/21/2020		$40.00
202000341	Special Assessment	3408 RIVER MEADOW DR, WESTON	19228080910062	SPENCER M MALOVRH WASANA B PINSONNEAULT	County Land and Title Co.		04/21/2020		$40.00
202000342	Special Assessment	9506 NEWBERRY DR, WESTON	19228083210041	MICHAEL W TIMMER KRISTINA S TIMMER	County Land and Title Co.		04/21/2020		$40.00
202000343	Special Assessment	No Address	19228081730178	No Address	County Land and Title Co.		04/21/2020		$40.00
202000344	Special Assessment	9845 SANDHILL DR, WESTON	19228083220030	NATHAN KLOPOTEK HALEY KLOPOTEK	County Land and Title Co.		04/21/2020		$40.00
202000272	Special Assessment	5709 HIDDEN RIVER CIR, WESTON	19228081520086	ADAM J BYERS MARCIE L WICKLUND-BYERS	Runkel Abstract & Title Co		04/08/2020		$40.00
202000340	Special Assessment	9940 SIBERIAN DR, WESTON	19228083220046	NICK WITTER ASHLEY WITTER	County Land and Title Co.		04/21/2020		$40.00
202000339	Special Assessment	No Address	WE	No Address	County Land and Title Co.		04/21/2020		$40.00
202000255	Special Assessment	5105 KELLYLAND ST, WESTON	19228081610045	JUSTIN V CAVEY DARLENE M CAVEY	County Land and Title Co.		04/07/2020		$40.00
202000256	Special Assessment	3409 CALEB DR, WESTON	19228081020073	HEATHER J WHITESIDE	County Land and Title Co.		04/07/2020		$40.00
202000263	Special Assessment	2606 PLEASANT VIEW DR, WESTON	19228080830033	REBECCA L WEISENFELD	County Land and Title Co.		04/07/2020		$40.00
202000248	Special Assessment	3003 MANDALAY BAY DR, WESTON	19228083220192	JOYELLEN M BECK	Knight Barry Title - QTax		04/03/2020		$40.00

Permits Issued

Date From 04/01/2020 and Date To 04/30/2020

Permit #	Templates	Permit Address	Parcel ID	Owner Name	Contractor	Finished Sq Ft	Issue Date	Valuation
202000338	Special Assessment	No Address		No Address	County Land and Title Co.		04/21/2020	$40.00
202000276	Special Assessment	3725 WESTON PINES LN, WESTON	19228081740901	WESTON PINES APTS-WAUSAU DBA PREMIER REAL ESTATE	Dominion Title Exchange		04/09/2020	$40.00
202000346	Special Assessment	9664 SANDHILL DR, WESTON	19228083220087	CRAIG A GAUSS	Midwest Title Group		04/21/2020	$40.00
202000257	Special Assessment	2606 PARKWAY LN, WESTON	19228083220112	MATTHEW MIELKE TAYLOR LITERSKI	County Land and Title Co.		04/07/2020	$40.00
202000258	Special Assessment	2503 COUNTRY CREEK LN, WESTON	19228083220097	NATHAN E GARVEY	County Land and Title Co.		04/07/2020	$40.00
202000259	Special Assessment	3602 SANDY LN, WESTON	19228080910006	DANIEL M DZIADOSZ JUDITH A DZIADOSZ	County Land and Title Co.		04/07/2020	$40.00
202000260	Special Assessment	6111 ISAIAH ST, WESTON	19228081020140	MICHAEL D COATES	County Land and Title Co.		04/07/2020	$40.00
202000391	Special Assessment	4515 AUGUSTINE AV, WESTON	19228081630059	TOULEE MOUA MAI XIONG MOUA	Midwest Title Group		04/22/2020	$40.00
202000261	Special Assessment	6211 VON KANEL ST, WESTON	19228082110949	GREEN TREE CONSTRUCTION	County Land and Title Co.		04/07/2020	$40.00
202000262	Special Assessment	4509 TWIN PINES LN, WESTON	19228081520155	CHRISTINE L WELSH	County Land and Title Co.		04/07/2020	$40.00
202000271	Special Assessment	3404 MIRAGE LN, WESTON	19228083220145	INCREDIBLE BANK	Runkel Abstract & Title Co		04/08/2020	$40.00
202000268	Special Assessment	4003 SCHOONOVER RD, WESTON	19228081030978	RICHARD RESCH SAUNDRA RESCH	Runkel Abstract & Title Co		04/08/2020	$40.00
202000269	Special Assessment	3109 SHOREY AV, WESTON	19228083220978	COLE J BRUNER	Runkel Abstract & Title Co		04/08/2020	$40.00
202000270	Special Assessment	5806 ISAIAH ST, WESTON	19228081020087	NATHAN CLARK JENNIFER SMITH	Runkel Abstract & Title Co		04/08/2020	$40.00
202000422	Special Assessment	5402 S TIMBER ST, WESTON	19228081630050	LYNN M SASMAN	Midwest Title Group		04/27/2020	$40.00

Permits Issued

Date From 04/01/2020 and Date To 04/30/2020

Permit #	Templates	Permit Address	Parcel ID	Owner Name	Contractor	Finished Sq Ft	Issue Date	Valuation

Village of Weston Permits	88
Village of Weston Permits	$6,928
Village of Weston Permits	$1,084,801

Total Permits Issued	**90**
Total Permits Fees	**$6,988**
Total Permits Valuation	**$1,093,547**
Total Finished Sq Ft	

Permit Total Report Code

Issued From 04/01/2020 and Issued To 04/30/2020

Type	Report Code	Jurisdiction	No of Permits	Total Valuation	Fees Paid
Accessory					
	101 - Residential Accessory Building	Village of Weston	5	$4,200	$748.00
	102 - Home Addition	Village of Weston	1	$102,000	$480.00
	901 - Residential Exterior Remodel	Village of Weston	1	$2,000	$50.00
Commercial Building					
	202 - Commercial Addition/ Build Out/ Remodel	Village of Weston	3	$119,000	$340.00
Deck					
	103 - New Residential Deck	Village of Weston	3	$9,700	$225.00
Demolition					
	800 - Demolition of Principal Structure	Village of Weston	1		$0.00
Driveway					
	111 - New Residential Driveway/Driveway Addition	Village of Weston	1	$500	$75.00
Electrical					
	700 - Commercial Electrical	Village of Weston	4		$300.00
	702 - Residential Electrical	Village of Weston	2		$110.00
Excavation					
	300 - Excavation	Village of Weston	2		$150.00
Fence					
	108 - New Fence or Alteration (Residential)	Village of Weston	10	$36,710	$300.00
General					
	215 - Early Start (Commercial)	Village of Weston	1	$240,000	$200.00
	104 - Residential Deck Repair	Village of Weston	1	$7,795	$35.00
Home Improvement					
	502 - Residential Plumbing	Town of Weston	1	$3,425	$30.00
HVAC					
	604 - Residential HVAC Replacement	Town of Weston	1	$5,321	$30.00
	601 - Commercial HVAC Replacement	Village of Weston	2	$60,000	$200.00
Interior Remodel					

Permit Total Report Code

Issued From 04/01/2020 and Issued To 04/30/2020

Type	Report Code	Jurisdiction	No of Permits	Total Valuation	Fees Paid
Lateral	902 - Residential Non-Structural Remodel	Village of Weston	4	$48,500	$870.00
Minor Home Improvement	504 - Commercial Lateral	Village of Weston	1		$545.00
Mobile Home	901 - Residential Exterior Remodel	Village of Weston	11	$229,968	$650.00
Occupancy	114 - Manufactured Home Installation	Village of Weston	3	$10,500	$300.00
Plumbing	750 - Non-Residential Zoning	Village of Weston	1		$50.00
Roof	502 - Residential Plumbing	Village of Weston	1		$30.00
	205 - Commercial Roofing	Village of Weston	1	$206,928	$100.00
Special Assessment	901 - Residential Exterior Remodel	Village of Weston	1	$7,000	$50.00
	910 - Special Assessment	Village of Weston	28		$1,120.00
Total			**90**	**$1,093,547**	**$6,988.00**

VILLAGE OF WESTON, WISCONSIN
AGENDA ITEM COVER SHEET / REQUEST FOR CONSIDERATION

DESCRIPTION:	Report re: March & April 2020 New Business Occupancy Permit Issuance
FROM:	Jennifer Higgins, Director of Planning & Development
FOR REVIEW BY:	Plan Commission, 5/11/2020
POLICY QUESTION:	Should the PC acknowledge the March & April 2020 Occupancy Permits issued to businesses as submitted in the report by the Department?
ISSUE-IN-BRIEF:	Monthly report from the Planning & Development Department
FISCAL IMPACT:	TBD
GUIDANCE:	Director recommends the PC acknowledge the report and place on file.
PRIOR REVIEW:	No previous public review.
REQUEST:	Acknowledge and place on file.

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

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

March & April 2020 Occupancy Permits Issued Report

Permits Issued

Date From 03/01/2020 and Date To 04/30/2020 and Template Occupancy and Jurisdiction Village of Weston

Permit #	Templates	Permit Address	Parcel ID	Owner Name	Contractor	Finished Sq Ft	Issue Date	Valuation
Village of Weston								
202000126	Occupancy	3115 CAMP PHILLIPS RD, WESTON	19228080920976	THE JIG PROPERTIES LLC	New Day Christian Church		03/02/2020	$50.00
202000182	Occupancy	1611 SCHOFIELD AV, WESTON	19228081830005	STRATTON CAPITAL SCHOFIELD LLC	PDM Construction		03/16/2020	$0.00
202000185	Occupancy	5620 BUSINESS HIGHWAY 51, WESTON	19228081830038	WSI PROPERTIES LLC	Bartelt Insurance Services LLC		03/17/2020	$50.00
202000421	Occupancy	5504 STERNBERG AV, WESTON	19228081640989	RICHARD BENDER RENTALS	Dri-Design, Inc		04/27/2020	$50.00

Village of Weston Permits	4
Village of Weston Permits	$150
Village of Weston Permits	

Total Permits Issued	**4**
Total Permits Fees	**$150**
Total Permits Valuation	
Total Finished Sq Ft	

Jennifer Higgins
Planning & Development Director

MEMORANDUM

To: Plan Commission

Date: May 6, 2020

Re: Plan Commission Projects & Tasks

1. Community Entryway and Wayfinding Plan (*Complete*) *Plan was adopted as part of Comp Plan in October 2010. The RFP for the Wayfinding Signs was released on 2/27/2020. Due date has been moved to May 29, 2020 due to Safer At Home Order.*

2. Schofield Avenue Corridor Plan (*in progress*) *In progress. MDRoffers is the consultant helping us. Draft plan was presented to CDA/PC on 8/13/19. It was well received by the CDA/PC and public. Document is proposed to be adopted as part of the Comp Plan – Volume 3 Supplemental Plans. PC and CDA recently endorsed the Plan and directed staff to start the public hearing process with the PC/BOT. Public Hearing has not been set yet. Staff has received but has not had time to review the final public hearing draft received from MDRoffers due to other pressing issues. Now that Safer at Home Order is in effect we will wait until we can hold a public hearing with actual attendees so hopefully later this summer.*

3. Comprehensive Plan Update – project is on hold until Safer at Home orders lifted.

4. Zoning Code Update – We are slowly making changes to the code where needed and as time allows. There are a few more changes being proposed due to the Parkland Impact Fee Project.

5. Transport Way Connection to Weston Ave (*Will be addressed in the Weston Ave Corridor Plan*)
   i. Preliminary Construction Plan
   ii. ROW Plat
   iii. ROW Acquisition

6. Municipal Facilities (*in progress*)

Jennifer Higgins
Planning & Development Director

i. Administration Building and Public Works Garage – G & B Produce site has been purchased as of March 2020.
ii. Public Safety – plans are being finalized. Any exterior renovations will be coming to PC for review and approval.
iii. Aquatic Center
iv. Ryan Street

I have the CSM ready to go and the PC will be asked to amend the Comp Plan and rezone the property later this spring for the G&B Produce site. An open house of the current Municipal Center was scheduled for the evening of March 19 but had to be cancelled due to COVID-19. Staff is currently working on a virtual tour.

7. County Road X Corridor Plan Implementation – no further progress.

8. Park Impact Fee Needs Assessment & Subdivision Ordinance Amendments – *in progress MDRoffers – On May PC agenda to begin discussions. It needs to be completed to comply with WI Act 243. MDRoffers provided us the draft needs assessment. Staff met on this on 10/11. It's been in the cue to begin the approval process since January. With all the upcoming multifamily development we need to move this forward now. We had planned on April but there was no meeting.*

9. Weston Avenue Corridor Study and possible Corridor Reconstruction (County Road X to County Road J) – *in progress. Plan has been budgeted for in 2020 Budget. MDRoffers and AECOM are working on it. Board approved the project scope on 2/17/2020. It was introduced to the PC at the March meeting (3/9/2020). Updated work plan is on the agenda for Monday. Projected to take a year to complete.*

10. Sewer and Water Crossing of Eau Claire River at Ryan Street – DPW is working on.

11. Construction of Well #7 at Yellow Banks Park – DPW working on.

12. Utility Planning Studies

    a. Paul's Farm – Master Planning & Traffic Study –
    b. Main Extension Policy

Jennifer Higgins
Planning & Development Director

13. Alpine Mobile Home Trailer Park redevelopment –*To date we have not received any proposals.*

<u>Economic Development – New/Potential Projects</u>

<u>TIF 1</u>

1. Barnett Property Residential Subdivision – Met with a residential home builder to discuss this site in August. Nothing new to report. We are still working with area landowners to make sure that we have two access points to the potential development. I have quotes for CSMs to be done to dedicate road right of way from Stan Budleski and Joe Bushka. Dominika Street vacation is not on the agenda as Keith is still trying to get info from Paul Duerst concerning the Budleski/Bushka dedications.

2. Fernwood Development – this is the old Prohaska residential subdivision project that never materialized due to the recession of the early 2000's. Intercity Bank has had the property in recent years, and it was just purchased at the end of February by Eau Claire River LLC. We met with them on 3/2/2020 and they plan to resurrect this as a single-family subdivision. There could be some multi-family along the highway. Final plans will most likely not be submitted until closer to the end of the Weston Ave Corridor Plan adoption.

3. PGA Multi-tenant building on Mashuda property – In progress. Site plan is on the agenda for Monday for approval. Staff is working with our financial consultants on the development agreement for the project as they have requested TIF money and to buy an additional 5 acres from the Village for the project.

<u>TIF 2</u>

1. Markovich Outlot – We are currently reviewing plans for a 3-tenant strip mall at this location. US Cellular is the only tenant we know of so far.

2. Schofield Oriental Market – business owner inquired in August 2019 about how they could help implement the Schofield Avenue Corridor Plan as they were part of a location called out in the plan for redevelopment. Nothing new to report. They were closed for a bit for COVID-19. Just reopened and received sign permit approvals for a new sign at the property.

Jennifer Higgins
Planning & Development Director

3. LaPorte Property – We have been talking to an interested party on this site. They have fine-tuned the site plan so it does not look like an amendment of the TIF 2 Plan will be needed for them to proceed. Have not heard from the prospective business since around Christmas time. Ms. LaPorte has inquired about moving the home present on the lot to a vacant lot on Joseph St. This would require a public hearing and Plan Commission approval prior to the move.

4. Layne Northwest Property – no new progress.

<u>Outside TIF</u>

1. Kennedy Park Nursing Home Redevelopment Project – Lokre has purchased the old nursing home and would like to redevelop the property into a unique multi-family project. The first step was to rezone the property which was completed in December 2019. Riverside Land Surveying submitted a certified survey map for the property in April. It has been approved and recorded. They have not taken out any permits to date for the interior construction.

2. Metro Animal Hospital – new construction – Birch St – Staff met virtually with Ellis Stone who has taken over this project. A site plan was submitted in late April which staff is currently reviewing. They still have questions about the driveway and DPW is currently working through those with them.

3. DC Everest School Bldgs. – *The High School, Junior High and Weston Elementary are all under construction. Phase 3 of the High School project is to add a new entrance/vestibule to the building and re-arrange the front drop off/parking area.*

4. Denyon Homes Bldg Addition – *under construction.* Wheaton has been working with them to get updated parking lot/landscaping plans as they made some revisions from the first submittals.

5. Crane Meadows – *building addition and sewer and water extension – Sewer and Water extension construction completed in fall 2019. Have not received any building plans to date.*

6. U-haul – 7701 Schofield Avenue – BOT authorized legal action against them for not getting site plan approvals and the CUP required to expand the use. Staff and Attorney are still working through this as the attorney is denying work was

done. Tatro issued citations which UHaul paid but did not remedy the situation. New citations are being issued.

7. Swiderski Multi-family Development – Callon Avenue Properties – Preliminary site plan received for addressing purposes in Feb. This site will have 26 units total. There will be 3 buildings total – 1 6-unit, 1 8-unit and 1 12-unit. They will have a mix of 2- and 3-bedroom units with attached garages. All buildings are single level townhome/rowhouse style (Bedford). Swiderski has told us they have room in their construction schedule to start this project this year. They plan to open one building at this site in 2020 and the rest will be open in 2021.

8. Swiderski Multi-family Department – Metz Property – Camp Phillips Rd – Rezone request approved in November. Proposing to construct 120-unit apartment complex (5 – 20-unit buildings (Ashton) and 2 10-unit buildings (Cambria)). The 5 Ashton buildings will have 2-bedroom units. The two Cambria building will have all 3-bedroom units. They are showing on the preliminary plans two recreational areas; a 24,000 SF and a smaller 12,000 SF adjacent to the pond. SAFER is requiring two access points. Marathon County has approved one cross access that will be shared with the property to the south. – [side note – staff met with a realtor who is looking to market the property to the south so this development could expand or be developed by another developer.] Swiderski has told us they have room in their construction schedule to start this project this year. All buildings would open in 2021.

9. Willow Street Apartments – rezone received in January. Staff met with the developer on 3/2 to start discussions on project. They are planning 3 12-unit buildings for a total of 36 units. Site plan is on the agenda for Monday's meeting as Plan Commission requested to see/approve it during the January rezone.

10. Hoffman Personal Storage Facility Building and Office – 6005 Mesker Street – building permit issued in April for this project.

11. Lewis Construction – building permit issued for cold storage building in April.

12. Patriot Auto – site plan submitted end of April for new construction on the corner of Mount View Blvd and Schofield Avenue. Staff is currently reviewing the project.

REQUEST FOR CONSIDERATION

Public Mtg/Date:	Plan Commission, May 11, 2020
Description:	Updated Workplan for Weston Avenue Corridor Plan Project.
From:	Keith Donner, Administrator Michael Wodalski, Director of Public Works Jennifer Higgins, Director of Planning and Development
Question:	Item is on for informational purposes. It's a future project the PC began working on in March 2020.

Background

The 2018 TID 1 Project Plan Amendment outlined several future TIF eligible reconstruction projects for Weston Avenue in Table 1: *Potential Infrastructure and Related Project Costs Assignable to TID #1* of the TID Plan Amendment. As part of the reconstruction of the street, a corridor plan looking at future transportation needs and future land uses is needed. The Weston Avenue Corridor Plan is needed to help the Village Board set the future development along this corridor so the PC and staff can implement that future vision.

MDRoffers has been retained to complete the Corridor Plan. It includes AECOM on the project as a sub to MDRoffers. AECOM (lead employee Ryan Barz) will be specifically working on Task 6 Conceptual Roadway Alternatives and Task 7 Preferred Weston Avenue Roadway Concept but will be involved in most other tasks as well.

The project kicked off in March with March-May being a time where MDRoffers would assemble base information for the Plan. Staff was scheduled to meet to discuss in April 2020 and a Public Kick off meeting with PC was supposed to be held this month and Mark Roffers was to also begin conducting stakeholder interviews. With COVID-19 we have had to push some of this back, so I have attached an updated Workplan for the project for your information.

Attached Docs:	Meeting and Milestones (4/24/2020)
Committee Action:	PC/CDA/BOT approved Project in TID 1 Project Plan Amendment – 2018 BOT approved the Project Work order and Scope at their meeting on 2/17/2020 Project introduced to PC March 9, 2020
FISCAL IMPACT:	Not to exceed $50,000 – will be funded through TIF 1 as Weston Ave reconstruction was listed as a project in the TID 1 project plan amendment from 2018
Recommendation:	No action needed. Item is on agenda for informational purposes only.

Recommended Language for Official Action

REQUEST FOR CONSIDERATION

No action needed. Item is on agenda for informational purposes only.

Additional action: Begin working with MDRoffers on Corridor Plan. (Staff (May 2020) and Plan Commission (June 2020))

Resolution to recommend adoption of Plan as Volume 3 of Comp Plan (Plan Commission) – Jan or Feb 2021

Public Hearing and final approval and adoption as a Supplemental Plan in Volume 3 of the Comprehensive Plan (Board of Trustees) –March 2021

Meetings & Milestones

Weston Avenue Corridor Plan

Prepared: 4/24/20

Inventory: *May-June 2020*

- Assemble base and environmental/soil mapping, including drainage west of Zinser to J
- Assemble prior plans and studies related to development, land use, TID, transportation, utility systems, stormwater, hydrology, geotechnical, recreation, wayfinding and related
- Prepare planning area and district map
- Prepare typical cross-section of existing Weston Avenue right-of-way and improvements

Staff/Consultant Meeting #1: *May 2020 (digital meeting)*

- Review project work program, including interviews and other outreach
- Discuss inventory information; development/preservation focus areas; key issues, goals, and priorities; and preliminary options for Weston Avenue redesign

Stakeholder Interviews: *June 2020*

- Interview owners/developers in Weston Ave corridor, County Highway Dept, utilities

Public Kick-off Meeting/Joint Committee Meeting #1: *June 2020 (same visit as interviews)*

- Review project intent and work program
- Gather input on substantive plan goals, priorities, and options
- Precede meeting by notice to corridor property owners

Staff/Consultant Meeting #2: *August 2020*

- Discuss initial draft plan vision, development plan maps, and roadway redesign options
- Identify possible 2021 budget needs, including for detailed design for Weston Avenue

Joint Committee Meeting #2: *September 2020*

- Discuss revised draft plan vision, development plan maps, and roadway redesign options
- Recommend preferred roadway redesign option

Staff/Consultant Meeting #3: *October-November 2020*

- Discuss draft Weston Avenue Corridor Plan, including preferred roadway redesign option
- Consider advancing Transport Way acquisition and design

Public Information/Input & Joint Committee Meeting #3: *October or November 2020*

- Share and receive input on revised draft Weston Avenue Corridor Plan
- Committee advises adjustments to draft Corridor Plan based on review and public input

Joint Committee Meeting #4: *January 2021*

- Recommend public hearing draft of Weston Avenue Corridor Plan

Plan Commission Recommendation: *February 2021 (could combine with #4 Committee meeting if practical)*

- Recommend Corridor Plan as a component of Village's Comprehensive Plan

Village Board Public Hearing: *March 2021*

- Adopt Corridor Plan as a component of Village's Comprehensive Plan
- Authorize detailed engineering design for Weston Avenue reconstruction