

# Conditional Use/Rezone/Comprehensive Plan Amendment

Permit Application  
Village of Weston/ETZ

Permit No. : \_\_\_\_\_



Date: \_\_\_\_\_

Payment:  Cash  Check No. \_\_\_\_\_

**FULL COMPLETION OF THIS FORM IS REQUIRED FOR PROCESSING**

5500 Schofield Ave  
Weston, WI 54476

## PROPOSALS AND FEES

<input type="checkbox"/>	Conditional Use (Residential)	\$ <u>250.00</u>
<input type="checkbox"/>	Conditional Use (Non-Residential) <span style="float: right;">\$250.00 + \$10.00/Acre over 10 Acres =</span>	\$ _____
<input type="checkbox"/>	Conditional Use Amendment	\$ <u>250.00</u>
<input type="checkbox"/>	Rezone (Official Zoning Map Amendment)	\$ <u>250.00</u>
<input type="checkbox"/>	Conditional Use and Rezone (Residential)	\$ <u>400.00</u>
<input type="checkbox"/>	Conditional Use and Rezone (Non-Residential) <span style="float: right;">\$400.00 + \$10.00/Acre over 10 Acres =</span>	_____
<input type="checkbox"/>	Comprehensive Plan Map Amendment	\$ <u>350.00</u>
<input type="checkbox"/>	Comprehensive Plan Map Amendment with Rezone	\$ <u>500.00</u>
<input type="checkbox"/>	Comprehensive Plan Text Amendment	\$ <u>200.00</u>
<b>TOTAL:</b>		\$ _____

## APPLICANT INFORMATION

**Applicant Name:** \_\_\_\_\_  Agent\*  Property Owner

Mailing Address: \_\_\_\_\_ Phone: \_\_\_\_\_

\_\_\_\_\_ Email: \_\_\_\_\_

\* Agents must have a LETTER OF AUTHORIZATION from all property owners at the time of filing.

**Property Owner:** \_\_\_\_\_ **Contact Name:** \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Phone: \_\_\_\_\_

\_\_\_\_\_ Email: \_\_\_\_\_

## PROJECT SITE SPECIFICATIONS

Project Address: \_\_\_\_\_ Lot Size(ft<sup>2</sup>): \_\_\_\_\_  
(or PIN if no address)

\_\_\_\_\_ Acres: \_\_\_\_\_

Property Zone: \_\_\_\_\_ Proposed Rezone: \_\_\_\_\_

Current Future Land Use Designation: \_\_\_\_\_ Proposed Future Land Use Designation: \_\_\_\_\_

Legal Description: \_\_\_\_\_

## PUBLIC HEARING REQUIRED FOR CONDITIONAL USE AND REZONE

**CONDITIONAL USE:** Following acceptance of a complete application, the Village Clerk shall schedule a public hearing before the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area) to be held within 45 days after acceptance of a complete application. Notice of the time, place, and purpose of such hearing shall be given by publication as a Class 2 Notice in conformance

with the requirements of Wis. Stat. § 62.23(7)(d). The Village Clerk shall also send said notice to the applicant, owners of record of all lands within 300 feet of the boundaries of the subject property, and the clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter at least ten days prior to the date of such public hearing. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this Section.

**REZONE:** The Plan Commission (or Extraterritorial Zoning Committee) shall hold a public hearing on all proposed amendments to the Official Zoning Map. Following the public hearing, and after consideration of comments provided therein, the Plan Commission or Committee shall review the proposed amendment to the Official Zoning Map and shall within 45 days of the public hearing make a recommendation to the Village Board that the application be granted as requested, modified, or denied. If the Commission or Committee fails to make a recommendation within this timeframe, the proposed amendment shall be forwarded to the Village Board without recommendation. Such deadline may be extended by written or electronic agreement from the applicant. Nothing in this Chapter requires Town Plan Commission or Town Board action on proposed amendments to the Official Zoning Map in the ETZ Area.

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### **CONDITIONAL USE REQUIREMENTS**

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Maps showing the current location and current zoning and future land use of all lands for which the conditional use permit is proposed, the location and current zoning of all lands within 300 feet, and the jurisdiction(s) within the subject property lies (Village of Weston or Town of Weston) will be provided by Village Staff.

A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations is required to be attached to this application.

Has the written description and location been attached?  Yes  No

Written justification is required for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the approval criteria set forth below.

Has the written justification been attached?  Yes  No

Does the Conditional Use Permit involve exterior building or site improvements?  Yes  No

If yes to the above stated question, then a separate site plan application must be filed concurrently with this application. Failing to include a site plan application will deem the status of this application as incomplete.

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**Comparison of Proposed Conditional Use with Required Review Criteria (complete below or on an attached sheet as needed):**

1. Is the proposed conditional use (the use in general, independent of its location) in harmony with the purposes, goals, objectives, policies and standards of the Village of Weston Comprehensive Plan; zoning ordinance; and any other plan, program or ordinance adopted or under consideration? Explain how, or why not. (Consult with Zoning Administrator as necessary on applicable plans.)

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2. Will the proposed conditional use in this location, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, the natural environment, traffic, 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? Explain how, or why not.

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3. Will the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environments of the subject property? How?

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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? Explain how this has been evaluated.

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5. What are the public benefits of this proposal? Do the potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use?

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**Issuance and Recording of Permit.** Within 30 days following the granting of a conditional use permit, the Zoning Administrator shall issue to the applicant a written conditional use permit enumerating the details of the conditional use permit, including what land use(s) and/or development was approved and any conditions of approval. The Zoning Administrator shall record the conditional use permit against the property, assigning all costs thereof to the applicant, and shall make record of the conditional use permit on the Official Zoning Map.

**Effect of Denial.** No conditional use permit application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

**Termination of an Approved Conditional Use.** Once a conditional use permit is granted, no erosion control permit, site plan approval, certificate of occupancy, zoning permit, or building permit shall be issued for any development that does not comply with all requirements of the conditional use permit and this Chapter. Any conditional use found not to be in compliance with the terms of this Chapter or the approved conditional use permit shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties. A conditional use permit may be revoked for such a violation by the Plan Commission, following the procedures outlined for original granting of a conditional use permit.

**Time Limits on the Development of Conditional Use.** The start of construction of any and all conditional uses shall be initiated within 365 days of approval of the associated conditional use permit and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use permit. For the purposes of this Section, "operational" shall be defined as occupancy of the conditional use. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area) and shall be based upon a showing of acceptable justification.

**Discontinuing an Approved Conditional Use.** Any and all conditional uses that have been discontinued for a period exceeding 365 days shall have their conditional use permit automatically invalidated. The burden of proof shall be on the property owner to conclusively demonstrate that the conditional use was operational during this period.

**Change of Ownership.** 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 as otherwise limited by this Chapter or by a specific condition attached to the conditional use permit. Modification, alteration, or expansion of any conditional use in violation of the approved conditional use

permit, without approval by the Plan Commission (or Extraterritorial Zoning Committee), shall be considered a violation of this Chapter and shall be grounds for revocation of said conditional use permit.

**Uses Now Regulated as Conditional Uses That Were Legal Land Uses (Permitted-by-Right or as Conditional Uses) Prior to the Effective Date of This Chapter.** A use now regulated as a conditional use that was a legal land use--either permitted-by-right or as a conditional use--prior to March 18, 2015 shall be considered as a legal, conforming land use so long as any previously approved conditions of use and site plan are followed. Any substantial modification of such use or any previously approved condition of such use, in the determination of the Zoning Administrator, shall require application and Village consideration of a new conditional use permit under this Section.

### REZONE REQUIREMENTS

Maps showing the current location and current zoning and future land use of all lands for which the conditional use permit is proposed, the location and current zoning of all lands within 300 feet, and the jurisdiction(s) within the subject property lies (Village of Weston or Town of Weston) will be provided by Village Staff.

Written justification is required for the proposed rezone consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the approval criteria set forth below.

Has the written justification been attached?  Yes  No

Does the rezone involves exterior building or site improvements?  Yes  No

If yes to the above stated question, then a separate site plan application must be filed concurrently with this application. Failing to include a site plan application will deem the status of this application as incomplete. Incomplete applications will not be reviewed and shall be discarded within 30-days if the application status remains incomplete. Any fees collected will not be refunded.

#### Comparison of Proposed Rezone with Required Review Criteria (complete below or on an attached sheet as needed):

1. Is the proposed rezoning consistent with the recommendations of the Comprehensive Plan? Explain how, or why not.

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2. Does the proposed rezoning further the purpose and intent of the zoning ordinance, as expressed in Section 94.1.03 of the Village's zoning ordinance? Explain how, or why not.

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3. Does the proposed rezoning address a mistake that was made in mapping on the Village's zoning map? In other words, is the subject property developed in a way that is not allowed under its current zoning? If yes, please explain.

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4. Does the proposed rezoning address factors that have changed that make the property more appropriate for a different zoning district? Such factors may include the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, new plans, or other zoning changes in the area. If yes, please indicate the relevant factors.

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5. Have growth patterns or rates changed since the land was zoned as it is now? If yes, please provide supporting data and indicate how changed patterns or rates suggest the need for this rezoning.

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6. Will the proposed rezoning maintain a desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property? How?

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**Village Board.** The Zoning Administrator shall schedule the proposed amendment for potential Village Board action. After careful consideration of all comments, the Village Board shall within 120 days of submittal of a complete application, act to approve or reject the proposed amendment, unless extended by written or electronic agreement of the applicant. Failure of the Board to act within 120 days of submittal of a complete application (unless said deadline is extended by agreement of the applicant) shall constitute approval of the application as presented.

The Village Board may approve an amendment by a simple majority of a voting quorum, except that if the Board action is opposed to or alters a recommendation of the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area), and/or an official protest against the requested amendment to the Official Zoning Map meeting the requirements of Wis. Stat. § 62.23(7)(d)2m.a is filed, then approval of the amendment to the Official Zoning Map shall require an affirmative vote from three-fourths or greater of the full Village Board.

**Effect of Denial.** No application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

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### COMPREHENSIVE PLAN AMENDMENT REQUIREMENTS

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By August 1st of each year, the Zoning Administrator shall obtain Plan Commission approval of a Comprehensive Plan amendment schedule, with the intent to adopt any Comprehensive Plan amendments in that annual amendment cycle by February of the following year.

Applications for Comprehensive Plan amendments shall be submitted to the Zoning Administrator in writing each year by the annual application deadline established in the approved amendment schedule, using a Village provided application form, in order to be considered in that year's amendment cycle. Only complete applications will be processed.

In addition to such applications, Village staff, the Village Plan Commission or any member thereof, or the Village Board or any member thereof may request amendments to the Comprehensive Plan, by the annual application dateline or another date if established in the approved amendment schedule.

The Zoning Administrator shall refer all proposed amendments under subsections (a) and (b) to the Plan Commission, within 30 days following the latest required date of submittal.

The Commission shall advise Village staff as to which proposed amendments should be considered for further review, providing an opportunity for public comment. Depending upon the number and nature of the proposed amendments, the Commission may hold a public hearing before it decides which proposed amendments should be recommended for consideration. Notice of such hearing shall be given by publication of a Class 1 Notice. In the case of a site-specific Future Land Use map amendment, the Zoning Administrator shall also provide written notification to all property owners within 100 feet of the site.

After consideration of the proposed amendments and no later than January in the annual amendment cycle, the Plan Commission shall recommend the approval of any proposed amendment to the Village Board. The Commission is under no obligation to recommend approval of any requested amendment, and may recommend the amendment with modification. Such Commission action shall be via adoption of a resolution.

Following the Commission recommendation by resolution, and after a required 30 day public hearing notice period under Wisconsin Statutes, the Village Board shall hold a public hearing for the purpose of receiving public comment regarding the merits of the proposed amendments that have been recommended by resolution of the Plan Commission.

Following the public hearing, the Village Board may adopt all or some of the recommended Comprehensive Plan amendments by ordinance, either as recommended or with modifications.

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**Comparison of Proposed Comprehensive Plan Amendment with Required Review Criteria (complete below or on an attached sheet as needed):**

1. Is the proposed Comprehensive Plan Map Amendment consistent with the Comprehensive Plan? Explain how, or why not.

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2. Has the amendment been reviewed and denied during a previous comprehensive plan amendment cycle?  Yes  No

3. Would the amendment or projected development that would result will not create an adverse impact on public services and facilities, unless such impact will be successfully mitigated? Explain how, or why not.

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4. Would the projected development that would result from the amendment create an undue or adverse impact on surrounding properties, and will it be consistent with or upgrade the character of the site and the surrounding neighborhood? Explain how, or why not.

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5. Would the amendment or projected development that would result create an adverse impact on the following, unless such impact will be successfully mitigated: public facilities; public services; the natural environment including trees, slopes, and groundwater; any landmarks or other historically significant structures or properties? Explain how, or why not.

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6. Is the amendment justified by a change in Village actions or neighborhood characteristics? Explain how, or why not.

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7. **[MAP AMENDMENT ONLY]** Does the change correct a mapping error of the Future Land Use Map? If so, explain.

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8. Is there a community or regional need identified in the Comprehensive Plan for the proposed land use or service? Explain how, or why not.

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9. Is the proposed amendment consistent with other Village plans, policies, and regulations? Explain how, or why not.

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10. Does the amendment respond to a substantial change in conditions beyond the property owner's control applicable to the area within which the subject property lies? Explain how, or why not.

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11. **[MAP AMENDMENT ONLY]** Does the amendment better implement applicable Comprehensive Plan polices than the current map designation? Explain how, or why not.

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12. Does the amendment address a deficiency in the Comprehensive Plan as identified by the Plan Commission or Village Board? Explain how, or why not.

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**Revocation.** Any approved Comprehensive Plan amendment may be reversed by the Village Board outside the regular amendment period upon the findings of any of the following:

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

**STATEMENT OF UNDERSTANDING AND SIGNATURES**

By signing and dating below, I acknowledge that I have reviewed and understand the Village of Weston zoning ordinance and its standards of approval related to this application; read, understand, and accept my responsibilities under the reimbursement section above; submitted an application that is true, correct, and complete to the best of my knowledge; acknowledge that Village officials and/or employees may, in the performance of their functions, enter upon the subject property to inspect or gather information necessary to process this application; understand that all meeting dates are tentative and may be postponed by the Village for the reason of incomplete submittals or other administrative reasons; if this application is approved, agree to abide by this application, approved plans, and required conditions associated with plan approval in the development of the subject property; and understand that the Village's zoning ordinance and/or the conditions of development approval may specify timeframes within which I must take certain actions related to the development of the subject property, or risk having the approval being nullified. **Failing to attach all the required components will deem the status of this application as incomplete. Incomplete applications will not be reviewed and shall be discarded within 30-days if the application status remains incomplete. Any fees collected will not be refunded.**

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Applicant Name

Property Owner     Agent (*Agents must have a LETTER OF AUTHORIZATION from all property owners*)

STATE OF WISCONSIN            )  
  ) ss.  
COUNTY OF MARATHON        )

Personally appeared before me this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_, the above named individual, to me known to be the person who executed the foregoing instrument and acknowledge the same.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_



**STAFF REVIEW**

PIN: \_\_\_\_\_ Zoning: \_\_\_\_\_  Village  ETZ  
Filed After the Fact:  Yes  No Fine Imposed:  Yes  No Amount: \_\_\_\_\_  
Publication of Notice Date 1: \_\_\_\_\_ Publication of Notice Date 2: \_\_\_\_\_

**Conditional Use Permit Review:**

PC/ETZ Meeting Date: \_\_\_\_\_ CUP No.: \_\_\_\_\_  
 Approved  Approved w/ Conditions  Denied Site Plan No.: \_\_\_\_\_  
Adoption Date: \_\_\_\_\_

**Conditional Use Permit Review (Outdoor Commercial Entertainment Only)**

Name of Establishment: _____	License Number: _____
CLPS Meeting Date: _____	<input type="checkbox"/> Recommend <input type="checkbox"/> Recommend w/ Conditions <input type="checkbox"/> Denied
VB Meeting Date: _____	<input type="checkbox"/> Approved <input type="checkbox"/> Approved w/ Conditions <input type="checkbox"/> Denied

Recorded Date: \_\_\_\_\_ Document No.: \_\_\_\_\_

**Rezone and Comprehensive Plan Amendment Review:**

Public Hearing Date: \_\_\_\_\_ Rezone/CPA No.: \_\_\_\_\_  
Proposed Zoning: \_\_\_\_\_ Proposed FLU: \_\_\_\_\_  
 Approved  Approved w/ Conditions  Denied  
Adoption Date: \_\_\_\_\_ Ordinance No.: \_\_\_\_\_  
Publication Date: \_\_\_\_\_