

## **ARTICLE XVI. COMPREHENSIVE PLAN**

### **Sec. 94.231 Intent**

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

### **Sec. 94.232 Statutory authority.**

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

### **Sec. 94.233 Adoption of plan.**

The Village of Weston Comprehensive Plan, adopted by resolution of the Plan Commission on February 13, 2006, and by ordinance of the Village Board on April 3, 2006, is the official Comprehensive Plan of the Village of Weston. The above-mentioned Comprehensive Plan supersedes and replaces all Comprehensive Plans previously adopted by the Village, except as explicitly provided for in the Comprehensive Plan document or under Sec. 94.235 below. The text, maps, tables, graphics, goals, objectives, policies, and recommendations of the adopted Comprehensive Plan are intended to serve as a guide as the Village undertakes subsequent actions to implement the plan, except as otherwise provided for under Wisconsin Statutes.

### **Sec. 94.234 Distribution of plan.**

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

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

- 4) The Marathon County Public Library – Wausau Headquarters.

**Sec. 94.235 Detailed components of and amendments to Comprehensive Plan.**

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

**Sec. 94.236 Comprehensive Plan Amendment Procedures.**

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

**Sec. 94.237 Applicability.**

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

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

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

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

**Sec. 94.238 Procedures.**

- (1) Applications for all Comprehensive Plan amendments shall be considered legislative actions and subject to the procedures in this section.
- (2) Applications shall be submitted in writing by July 15<sup>th</sup>, using Village provided applications, in order to be considered if amendments will be addressed in that year's process.
- (3) Site-specific Future Land Use map changes may be initiated by the property owner(s) through a fee-paid application process. The Planning Commission or Village staff shall docket all site-specific Future Land Use map amendment requests for further staff review and consideration if the amendment is appropriate as indicated in Section Sec. 94.237 (a) and (b).
- (4) All other map and text amendments shall be suggested by the Planning Commission and/or Village Board, including Village staff using the appropriate forms.
- (5) Village staff will submit all proposed amendments received during the period specified in Sec. 94.238 (2) of this chapter to the Planning Commission at their meetings in August. The Planning Commission shall make a recommendation to the Village Staff, which proposed amendments should be considered for further review. A suggested amendment will not be docketed for further processing if the Planning Commission and Planning Commission staff determines that an application is incomplete. The Planning Commission may modify a proposed amendment during the selection process. Depending upon the number and nature of the proposed amendments, the Planning Commission may hold a public hearing before it decides which proposed amendments should be recommended for consideration. Notice of the hearing shall be given by publication of a Class 1 Notice. In the case of a site-specific Future Land Use map change, written notification must also be served on all adjacent property owners within 100 feet of the site of application.
- (6) The Planning Commission shall provide an opportunity for public comment regarding the suggested text and Future Land Use map changes, and review them to determine whether they should be recommended to the Village Board as part of the current year's amendment cycle.
- (7) Planning Commission review of proposed amendments will be held during the months of August and September.

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

**Sec. 94.239 Approval Criteria.**

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

- (1) Respond to a substantial change in conditions beyond the property owner's control applicable to the area within which the subject property lies; or
  - (2) Better implement applicable comprehensive plan polices than the current map designation; or
  - (3) Correct an obvious mapping error; or
  - (4) Address an identified deficiency in the Comprehensive Plan.
- (c) Comprehensive Plan amendment(s) shall be consistent with Village Planning Policies and the Village of Weston Comprehensive Plan goals, objectives and policies.

**Sec. 94.240 Submittal Requirements.**

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

- (a) Future Land Use map amendments:
  - (1) Completed application form, provided by the Village, signed by the legal owner or by a representative authorized to do so by written instrument submitted with the form.
  - (2) Parcel numbers and legal description(s) of the subject property.
  - (3) Maps(s) of the subject property, which indicate existing buildings, roads, critical areas, and the land use of the adjacent properties, to be provided in 11" by 17" format to a standard engineering scale. (i.e.: 1:40)
  - (4) Maps indicating the current and proposed land use designations, to be provided in 11" by 17" format to a standard engineering scale. (i.e.: 1:40)
  - (5) Information regarding the property including existing land use, access to sewer and water, and availability of public facilities such as schools, fire and police services.
  - (6) Written narrative stating the reasons for the request for the Comprehensive Plan amendment and how the proposed Comprehensive Plan amendment meets the criteria in 94.239.
  - (7) Completed and signed checklist.
- (b) Comprehensive Plan text amendments:
  - (1) Completed and signed request form;
  - (2) Suggested amendment indicating the Chapter and Section location;
  - (3) Written narrative including the reasons for the suggested amendment and how the proposed amendment meets the criteria in 94.239, and;
  - (4) Any supporting documentation.

**Sec. 94.241 Distribution of plan amendments.**

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

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

**Sec. 94.242 Revocation.**

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

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

(Ord. of 6-22-06)