



It's Right Here.

**Village of Weston, Wisconsin  
ATTENTION – NOTICE OF PUBLIC MEETING**

- Meeting:** ZONING STEERING COMMITTEE MEETING, AN AD HOC MEETING OF THE PLAN COMMISSION/JOINT TOWN & VILLAGE OF WESTON EXTRATERRITORIAL ZONING COMMITTEE
- Members:** Loren White, Dennis Lawrence, Mark Hull, Fred Schuster, Joe Jordan, Brian Bushnell, Kevin Cline, Matt Yde, Jennifer Higgins, Mark Roffers
- Date/Time:** Tuesday, April 17, 2018, @ 3:00 P.M.
- Location:** Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476
- Agenda:** The agenda packet will be sent out 3 days prior to the meeting.
- Attendance:** Zoning Steering Committee Members, and Department Directors, please indicate if you will, or will not, be attending so we may determine in advance if there will be a quorum.
- Questions:** Jennifer Higgins Valerie Parker  
[jhiggins@westonwi.gov](mailto:jhiggins@westonwi.gov) [vparker@westonwi.gov](mailto:vparker@westonwi.gov)  
(715) 359-6114 (715) 359-6114

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**PLEASE NOTE THE FOLLOWING INFORMATION:**

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This notice was posted at the Municipal Center, and on the Village's website at [www.westonwi.gov](http://www.westonwi.gov), and was e-mailed to local media outlets (Print, TV, and Radio) on 04/13/2018 @ 2:00 p.m. Any posted agenda is subject to change up until 24 hours prior to the date and time of the meeting.

A quorum of members from other Village governmental bodies (boards, commissions, and committees) may 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). Wisconsin State Statutes require all agendas for Committee, Commission, or Board meetings be posted in final form, 24 hours prior to the meeting.

Any person who has a qualifying disability, as defined by the Americans with Disabilities Act, requiring that meeting or material to be in an accessible location or format, must contact the Weston Municipal Center, at 715-359-6114, by 12 noon, the Friday prior to the meeting, so any necessary arrangements can be made to accommodate each request.



**VILLAGE OF WESTON, WISCONSIN**  
**OFFICIAL MEETING AGENDA OF THE ZONING STEERING COMMITTEE**  
**AN AD HOC COMMITTEE OF THE PLAN COMMISSION & JOINT TOWN & VILLAGE OF**  
**WESTON EXTRATERRITORIAL ZONING COMMITTEE**

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**Meeting of the:** Zoning Steering Committee  
**Date/Time:** Tuesday, April 17, 2018 at 3:00 p.m.  
**Location:** Village of Weston, 5500 Schofield Avenue – Board Room  
**Members:** Loren White, Dennis Lawrence, Mark Hull, Fred Schuster, Joe Jordan,  
Brian Bushnell, Kevin Cline, Matt Yde, Jennifer Higgins, Mark Roffers.

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 and Joint Village & Town Extraterritorial Zoning Committee 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.

**AGENDA ITEMS**

1. Meeting called to order by Plan Commission Chairman White.
2. Public Comments.
3. [Approval of Minutes from March 20, 2018 Meeting.](#)
4. [Review of Sec. 94.3.04 Figure 3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts](#)
5. [Review of Sec. 94.3.05 Figure 3.05: Allowable Uses in Non-Residential and Mixed-Use Zoning Districts.](#)
6. [Discussion of Land Use Description Standards recommended for review:](#)
  - a. [Sec. 94.4.02 \(4\) Multi-Family Residence \(9+ unit building\)](#)
  - b. [Sec. 94.4.05 \(17\) Tourist Rooming House](#)
  - c. [Sec. 94.3.06 \(3\) Personal Storage Facility](#)
  - d. [Sec. 94.3.06 \(5\) Solid Waste Disposal, Composting, and/or Recycling Facility](#)
  - e. [Sec. 94.4.08 \(4\) Non-Metallic Mineral Extraction](#)
  - f. [Sec. 94.4.09 \(4\) Intermediate Day Care Home \(9-15 children\)](#)

**FUTURE ITEMS**

7. Topics for future meetings
  - a. [2017 Wisconsin Act 243 - Developers Bill](#)
8. Additional remarks from public.
9. Remarks from members.
10. Adjournment.

**Village of Weston, Wisconsin**  
**OFFICIAL PROCEEDINGS OF THE ZONING STEERING COMMITTEE**  
**AN AD HOC COMMITTEE OF THE PLAN COMMISSION AND**  
**JOINT TOWN & VILLAGE OF WESTON EXTRATERRITORIAL ZONING COMMITTEE**  
held on Monday, March 20, 2018, at 3:00 p.m., in the Board Room, at the Municipal Center

**AGENDA ITEMS.**

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**1. Meeting called to order by Plan Commission Chairman White.**

White called the meeting to order at 3:00 p.m.

Roll call indicated 10 Joint Town & Village of Extraterritorial Zoning Committee members present.

<u>Member</u>	<u>Present</u>
Loren White	YES
Dennis Lawrence	YES
Mark Hull	YES
Fred Schuster	YES
Joe Jordan	YES
Brian Bushnell	YES
Kevin Cline	YES
Matt Yde	YES
Jennifer Higgins	YES
Mark Roffers	YES – via phone

**2. Welcome, introductions, and acknowledgement of guests.**

Village staff present were Daniel Guild, Jared Wehner, Scott Tatro, and Valerie Parker.

**3. Overview of Task Force Purpose. (Guild)**

Guild explained the purpose and make-up of this committee.

**4. Public Comments.**

None.

**5. Overview of Act 67. (Yde)**

Through a presentation (attached) Yde gave an overview of Act 67, which was enacted in November, 2018.

Jordan asked if the legislature were to change, will it stay this way? Yde stated it could be flip-flopped.

Bushnell commented how he has seen issues change over time, and questioned if the ordinance has to have time frames on a conditional use for the Village. Yde stated to look at ordinances to see what the requirements are to be sure adequate, to be sure use is appropriate for zoned areas.

Jordan confirmed that there could be a time limit. Higgins stated we typically do not put a time limit on those, but we could limit to a timeline. If the use stops over time, the Conditional Use Permit goes away.

Jordan stated a renewal would be less onerous. Higgins stated it is hard for staff to keep track of the renewals.

**6. Options for addressing Act 67. (Roffers)**

Roffers explained how the zoning ordinance is broadly arranged into three categorical areas:

1. What you can do in different zoning districts (permitted and conditional);
2. Description of what those uses mean, and what performance standards apply in those land uses; and
3. Sets up procedures and criteria for reviewing things like conditional use permits.

Roffers feels the zoning code did a good job in anticipating Act 67, by accident, by establishing these measurable performance standards that are frequently listed as conditional uses. Because the feeling was with those performance standards the Village might have a chance at saying “no” to certain uses.

Roffers stated from the time Act 67 was introduced, to the time it was adopted, there were amendments to the law that made it more understandable and easier to work with. Over the past 5 – 7 years, there have been a number of pieces of legislation and court decision that seem to preempt local zoning authority in particular areas (cell towers, large scale livestock, signs, etc.). Municipalities worry about losing more power.

As far as what we do, as a Village, for Act 67, Roffers stated we can take a number of approaches. We could take a minimal approach and look at the standards and criteria for granting a CUP and adjust them to conform with the procedural requirements of the law, which appear in Sec. 94.16.06 of the code.

There are about 5 or 6 criteria that PC needs to look at prior to granting a conditional use. He would suggest we tighten those criteria up, as they relate to the substantial evidence, measurable verbiage, they refer to the restriction against anything decided solely on public comment. To adopt an ordinance, changes to the procedures that would comply with the law, and as much as possible protect the Village’s interest to apply reasonable conditions to CUP’s, or in certain cases to reject them if they don’t meet standards in the zoning ordinance.

The second option is review the lists of permitted and conditional uses in the Allowable Uses (see attached table), and decide whether the Village may have been too liberal in allowing certain types of conditional uses in certain zoning districts.

A third option is to review the performance standards for particular land uses, try to link standards to the statutory standards, and amend the standards for those conditional uses.

Hull stated we are very focused on conditional uses. We seem to be neglecting the things that are permitted in various districts. He would be interested to know how many conditional uses we are talking about, and if we can hone in on the more difficult ones (such as non-metallic mining, etc.). He feels we should focus in on the big ones and then decide as we go through the process how to address the remaining issues.

Roffers stated we should not get the impression that a CUP can’t be denied. Some of the land uses are things that don’t come up often, but if they do, we need to be prepared.

Hull stated to look at the ones that come up more often, and look at those that are seldom. Roffers stated we need to look at making some of those “C’s” to “P’s”, and give good performance standards with those.

**7. Review of Sec. 94.3.04 Figure 3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts.**

**8. Review of Sec. 94.3.05 Figure 3.05: Allowable Uses in Non-Residential and Mixed Use Zoning Districts.**

Higgins stated these agenda items are the priority for this committee.

Higgins pointed out how the proposed apartment complex on Schofield and Ryan is now coming back. This was denied as the developer could not make decision. Now they are coming back and want to start project. In our code, there is a 12-month wait period. This was to prevent someone from coming back and wearing the PC down.

Hull commented it would be better to up the performance standards. It is easier to tell a developer it is not allowed, then they can focus on places it should go. Roffers stated one reason to keep the CUP in, is so when there is a complaint, there is an avenue to voice the complaint.

Higgins explained what is happening in our old industrial area, where owners are now leasing to non-industrial uses. We have these gray areas, and are trying to make it easier so that we don't have to say no.

Wehner pointed out the multi-family use consists of 3-8 units and 9+ units which are different on the chart, but under same performance standards.

White commented on business zoning, an institutional residential use is CUP.

Hull questioned the volume or quantity of CUP's issued last year, what were they, how far back before the new zoning code? Higgins pointed out how we already have 2 next month. She will research our records and report back what she found. There was discussion on the conditional use permits granted.

Roffers stated most of his clients are not in the business of denying CUP's.

Bushnell stated more mature communities have had more issues, and questioned how much is it germane to anticipate the future. Higgins stated the Comp Plan is in place for that. The future land use map is to guide for the future.

Schuster commented it seems like we want everything into a tight box, with an occasional change. This issue is not that many. He questions if we are spending a lot of time on a small issue. Jordan stated that has been some of the pushback by some of the businesses, as this process has been too onerous.

There was discussion of the site plan submittal process. White stated how Higgins will spell out to businesses what they need to submit. Cline commented how some people will think it is too much work. Wehner stated he feels people don't understand the process. White feels we have a fairly modern zoning code, unlike the others.

Yde is hearing we don't want to do away with CUP, just with the right performance standards. we identify those that we really want CUP, and make sure to include objective criteria; make sure doable, and if a use is just not a good fit for an area, remove the "C". We still have some control if they don't meet criteria to take to court.

Yde would prefer to keep the controversial uses by CUP, which allows more enforcement. Our focus should be on laying out the objective criteria in as streamline approach as we can, and make it easy on everybody. Make sure that we don't leave a back door open for someone to do something that we have not covered objectively enough with our standards.

## **FUTURE ITEMS.**

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### **9. Topics for future meetings.**

- a. Discussion of Land Use Description Standards recommended by Plan Commission for review:**
  - i. Sec. 94.3.06(3) Personal Storage Facility**
  - ii. Sec. 94.3.06(5) Solid Waste Disposal, Composting, and/or Recycling Facility**
  - iii. Sec. 94.4.08(4) Non-Metallic Mineral Extraction**

Higgins stated at the next meeting, we will discuss the 3 items under #9, and we will pull information for the multi-family residents (9+ unit buildings).

Hull commented two others to bring up at the next meeting: tourist rooming house and intermediate day-care home.

White stated it would be beneficial for committees to see the past CUP's. Higgins will do a report on past CUP's and do a report on what they were for. She will provide a link to a cloud drive for the committee to see.

Hull stated also outdoor alcohol area. Higgins stated the changes were made to that already.

Wehner pointed out the Outdoor commercial area, as it is a principal use.

Bushnell questioned how often the meetings will meet. Higgins stated they will meet again sometime next month. We can limit to 1.5 hours to 2 hours at the most. After some discussion, it was agreed the next meeting would be held April 17<sup>th</sup>, from 3:00 p.m. – 4:30 p.m.

**10. Additional remarks from public.**

None.

**11. Remarks from members.**

None.

**12. Adjourn**

White adjourned at 4:45 p.m.

Meeting Notes Respectfully Submitted,

Valerie Parker  
Planning Technician

**Village of Weston, Wisconsin  
MEETING OF THE  
ZONING STEERING COMMITTEE  
AN AD HOC COMMITTEE OF THE PLAN COMMISSION AND  
TOWN & VILLAGE EXTRATERRITORIAL ZONING COMMITTEE**

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**April 17, 2018**

**MEETING PACKET COVER SHEET  
AGENDA ITEM – 4.**

**Review of Sec. 94.3.04 Figure 3.04: Allowable Uses  
in Rural, Open Space and Residential Zoning  
Districts**



Section 94.3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts *through*

Section 94.3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts

**Section 94.3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts**

**Figure 3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts**

P = Permitted Use		C = Conditional Use		T = Temporary Use		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
<b>Residential Land Uses</b> (see Section 94.4.02 for descriptions and standards for each land use)										
(1)	Single-Family Detached Residence	C	P	P		P	P	P	P	P
(2)	Two-Family Residence							P	P	
(3)	Multi-Family Residence (3-8 unit building)							C	P	
(4)	Multi-Family Residence (9+ unit building)								C	
(5)	Manufactured Home Community									P
(6)	Mixed Use Dwelling Unit								C	
<b>Agricultural Land Uses</b> (see Section 94.4.03 for descriptions and standards for each land use)										
(1)	Agricultural Use	P	P	P/C	C					
(2)	Agricultural-Related Use	P	C	C						
(3)	Community Garden	P	P	P	P	P	P	P	P	P
(4)	On-site Agricultural Retail	P	P	C						
<b>Institutional and Recreational Land Uses</b> (see Section 94.4.04 for descriptions/standards for each use)										
(1)	Passive Outdoor Public Recreation	C	P	P	P	P	P	P	P	P
(2)	Active Outdoor Public Recreation	C	C	C	P	C	C	C	C	C
(3)	Indoor Institutional—General		C	C	P	C	C	C	P	
(4)	Indoor Institutional—Intensive				C				C	
(5)	Outdoor Institutional	C	C	C	C	C	C	C	C	
(6)	Public Service or Utility	C	P	P	P	P	P	P	P	P
(7)	Institutional Residential					C	C	C	C	
(8)	Community Living Arrangement (1-8 residents)		P	P		P	P	P	P	
(9)	Community Living Arrangement (9-15 residents)		C	C		C	C	P	P	
(10)	Community Living Arrangement (16+ residents)							C	P	
<b>Commercial Land Uses</b> (see Section 94.4.05 for descriptions and standards for each land use)										
(1)	Office									
(2)	Personal or Professional Service								C	
(3)	Artisan Studio								C	
(4)	Group Day Care Center					C	C	C	C	
(5)	Indoor Sales or Service									

Section 94.3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts

through Section 94.3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts

P = Permitted Use		C = Conditional Use		T = Temporary Use		Empty Cell = Prohibited Use				
Land Use Category		Zoning District (see key at end of figure)								
(#)	Land Use Type	FP	AR	RR-2; RR-5	PR	SF-L	SF-S	2F	MF	MH
(6)	Outdoor Display									
(7)	Indoor Repair and Maintenance									
(8)	Outdoor and Vehicle Repair and Maintenance									
(9)	Drive-In or Drive-Through Sales or Service									
(10)	Indoor Commercial Entertainment									
(11)	Outdoor Commercial Entertainment		C							
(12)	Commercial Animal Establishment	C	C	C						
(13)	Bed and Breakfast	C	C	C		C	C	C	P	
(14)	Boarding House								C	
(15)	Campground		C		P					
(16)	Commercial Indoor Lodging									
(17)	Tourist Rooming House		C	C				C	C	
(18)	Adult Entertainment or Adult-Oriented Establishment									
(19)	Large Retail and Commercial Service Development									
(20)	Microbeverage Production Facility									
<b>Storage or Disposal Land Uses</b> (see Section 94.4.06 for descriptions and standards for each land use)										
(1)	Indoor Storage or Wholesaling									
(2)	Outdoor Storage or Wholesaling									
(3)	Personal Storage Facility								C	C
(4)	Junkyard or Salvage Yard		C							
(5)	Solid Waste Disposal, Composting, and/or Recycling Facility		C							
(6)	Auction Yard									
<b>Transportation Land Uses</b> (see Section 94.4.07 for descriptions and standards for each land use)										
(1)	Off-Site Parking				C				C	C
(2)	Airport or Heliport		C							
(3)	Freight Terminal and Mass Transportation Depot									
(4)	Distribution Center									
(5)	Livestock or Farm Commodity Trucking	C	C							

Section 94.3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts

through Section 94.3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts

P = Permitted Use		C = Conditional Use		T = Temporary Use		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
<b>Industrial Land Uses</b> (see Section 94.4.08 for descriptions and standards for each land use)										
(1)	Light Industrial		C							
(2)	Heavy Industrial									
(3)	Communications Tower	C	P	C	C	C	C	C	C	C
(4)	Non-Metallic Mineral Extraction	C	C							
<b>Accessory and Miscellaneous Land Uses</b> (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	P		P	P	P	P	P
(3)	Family Day Care Home (4-8 children)	P	P	P		P	P	P	P	P
(4)	Intermediate Day Care Home (9-15 children)	C	C	C		C	C	C	C	C
(5)	Home Occupation	P	P	P		P	P	P	C	C
(6)	Residential Business	C	C	C		C	C	C		
(7)	In-Home Suite		P	P		C	C	P	P	
(8)	Accessory Dwelling Unit		C	C		C	C	C	C	
(9)	Animal Fancier	P	P	P		C	C			
(10)	Keeping of Farm Animals on Residential Lots and School Sites	P	P	P						
(11)	Company Cafeteria									
(12)	Company Provided On-site Recreation or Child Care									
(13)	Indoor Sales Incidental to Storage or Light Industrial Land Use		C							
(14)	Light Industrial Activities Incidental to Indoor Sales or Services									
(15)	Outdoor Display Incidental to Indoor Sales or Service									
(16)	Outdoor Alcohol Area		C							
(17)	Small Exterior Communication Device	P	P	P	P	P	P	P	P	P
(18)	Large Exterior Communication Device	C	C	C	C	C	C	C	C	C
(19)	Geothermal Energy System (GES)	P	P	P	P	P	P	P	P	P
(20)	Small Wind Energy System	P	P	P	P	P	P	P	P	P

Section 94.3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts

through Section 94.3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts

P = Permitted Use		C = Conditional Use		T = Temporary Use			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
(21)	Small Solar Energy System	P	P	P	P	P	P	P	P	P
(22)	Outdoor Solid Fuel Furnace	P	P	C						
(23)	Private Lake (Pond)	P	P	P	C	C	C	C	C	C
(24)	Vehicle Course or Track	P	P	C	C					
(25)	Donation Drop-Off Box or Vending Machine				P				C	C
<b>Temporary Land Uses</b> (see Section 94.4.10 for descriptions and standards for each land use)										
(1)	Temporary Outdoor Sales				T					
(2)	Garage, Yard, Estate, and In-Home Sales	T	T	T		T	T	T	T	T
(3)	Outdoor Assembly or Special Event	T	T	T	T	T	T	T	T	T
(4)	Contractor's Project Office	T	T	T	T	T	T	T	T	T
(5)	Contractor's On-Site Equipment Storage Facility	T	T	T	T	T	T	T	T	T
(6)	Relocatable Building	T	T	T	T	T	T	T	T	T
(7)	On-Site Real Estate Sales Office		T	T	T	T	T	T	T	T
(8)	Seasonal Outdoor Sales of Farm Products	T	T		T					
(9)	Temporary Portable Storage Container	T	T	T	T	T	T	T	T	T
(10)	Temporary Shelter	T	T	T	T	T	T	T	T	T
(11)	Temporary Agricultural Structure	T	T							
(12)	Temporary Unscreened Storage									
(13)	Temporary Sales by Mobile Food Vendors				T					
(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	T/C
<b>Key to Zoning Districts:</b>										
FP = Farmland Preservation					SF-L = Single Family Residential-Large Lot					
AR = Agriculture and Residential					SF-S = Single Family Residential-Small Lot					
RR-2 = Rural Residential (2 acre minimum)					2F = Two Family Residential					
RR-5 = Rural Residential (5 acre minimum)					MF = Multiple Family Residential					
PR = Parks and Recreation					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]

**Village of Weston, Wisconsin  
MEETING OF THE  
ZONING STEERING COMMITTEE  
AN AD HOC COMMITTEE OF THE PLAN COMMISSION AND  
TOWN & VILLAGE EXTRATERRITORIAL ZONING COMMITTEE**

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**April 17, 2018**

**MEETING PACKET COVER SHEET  
AGENDA ITEM – 5.  
Review of Sec. 94.3.05 Figure 3.05: Allowable Uses in  
Non-Residential and Mixed-Use Zoning Districts**



Section 94.3.05: Allowable Uses in Non-Residential and  
Mixed Use Zoning Districts

*through*

Section 94.3.05: Allowable Uses in Non-Residential and  
Mixed Use Zoning Districts

**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		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
<b>Residential Land Uses</b> (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 (3-8 unit building)		C			C	C	C	
(4)	Multi-Family Residence (9+ unit building)		C			C	C	C	
(5)	Manufactured Home Community								
(6)	Mixed Use Dwelling Unit		P	P	C				
<b>Agricultural Land Uses</b> (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
<b>Institutional and Recreational Land Uses</b> (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
(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

Section 94.3.05: Allowable Uses in Non-Residential and  
Mixed Use Zoning Districts

*through*

Section 94.3.05: Allowable Uses in Non-Residential and  
Mixed Use Zoning Districts

P = Permitted Use		C = Conditional Use		T = Temporary Use		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
(10)	Community Living Arrangement (16+)	P	C	C		C			
<b>Commercial Land Uses</b> (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
(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)	Microbeverage Production Facility		C	P	P	C	P	P	C

Section 94.3.05: Allowable Uses in Non-Residential and  
Mixed Use Zoning Districts

*through*

Section 94.3.05: Allowable Uses in Non-Residential and  
Mixed Use Zoning Districts

P = Permitted Use		C = Conditional Use		T = Temporary Use			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
<b>Storage or Disposal Land Uses</b> (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		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
<b>Transportation Land Uses</b> (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
<b>Industrial Land Uses</b> (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
<b>Accessory and Miscellaneous Land Uses</b> (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

Section 94.3.05: Allowable Uses in Non-Residential and  
Mixed Use Zoning Districts

*through*

Section 94.3.05: Allowable Uses in Non-Residential and  
Mixed Use Zoning Districts

<b>P = Permitted Use</b>		<b>C = Conditional Use</b>		<b>T = Temporary Use</b>		<b>Empty Cell = Prohibited Use</b>			
<b>Land Use Category</b>		<b>Zoning District (see key at end of figure)</b>							
(#)	Land Use Type	INT	B-1	B-2	B-3	BP	LI	GI	RM
(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 Recreation or Child Care	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	C	C	C	C	C			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
(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	

Section 94.3.05: Allowable Uses in Non-Residential and  
Mixed Use Zoning Districts

*through*

Section 94.3.05: Allowable Uses in Non-Residential and  
Mixed Use Zoning Districts

P = Permitted Use		C = Conditional Use		T = Temporary Use			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
<b>Temporary Land Uses</b> (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
(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
<b>Key to Zoning Districts:</b>					B-3 = General Business				
INT = Institutional					BP = Business Park				
B-1 = Neighborhood Business					LI = Limited Industrial				
B-2 = Highway Business					GI = General Industrial				

[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]

**Village of Weston, Wisconsin  
MEETING OF THE  
ZONING STEERING COMMITTEE  
AN AD HOC COMMITTEE OF THE PLAN COMMISSION AND  
TOWN & VILLAGE EXTRATERRITORIAL ZONING COMMITTEE**

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**April 17, 2018**

**MEETING PACKET COVER SHEET AGENDA ITEM – 6.  
Discussion of Land Use Description Standards  
recommended for review**

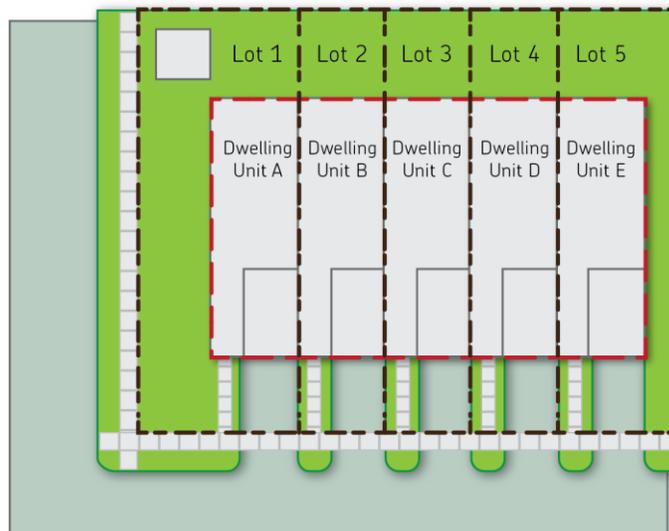


**Figure 4.02: Examples of Zero Lot Line Structures**

Duplex Example



Townhouse / Row House Example



**(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:**

1. Shall meet the design standards for multi-family residences established in Section 94.10.03.
2. The minimum gross floor area of each dwelling unit shall be 500 square feet per unit for studio and one-bedroom dwelling units and 700 square feet per unit for two or more bedroom units, exclusive of attached garages, carports, and open decks/porches.
3. For Multi-Family Residences proposed to be built as or converted to zero-lot line structures, the applicable standards under the "Two Family Residences" section apply.
4. Within the 2F zoning district, each Multi-Family Residence must be of a townhouse or row house design, meaning that each unit must have a private, individual exterior access; share at least one common wall with an adjacent dwelling unit; and may not be stacked on top of or share interior space with any other unit.
5. 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.
6. No building containing or serving a Multi-Family Residence shall provide shared laundry service.
7. No carport may be attached to a Multi-Family Residence after July 26, 2017.
8. Minimum Required Off-Street Parking: one space per efficiency or one-bedroom dwelling unit; two spaces per two-bedroom dwelling unit; and one space for each additional bedroom above two-bedrooms, plus visitor parking at a rate of one space for every four dwelling units. At least one of the required parking spaces per dwelling unit shall be enclosed in a garage or under the building. Any detached garage shall require Plan Commission approval and meet the requirements of Section 94.4.09(2). 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. 17-014, 7/26/2017]

(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.

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, detached single-family structure where sleeping accommodations are offered for pay to tourists or transients for periods of time of 30 days or less. Commercial lodgings consisting of structures with more than one dwelling unit or rentable room 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”). 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.

**Performance Standards:**

1. The use must meet all performance standards associated with a “Single-Family Detached Residence.”

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 its residential character 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 availability of the Tourist Rooming House to the public shall not be advertised on site.
6. The use must be licensed by the State of Wisconsin.
7. Required Off-Street Parking: A minimum/maximum of one space per bedroom.

**(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) Microbeverage 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, microdistilleries, microwineries/small wineries, and microroasteries/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

1. 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.
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. 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.
4. The storage of items shall not be permitted in the minimum required front yard.
5. 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.

**(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. 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.
2. Minimum Required Off-Street Parking: one space for each employee on the largest work shift.

**(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 and how frequently crushing, screening, washing, refueling, fuel storage, asphalt batching, or concrete mixing 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.
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. 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.
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 agreed upon in the Plan Commission approved written operational plan submitted by the applicant. In cases of exceptional circumstances, 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. Exceptions exceeding 30 days must be approved by the Plan Commission.
10. 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.

11. Hours or days of operation may be limited by the Village.
12. Approval shall be subject to amendment or revocation if non-compliance with approved plans, this subsection, or approval conditions is identified.
13. Approval shall be subject to periodic review of the operation to ensure compliance with the conditional use permit, and to specific limitations over the portion of the lot or parcel where extraction may occur.
14. Minimum Required Off-Street Parking: one space for each employee on the largest work shift.

(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 be 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.

- 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, in no case later than 180 days from March 18, 2015. Operations established before March 18, 2015 shall operate and restore the site in compliance with previous 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. 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.
  4. 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.
  5. The conditional use permit may include restrictions and/or hours for blasting, drilling, screening, asphalt batching, washing, and other processing.
  6. 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.
  7. To prevent tracking of mud onto public roads, access driveways for all new and expanded Non-Metallic Operations shall be hard surfaced within one 100 feet of public roads, unless the adjacent road is not hard surfaced.
  8. 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.
  9. 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.
  10. 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.

11. 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.
12. 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.
13. 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.
14. If blasting, drilling, or other processing is requested, 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.
15. For all Non-Metallic Mineral Extraction operations, including operations established prior to March 18, 2015, noise levels shall kept at or below allowable limits under Section 94.12.13.
16. 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.
17. 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.
18. 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.
19. 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.
20. Minimum Required Off-Street Parking: one space per each employee on the largest work shift.

[Amended via Ord. 16-025, 5/18/2016]

### **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.”

- b. Each detached garage shall be screened from such rights-of-way via decorative fences, walls, buildings, landscaping, or some combination.
- c. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting any residentially zoned property, between any detached garage and the property line.
- d. The development shall include other amenities to compensate for the visual impact and loss of green space associated with the detached garage(s), such as a playground, clubhouse, or other recreational amenity geared to the needs of the expected residents and stormwater management and infiltration approaches exceeding normal requirements.

[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]

**(3) Family Day Care Home (4 to 8 Children).**

Occupied residences in which a qualified person(s) provide child care for four to eight children. The care of less than four children is not subject to the regulations of this Chapter. See also Wis. Stat. § 66.1017(1)(a). These shall not be considered “Home Occupations” or “Residential Businesses” for purposes of this Chapter.

**(4) Intermediate Day Care Home (9 to 15 Children).**

Occupied residences in which a qualified person(s) provide child care for 9 to 15 children. See also Wis. Stat. § 48.65. These shall not be considered “Home Occupations” or “Residential Businesses” for purposes of this Chapter.

**(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 Home Occupation, combined with the principal residential use of the property, shall generate more than 15 vehicle trips per day.

**Village of Weston, Wisconsin  
MEETING OF THE  
ZONING STEERING COMMITTEE  
AN AD HOC COMMITTEE OF THE PLAN COMMISSION AND  
TOWN & VILLAGE EXTRATERRITORIAL ZONING COMMITTEE**

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**April 17, 2018**

**MEETING PACKET COVER SHEET  
AGENDA ITEM – 7a.  
2017 Wisconsin Act 243 - Developers Bill**



# State of Wisconsin



2017 Assembly Bill 770

Date of enactment: April 3, 2018  
Date of publication\*: April 4, 2018

## 2017 WISCONSIN ACT 243

AN ACT *to repeal* 62.23 (7) (d) 2m. a., 66.0617 (9) (b), 66.0617 (9) (c), 66.0617 (9) (d) and 66.10015 (2) (d); *to renumber* 62.23 (7) (d) 2m. b., 66.1102 (1) (a) and 66.1102 (1) (b); *to renumber and amend* 32.09 (1m), 66.0617 (9) (a), 236.13 (2) (a) 1. and 236.13 (2) (a) 2.; *to amend* 32.19 (4m) (a) (intro.), 32.19 (4m) (b) 1., 32.20, 66.0617 (6) (g), 66.0628 (4) (a), 66.0821 (4) (c), 66.1009 (1), 66.1015 (title), 66.1102 (title), 101.65 (1) (a), 236.34 (1) (ar) 1., 236.45 (6) (am) and 281.33 (6) (a) 1.; and *to create* 32.09 (1m) (b), 32.19 (2) (hm), 32.19 (4m) (a) 4., 66.0602 (3) (m), 66.0617 (6) (am), 66.0617 (6) (fm), 66.0617 (7r), 66.10013, 66.10014, 66.10015 (1) (f), 66.10015 (5), 66.10015 (6), 66.1015 (3), 66.1102 (1) (ae), 66.1102 (5), 66.1108, 101.65 (1c), 236.13 (2) (ad), 236.13 (2) (am) 1d., 236.13 (2) (am) 1m., 236.13 (2) (am) 3. and 236.45 (6) (c) of the statutes; **relating to:** local fees and charges; local levy limits; subdivision approval conditions; plat approval conditions; expiration of certain project approvals; division of land by certified survey map; erosion control and storm water management; limiting certain local regulatory authority; relocation benefits in condemnation proceedings; and zoning ordinance amendments.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 32.09 (1m) of the statutes is renumbered 32.09 (1m) (a) and amended to read:

32.09 (1m) (a) As a basis for determining value, a commission in condemnation or a court ~~may~~ shall consider the price and other terms and circumstances of any good faith sale or contract to sell and purchase comparable property. A sale or contract is comparable within the meaning of this subsection ~~paragraph~~ if it was made within a reasonable time before or after the date of evaluation and the property is sufficiently similar in the relevant market, with respect to situation, usability, improvements, and other characteristics, to warrant a reasonable belief that it is comparable to the property being valued.

**SECTION 2.** 32.09 (1m) (b) of the statutes is created to read:

32.09 (1m) (b) As a basis for determining value, a commission in condemnation or a court shall consider, if provided by the condemnor or condemnee, an appraisal based on the income approach and an appraisal based on the cost approach.

**SECTION 3.** 32.19 (2) (hm) of the statutes is created to read:

32.19 (2) (hm) “Reasonable project costs” means the total of all of the following costs that an owner displaced person of an owner-occupied business or farm operation or tenant displaced person of a tenant-occupied business or farm operation must reasonably incur to make a business or farm operation to which the owner or tenant moves a comparable replacement business or farm operation under sub. (4m):

1. Capital costs, including the actual costs of the construction of improvements, new buildings, structures,

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication.”

and fixtures; the demolition, alteration, remodeling, repair or reconstruction of existing buildings, structures, and fixtures; the removal or containment of, or the restoration of soil or groundwater affected by, environmental pollution; and the clearing and grading of land.

2. Financing costs, including all interest paid to holders of evidences of indebtedness issued to pay for project costs and any premium paid over the principal amount of the obligations because of the redemption of the obligations prior to maturity.

3. Professional service costs, including costs incurred for architectural, planning, engineering, and legal advice and services.

4. Imputed administrative costs, including reasonable charges for the time spent by the owner or tenant in connection with the implementation of the project.

5. Costs related to the construction or alteration of sewerage treatment plants, water treatment plants or other environmental protection devices, storm or sanitary sewer lines, water lines, or amenities on streets; the relocation of utility lines or other utility infrastructure, including any lines or infrastructure related to an electric utility, natural gas utility, or telecommunications utility; the installation of infrastructure necessary to provide utility service to the property, including any service from an electric utility, natural gas utility, or telecommunications utility; or the rebuilding or expansion of streets if such costs are required by the applicable municipality and are not paid for by the municipality.

**SECTION 4.** 32.19 (4m) (a) (intro.) of the statutes is amended to read:

32.19 (4m) (a) *Owner-occupied business or farm operation.* (intro.) In addition to amounts otherwise authorized by this subchapter, the condemnor shall make a payment, ~~not to exceed \$50,000,~~ to any owner displaced person who has owned and occupied the business operation, or owned the farm operation, for not less than one year prior to the initiation of negotiations for the acquisition of the real property on which the business or farm operation lies, and who actually purchases a comparable replacement business or farm operation for the acquired property within 2 years after the date the person vacates the acquired property or receives payment from the condemnor, whichever is later. An owner displaced person who has owned and occupied the business operation, or owned the farm operation, for not less than one year prior to the initiation of negotiations for the acquisition of the real property on which the business or farm operation lies may elect to receive the payment under par. (b) 1. in lieu of the payment under this paragraph, but the amount of payment under par. (b) 1. to such an owner displaced person may not exceed the amount the owner displaced person is eligible to receive under this paragraph. If the condemnor is a village, town, or city, the payment by the condemnor under this paragraph may not exceed

\$100,000. The additional payment under this paragraph shall include the following amounts:

**SECTION 5.** 32.19 (4m) (a) 4. of the statutes is created to read:

32.19 (4m) (a) 4. Any reasonable project costs incurred or to be incurred by the displaced person.

**SECTION 6.** 32.19 (4m) (b) 1. of the statutes is amended to read:

32.19 (4m) (b) 1. The amount, ~~not to exceed \$30,000, which that~~ is necessary to lease or rent a comparable replacement business or farm operation for a period of 4 years, plus any reasonable project costs incurred or to be incurred by the tenant displaced person. If the condemnor is a village, town, or city, the amount paid under this subdivision may not exceed \$80,000. The rental payment shall be computed by determining the average monthly rent paid for the property from which the person was displaced for the 12 months prior to the initiation of negotiations or, if displacement is not a direct result of acquisition, such other event as determined by the department of administration and the monthly rent of a comparable replacement business or farm operation, and multiplying the difference by 48; or

**SECTION 7.** 32.20 of the statutes is amended to read:

**32.20 Procedure for collection of itemized items of compensation.** Claims for damages itemized in ss. 32.19 and 32.195 shall be filed with the condemnor carrying on the project through which condemnee's or claimant's claims arise. All such claims must be filed after the damages upon which they are based have fully materialized but not later than 2 years after the condemnor takes physical possession of the entire property acquired or such other event as determined by the department of administration by rule. If such claim is not allowed within 90 days after the filing thereof, the claimant has a right of action against the condemnor carrying on the project through which the claim arises. Such action shall be commenced in a court of record in the county wherein the damages occurred. In causes of action, involving any state commission, board or other agency, excluding counties, the sum recovered by the claimant shall be paid out of any funds appropriated to such condemning agency. Any judgment shall be appealable by either party and any amount recovered by the body against which the claim was filed, arising from costs, counterclaims, punitive damages or otherwise may be used as an offset to any amount owed by it to the claimant, or may be collected in the same manner and form as any other judgment. The court shall award litigation expenses, as defined in s. 32.28 (1), to a claimant if the amount of the judgment for the claimant exceeds the amount of damages allowed by the condemnor by 15 percent in an action under this section.

**SECTION 7m.** 32.20 of the statutes, as affected by 2017 Wisconsin Act ... (this act), is amended to read:

**32.20 Procedure for collection of itemized items of compensation.** Claims for damages itemized in ss. 32.19 and 32.195 shall be filed with the condemnor carrying on the project through which condemnee's or claimant's claims arise. All such claims must be filed after the damages upon which they are based have fully materialized but not later than 2 years after the condemnor takes physical possession of the entire property acquired or such other event as determined by the department of administration by rule. If such claim is not allowed within 90 days after the filing thereof, the claimant has a right of action against the condemnor carrying on the project through which the claim arises. Such action shall be commenced in a court of record in the county wherein the damages occurred. In causes of action, involving any state commission, board or other agency, excluding counties, the sum recovered by the claimant shall be paid out of any funds appropriated to such condemning agency. Any judgment shall be appealable by either party and any amount recovered by the body against which the claim was filed, arising from costs, counterclaims, punitive damages or otherwise may be used as an offset to any amount owed by it to the claimant, or may be collected in the same manner and form as any other judgment. ~~The court shall award litigation expenses, as defined in s. 32.28 (1), to a claimant if the amount of the judgment for the claimant exceeds the amount of damages allowed by the condemnor by 15 percent in an action under this section.~~

**SECTION 8.** 62.23 (7) (d) 2m. a. of the statutes is repealed.

**SECTION 9.** 62.23 (7) (d) 2m. b. of the statutes is renumbered 62.23 (7) (d) 2m.

**SECTION 10.** 66.0602 (3) (m) of the statutes is created to read:

66.0602 (3) (m) 1. The levy increase limit otherwise applicable under this section to a city, village, or town in the current year is increased by \$1,000 for each new single-family residential dwelling unit for which a city, village, or town issues an occupancy permit in the preceding year and that is all of the following:

a. Located on a parcel of no more than 0.25 acre in a city or village, or on a parcel of no more than one acre in a town.

b. Sold in the preceding year for not more than 80 percent of the median price of a new residential dwelling unit in the city, village, or town in the preceding year.

2. Amounts levied under this paragraph may be used only for police protective services, fire protective service, or emergency medical services.

3. If a city, village, or town levies an amount under this paragraph, the city, village, or town may not decrease the amount it spends for police protective services, fire protective services, or emergency medical services below the amount the city, village, or town spent in the preceding year.

**SECTION 10s.** 66.0617 (6) (am) of the statutes is created to read:

66.0617 (6) (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.

**SECTION 10u.** 66.0617 (6) (fm) of the statutes is created to read:

66.0617 (6) (fm) May not include expenses for operation or maintenance of a public facility.

**SECTION 11.** 66.0617 (6) (g) of the statutes is amended to read:

66.0617 (6) (g) ~~Shall~~ 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.

**SECTION 13.** 66.0617 (7r) of the statutes is created to read:

66.0617 (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.

**SECTION 14.** 66.0617 (9) (a) of the statutes is renumbered 66.0617 (9) and amended to read:

66.0617 (9) **REFUND OF IMPACT FEES.** ~~Subject to pars. (b), (c), and (d), and with regard to an impact fee that is collected after April 10, 2006, an ordinance enacted under this section shall specify that impact~~ Except as provided in this subsection, impact fees that are collected by a municipality within 7 years of the effective date of the ordinance, but are not used within 10 8 years after the effective date of the ordinance they are collected to pay the capital costs for which they were imposed, shall be refunded to the ~~current owner of~~ 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 ordinance shall specify, by type of public facility, reasonable time periods within which impact fees must be spent or refunded under this subsection, subject to the 10-year limit in this paragraph and the extended time period specified in par. (b). In determining the length of the time periods under the ordinance, a~~

~~municipality shall consider what are appropriate planning and financing periods for the particular types of public facilities for which the impact fees are imposed. 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).~~

**SECTION 15.** 66.0617 (9) (b) of the statutes is repealed.

**SECTION 16.** 66.0617 (9) (c) of the statutes is repealed.

**SECTION 17.** 66.0617 (9) (d) of the statutes is repealed.

**SECTION 18.** 66.0628 (4) (a) of the statutes is amended to read:

66.0628 (4) (a) Any person aggrieved by a fee imposed by a political subdivision because the person does not believe that the fee bears a reasonable relationship to the service for which the fee is imposed may appeal the reasonableness of the fee to the tax appeals commission by filing a petition with the commission within ~~60~~ 90 days after the fee's imposition, as provided under s. 73.01 (5) with respect to income or franchise tax cases, and the fee is due and payable. The commission's decision may be reviewed under s. 73.015. For appeals brought under this subsection, the filing fee required under s. 73.01 (5) (a) does not apply.

**SECTION 19.** 66.0821 (4) (c) of the statutes is amended to read:

66.0821 (4) (c) For the purpose of making equitable charges for all services rendered by a storm water and surface water sewerage system to users, the property served may be classified, taking into consideration the volume or peaking of storm water or surface water discharge that is caused by the area of impervious surfaces, topography, impervious surfaces and other surface characteristics, extent and reliability of mitigation or treatment measures available to service the property, apart from measures provided by the storm water and surface water sewerage system, and any other considerations that

are reasonably relevant to a use made of the storm water and surface water sewerage system. The charges may also include standby charges to property not yet developed with significant impervious surfaces for which capacity has been made available in the storm water and surface water sewerage system. No additional charges, beyond those charged to similar properties, may be charged to a property for services rendered by a storm and surface water system for a property that continually retains 90 percent of the difference between the post-development and predevelopment runoff on site.

**SECTION 20.** 66.10013 of the statutes is created to read:

**66.10013 Housing affordability report. (1)** In this section, "municipality" means a city or village with a population of 10,000 or more.

(2) Not later than January 1, 2020, a municipality shall prepare a report of the municipality's implementation of the housing element of the municipality's comprehensive plan under s. 66.1001. The municipality shall update the report annually, not later than January 31. The report shall contain all of the following:

(a) The number of subdivision plats, certified survey maps, condominium plats, and building permit applications approved in the prior year.

(b) The total number of new residential dwelling units proposed in all subdivision plats, certified survey maps, condominium plats, and building permit applications that were approved by the municipality in the prior year.

(c) A list and map of undeveloped parcels in the municipality that are zoned for residential development.

(d) A list of all undeveloped parcels in the municipality that are suitable for, but not zoned for, residential development, including vacant sites and sites that have potential for redevelopment, and a description of the zoning requirements and availability of public facilities and services for each property.

(e) An analysis of the municipality's residential development regulations, such as land use controls, site improvement requirements, fees and land dedication requirements, and permit procedures. The analysis shall calculate the financial impact that each regulation has on the cost of each new subdivision. The analysis shall identify ways in which the municipality can modify its construction and development regulations, lot sizes, approval processes, and related fees to do each of the following:

1. Meet existing and forecasted housing demand.

2. Reduce the time and cost necessary to approve and develop a new residential subdivision in the municipality by 20 percent.

(3) A municipality shall post the report under sub. (2) on the municipality's Internet site on a web page dedicated solely to the report and titled "Housing Affordability Analysis."

**SECTION 21.** 66.10014 of the statutes is created to read:

**66.10014 New housing fee report.** (1) In this section, “municipality” means a city or village with a population of 10,000 or more.

(2) Not later than January 1, 2020, a municipality shall prepare a report of the municipality’s residential development fees. The report shall contain all of the following:

(a) Whether the municipality imposes any of the following fees or other requirements for purposes related to residential construction, remodeling, or development and, if so, the amount of each fee:

1. Building permit fee.
2. Impact fee.
3. Park fee.
4. Land dedication or fee in lieu of land dedication requirement.
5. Plat approval fee.
6. Storm water management fee.
7. Water or sewer hook-up fee.

(b) The total amount of fees under par. (a) that the municipality imposed for purposes related to residential construction, remodeling, or development in the prior year and an amount calculated by dividing the total amount of fees under this paragraph by the number of new residential dwelling units approved in the municipality in the prior year.

(3) (a) A municipality shall post the report under sub. (2) on the municipality’s Internet site on a web page dedicated solely to the report and titled “New Housing Fee Report.” If a municipality does not have an Internet site, the county in which the municipality is located shall post the information under this paragraph on its Internet site on a web page dedicated solely to development fee information for the municipality.

(b) A municipality shall provide a copy of the report under sub. (2) to each member of the governing body of the municipality.

(4) If a fee or the amount of a fee under sub. (2) (a) is not properly posted as required under sub. (3) (a), the municipality may not charge the fee.

**SECTION 22.** 66.10015 (1) (f) of the statutes is created to read:

66.10015 (1) (f) “Zoning ordinance” means an ordinance enacted by a political subdivision under s. 59.69, 60.61, 60.62, 61.35, or 62.23.

**SECTION 23.** 66.10015 (2) (d) of the statutes is repealed.

**SECTION 24.** 66.10015 (5) of the statutes is created to read:

66.10015 (5) EXPIRATION DATES. A political subdivision may not establish an expiration date for an approval related to a planned development district of less than 5 years after the date of the last approval required for completion of the project. This section does not prohibit a

political subdivision from establishing timelines for completion of work related to an approval.

**SECTION 25.** 66.10015 (6) of the statutes is created to read:

66.10015 (6) ZONING LIMITATIONS, INSPECTIONS. (a) If a political subdivision or a utility district requires the installation of a water meter station for a political subdivision, neither the political subdivision nor the utility district may require a developer to install a water meter that is larger than a utility-type box, and may not require a developer to include heating, air conditioning, or a restroom in the water meter station. Any requirements for such a project that go beyond the limitations specified in this paragraph must be funded entirely by the political subdivision or utility district.

(b) 1. If a political subdivision employs a building inspector to enforce its zoning ordinance or other ordinances related to building, and a developer requests the building inspector to perform an inspection that is part of the inspector’s duties, the inspector shall complete the inspection not later than 14 business days after the building inspector receives the request for an inspection.

2. If a building inspector does not complete a requested inspection as required under subd. 1., the developer may request a state building inspector to provide the requested inspection, provided that the state inspector has a comparable level of zoning and building inspection qualification as the local building inspector.

3. If a developer provides a political subdivision with a certificate of inspection from a state building inspector from an inspection described under subd. 2., which meets the requirements of the inspection that was supposed to be provided by the local building inspector, the political subdivision must accept the certificate provided by the state building inspector as if it had been provided by the political subdivision’s building inspector.

**SECTION 26.** 66.1009 (1) of the statutes is amended to read:

66.1009 (1) The area which will be subject to ss. 59.69 (4g) and (5) (e) 2. and 5m., 60.61 (2) (e) and (4) (c) 1. and 3. and 62.23 (7) (d) 2. and 2m.-b., respectively, except that no part of the area may be more than 3 miles from the boundaries of the airport.

**SECTION 27.** 66.1015 (title) of the statutes is amended to read:

**66.1015 (title) Municipal rent control, inclusionary zoning, prohibited.**

**SECTION 28.** 66.1015 (3) of the statutes is created to read:

66.1015 (3) INCLUSIONARY ZONING PROHIBITED. (a) In this subsection:

1. “Inclusionary zoning” means a zoning ordinance, as defined in s. 66.10015 (1) (e), regulation, or policy that prescribes that a certain number or percentage of new or existing residential dwelling units in a land development be made available for rent or sale to an individual or

family with a family income at or below a certain percentage of the median income.

2. "Median income" has the meaning given in s. 234.49 (1) (g).

(b) No city, village, town, or county may enact, impose, or enforce an inclusionary zoning requirement.

**SECTION 29.** 66.1102 (title) of the statutes is amended to read:

**66.1102 (title) Land development; notification; records requests; construction site development.**

**SECTION 30.** 66.1102 (1) (a) of the statutes is renumbered 66.1102 (1) (bm).

**SECTION 31.** 66.1102 (1) (ae) of the statutes is created to read:

66.1102 (1) (ae) "Construction site" means the site of the construction, alteration, painting, or repair of a building, structure, or other work.

**SECTION 32.** 66.1102 (1) (b) of the statutes is renumbered 66.1102 (1) (bs).

**SECTION 33.** 66.1102 (5) of the statutes is created to read:

66.1102 (5) CONSTRUCTION SITE FENCES. (a) Except for an ordinance that is related to health or safety concerns, no political subdivision may enact an ordinance or adopt a resolution that limits the ability of any person who is the owner, or other person in lawful possession or control, of a construction site to install a banner over the entire height and length of a fence surrounding the construction site.

(b) If a political subdivision has enacted an ordinance or adopted a resolution before the effective date of this paragraph ... [LRB inserts date], that is inconsistent with par. (a), that portion of the ordinance or resolution does not apply and may not be enforced.

**SECTION 49.** 66.1108 of the statutes is created to read:

**66.1108 Limitation on weekend work. (1) DEFINITIONS.** In this section:

(a) "Construction project" means a project involving the erection, construction, repair, remodeling, or demolition, including any alteration, painting, decorating, or grading, of a private facility, including land, a building, or other infrastructure that is directly related to onsite work of a residential or commercial real estate development project.

(b) "Political subdivision" means a city, village, town, or county.

(2) CONSTRUCTION PROJECTS; WEEKEND WORK. (a) A political subdivision may not prohibit a private person from working on the job site of a construction project on a Saturday. A political subdivision may not impose conditions that apply to a private person who works on a construction project on a Saturday that are inapplicable to, or more restrictive than the conditions that apply to, such a person who works on a construction project during weekdays.

(b) If a political subdivision has enacted an ordinance or adopted a resolution before the effective date of this paragraph ... [LRB inserts date], that is inconsistent with par. (a), that portion of the ordinance or resolution does not apply and may not be enforced.

**SECTION 50.** 101.65 (1) (a) of the statutes is amended to read:

101.65 (1) (a) ~~Exercise Subject to sub. (1c), exercise jurisdiction over the construction and inspection of new dwellings by passage of ordinances, provided such ordinances meet the requirements of the one- and two-family dwelling code adopted in accordance with this subchapter.~~ Except as provided by s. 101.651, a county ordinance shall apply in any city, village, or town which that has not enacted such ordinance those ordinances.

**SECTION 51.** 101.65 (1c) of the statutes is created to read:

101.65 (1c) May not make or enforce an ordinance under sub. (1) that is applied to a dwelling and that does not conform to this subchapter and the uniform dwelling code adopted by the department under this subchapter or is contrary to an order of the department under this subchapter. If any provision of a contract between a city, village, town, or county and an owner requires the owner to comply with an ordinance that does not conform to this subchapter or the uniform dwelling code adopted by the department under this subchapter or is contrary to an order of the department under this subchapter, the owner may waive the provision, and the provision, if waived, is void and unenforceable.

**SECTION 52.** 236.13 (2) (a) 1. of the statutes is renumbered 236.13 (2) (am) 1. a. and amended to read:

236.13 (2) (am) 1. a. As a further condition of approval, the governing body of the town or municipality within which the subdivision lies may require that the subdivider make and install any public improvements reasonably necessary or that the subdivider provide security to ensure that ~~he or she~~ the subdivider will make those improvements within a reasonable time. The governing body may not require the subdivider to provide security at the commencement of a project in an amount that is more than 120 percent of the estimated total cost to complete the required public improvements. ~~It is the subdivider's option whether to execute a performance bond or whether to provide a letter of credit to satisfy the governing body's requirement that the subdivider provide security to ensure that the public improvements are made within a reasonable time, as determined under subd. 1d.~~

b. The subdivider may construct the project in such phases as the governing body of the town or municipality approves, which approval may not be unreasonably withheld. If the subdivider's project will be constructed in phases, the amount of security required by the governing body ~~shall be under subd. 1. a.~~ is limited to the phase of the project that is currently being constructed. The gov-

erning body may not require that the subdivider provide any security for improvements sooner than is reasonably necessary before the commencement of the installation of the improvements.

c. If the governing body of the town or municipality requires a subdivider to provide security under ~~this paragraph subd. 1. a.~~, the governing body may not require the subdivider to provide the security for more than 14 months after the date the public improvements for which the security is provided are substantially completed and upon substantial completion of the public improvements, the amount of the security the subdivider is required to provide may be no more than an amount equal to the total cost to complete any uncompleted public improvements plus 10 percent of the total cost of the completed public improvements.

d. This paragraph applies to all preliminary and final plats, regardless of whether submitted for approval before, on, or after August 1, 2014.

**SECTION 53.** 236.13 (2) (a) 2. of the statutes is renumbered 236.13 (2) (am) 2. and amended to read:

236.13 (2) (am) 2. For purposes of subd. 1., public improvements reasonably necessary for a project or a phase of a project are considered to be substantially completed ~~at the time upon the installation of the asphalt or concrete binder coat is installed~~ course on roads to be dedicated or, if the required public improvements do not include a road to be dedicated, at the time that 90 percent of the public improvements by cost are completed.

**SECTION 54.** 236.13 (2) (ad) of the statutes is created to read:

236.13 (2) (ad) In this subsection:

1. "Binder course" means the non-surface-level course that is attached to the packed-level gravel course.

2. "Land disturbing activity" means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or nonvegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of this state. "Land disturbing activity" includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling, and grading activities.

3. "Total cost to complete a public improvement" includes the cost to make and install storm water facilities. "Total cost to complete a public improvement" does not include any of the following:

a. Any fees charged by the governing body of the town or municipality.

b. Land disturbing activities that are necessary to achieve the desired subgrade for public improvements.

**SECTION 55.** 236.13 (2) (am) 1d. of the statutes is created to read:

236.13 (2) (am) 1d. The estimated total cost to complete the required public improvements under subd. 1. shall be determined as follows:

a. A governing body of the town or municipality may provide an initial estimate to the subdivider of the estimated total cost to complete the required public improvements. If the subdivider accepts the initial estimate, then the initial estimate is the estimated total cost to complete the required public improvements.

b. If the governing body of the town or municipality does not provide an initial estimate to the subdivider or the subdivider rejects the initial estimate, the subdivider shall provide the governing body with a bona fide bid from the subdivider's contractor to complete the required public improvements in the event of a default. If the governing body accepts the subdivider's bona fide bid, the bona fide bid is the estimated total cost to complete the required public improvements.

c. If the governing body of the town or municipality rejects the subdivider's bona fide bid, the governing body shall provide the subdivider with an estimate for the cost to complete the public improvements in the event of a default. If the governing body's estimate does not exceed the subdivider's bona fide bid by more than 10 percent, the governing body's estimate is the estimated total cost to complete the required public improvements. If the governing body's estimate exceeds the subdivider's bona fide bid by 10 percent or more, the estimated total cost to complete the required public improvements is the amount agreed upon by the subdivider's engineer and the governing body's engineer.

**SECTION 56.** 236.13 (2) (am) 1m. of the statutes is created to read:

236.13 (2) (am) 1m. a. If the governing body of the town or municipality requires a subdivider to provide security under subd. 1. a., the governing body shall accept a performance bond or a letter of credit, or any combination thereof, at the subdivider's option, to satisfy the requirement.

b. The subdivider and the governing body of the town or municipality may agree that all or part of the requirement to provide security under subd. 1. a. may be satisfied by a performance bond provided by the subdivider's contractor that names the town or municipality as an additional obligee provided that the form of the contractor's performance bond is acceptable to the governing body of the town or municipality.

c. Unless the governing body of a town or municipality demonstrates that a bond form does not sufficiently ensure performance in the event of default, the governing body of the town or municipality shall accept a performance bond under this subdivision if the person submitting the performance bond demonstrates that the performance bond is consistent with a standard surety bond form used by a company that, on the date the bond is obtained, is listed as an acceptable surety on federal bonds in the most recent circular 570 published by the federal department of the treasury, as required under 31

CFR 223.16, and the performance bond is issued by a surety company licensed to do business in this state.

**SECTION 57.** 236.13 (2) (am) 3. of the statutes is created to read:

236.13 (2) (am) 3. a. With regard to public improvements to which subd. 1. applies, no town or municipality may enact an ordinance relating to the substantial completion of such a public improvement that is inconsistent with subd. 2.

b. Upon such substantial completion, any outstanding local building permits that are related to, and dependent upon, substantial completion shall be released.

c. The governing body of a town or municipality shall, upon a subdivider's request, issue a permit to commence construction of a foundation or any other noncombustible structure before substantial completion of a public improvement if all public improvements related to public safety are complete and the security requirement under subd. 1. a. has been met. The subdivider may not commence work on a building until the governing body of the town or municipality approves or issues a permit for the construction of the building.

**SECTION 58.** 236.34 (1) (ar) 1. of the statutes is amended to read:

236.34 (1) (ar) 1. Notwithstanding s. 236.45 (2) (ac) and (am), a municipality, town, or county that has established a planning agency may enact an ordinance or adopt a resolution that specifies a maximum number of parcels that is greater than 4 into which land that is situated in the municipality, town, or county and zoned for commercial, multifamily dwelling, as defined in s. 101.971 (2), industrial, or mixed-use development may be divided by certified survey map.

**SECTION 59.** 236.45 (6) (am) of the statutes is amended to read:

236.45 (6) (am) Notwithstanding subs. (1) and (2) (ac), a municipality, town, or county may not, as a condition of 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).

**SECTION 60.** 236.45 (6) (c) of the statutes is created to read:

236.45 (6) (c) If a subdivision ordinance of a municipality, town, or county requires, as a condition of approval under this chapter, that a subdivider dedicate land for a public park, the municipality, town, or county may offer the subdivider the option of either dedicating land consistent with the municipality's, town's, or county's park plan and comprehensive plan or paying a fee or

other charge under par. (am) in lieu of the dedication. If the subdivider elects to pay a fee or other charge under this paragraph, the fee or other charge is payable by the landowner to the municipality, town, or county upon the issuance of a building permit by the municipality, town, or county. If the subdivider elects to dedicate land under this paragraph, unless the municipality, town, or county agrees otherwise, the subdivider only may dedicate land that is consistent with the municipality's, town's, or county's park plan and comprehensive plan.

**SECTION 61.** 281.33 (6) (a) 1. of the statutes is amended to read:

281.33 (6) (a) 1. Control storm water quantity or ~~control flooding peak flow to address existing flooding problems or prevent future flooding problems, except that an ordinance under this subdivision may not require more than 90 percent of the difference between the pre-development annual runoff volume at a site and the post-development annual runoff volume at that site to be retained on site.~~

**SECTION 62. Nonstatutory provisions.**

(1) Notwithstanding the period for filing a claim under section 32.20 of the statutes, a claimant who previously submitted a claim under section 32.20 of the statutes no earlier than the date that precedes the effective date of this subsection by 2 years, including a claimant whose claim has been paid or whose claim is still pending or may be appealed, as of the effective date of this subsection may, no later than 45 days after the effective date of this subsection, submit a revised claim under section 32.20 of the statutes to the condemnor that includes expenses permitted under section 32.19 (4m) (a) or (b) of the statutes, as affected by this act, whichever is applicable.

**SECTION 63. Initial applicability.**

(1) LOCAL PROJECT APPROVALS. The treatment of section 66.10015 (2) (d) and (5) of the statutes first applies to an approval made on the effective date of this subsection.

(2) SUBDIVISION APPROVAL CONDITIONS RELATED TO PUBLIC PARK IMPROVEMENTS. The treatment of section 236.45 (6) (am) and (c) of the statutes first applies to a subdivision or other division of land submitted for approval to a municipality, town, or county on the effective date of this subsection.

(3) JUST COMPENSATION. The treatment of section 32.09 (1m) (a) and (b) of the statutes first applies to an action for the determination of fair market value in a condemnation proceeding for which title to the subject property has not vested in the condemnor on the effective date of this subsection.

(4) RELOCATION BENEFITS. The treatment of sections 32.19 (2) (hm) and (4m) (a) (intro.) and 4. and (b) 1. and 32.20 (by SECTION 7) of the statutes first applies to a claim for expenses filed under section 32.20 of the statutes for the determination of additional items payable, including

a claim paid before the effective date of this subsection, on the date that precedes the effective date of this subsection by 2 years.

(4m) **LITIGATION EXPENSES.** The treatment of section 32.20 (by SECTION 7m) of the statutes first applies to a claim for expenses filed under section 32.20 of the statutes for the determination of additional items payable on the effective date of this subsection.

(5) **IMPACT FEE REFUNDS.** The treatment of section 66.0617 (9) (a), (b), (c), and (d) of the statutes first applies to an impact fee imposed on the effective date of this subsection.

(6) **UNIFORM DWELLING CODE; LIMITATION ON LOCAL**

**AUTHORITY.** The treatment of section 101.65 (1c) of the statutes first applies to a contract that is entered into on the effective date of this subsection.

(7) **LEVY LIMIT EXCEPTION.** The treatment of section 66.0602 (3) (m) of the statutes first applies to a levy that is imposed in December 2019.

**SECTION 64. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 32.20 (by SECTION 7m), 62.23 (7) (d) 2m. a. and b., and 66.10013 of the statutes and SECTION 63 (4m) of this act take effect on January 1, 2019.

