

CHAPTER 25

Village of Raymond Zoning

<i>Chapter</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
<u>Article 1</u>	Introduction		
<u>Article 2</u>	Administration and Enforcement		
<u>Article 3</u>	Commissions and Boards		
<u>Article 4</u>	Site Plan and Plan of Operations Required Plans and Design Guidelines		
<u>Article 5</u>	General Provisions		
<u>Article 6</u>	Zoning Districts Established		
<u>Article 7</u>	Performance Standards		
<u>Article 8</u>	Non-Conformities		
<u>Article 9</u>	Conditional Uses		
<u>Article 10</u>	Accessory Uses and Structures		
<u>Article 11</u>	Signs		
<u>Article 12</u>	Off Street Parking Regulations		
<u>Article 13</u>	Wind Energy Facilities		
<u>Article 14</u>	Solar Energy Systems		
<u>Article 15</u>	Mobile Towers		
<u>Article 16</u>	First Amendment Protected Adult Oriented Establishments		
<u>Article 17</u>	Changes and Amendments		
<u>Article 18</u>	Definitions		

**Article 1
Introduction**

[Back to Table of Contents](#)

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
25-1-1	Authority and Adoption		

25-1-1 AUTHORITY AND ADOPTION

- (a) This Code is adopted under the authority granted to the Village of Raymond by Sections §62.23, §62.231, §62.234 and §281.31 of the Wisconsin Statutes and amendments thereto and any other applicable laws or regulations.

Therefore, the Village Board of the Village of Raymond do ordain as follows:

(1) TITLE

- a. This Code shall be known as, referred to, or cited as, “ZONING CODE, VILLAGE OF RAYMOND, WISCONSIN.”

(2) INTENT AND PURPOSE

- a. The intent and purpose of this Code is to promote the health, safety, morals, prosperity, aesthetics and general welfare of this Village and its residents. The additional sewer and water requirements, design standards, conditional use requirements and planned unit development requirements set forth in this Code are intended to ensure that residential, business, commercial, industrial, recreational and institutional developments are properly planned, designed, and located. They are also intended to ensure that buildings, site designs, environmental features and social and economic activities are compatible with the Village Comprehensive Plan, as amended from time-to-time, the surrounding area and the overall community.

(3) ABROGATION / GREATER RESTRICTION

- a. It is not intended for this Code to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, codes, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. However, where this Code imposes greater restrictions, the provisions of this Code shall govern.

(4) INTERPRETATION

- a. In their interpretation and application, the provisions of this Code shall be held to be a minimum requirement and shall be liberally construed in favor of the Village and shall not be deemed a repeal of any other power granted by the Wisconsin Statutes.

(5) SEVERABILITY

- a. Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(6) REPEAL OF CONFLICTING

- a. The former Chapter 25, “Zoning Code”, of the Village of Raymond, Wisconsin adopted via ordinance (Ord. No. 1A-2019, 4-22-2019) and amendments thereto are hereby repealed, pertaining exclusively to the zoning ordinance and not any other document. In addition, Section V. of Chapter 26, “Village of Raymond Zoning”, of the Village of Raymond, Wisconsin, is also repealed. Chapter 26 shall have its Sections renumbered and re-adopted as part of the “Land Division and Development Control” Section.
- b. All other ordinances or parts of ordinances in conflict with the provisions of this Code are hereby repealed.

(7) DISCLAIMERS OF LIABILITY

- a. **WETLANDS, DRAINAGE WAYS, AND SOILS.**
The Village of Raymond does not guarantee, warrant, or represent that only those areas delineated as wetlands or drainage ways from tests and / or mapping required by this Code will be subject to periodic inundation, nor does the Village of Raymond guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests and / or mapping required by this Code are the only unsuited soils within the jurisdiction of this Code. The Village hereby asserts that there is no liability on the part of the Village of Raymond, Village Board, Plan Commission, its agents, contractors, and employees for flooding problems or structural damages that may occur as a result of reliance upon, and conformance with, this Code.
- b. **DRAIN TILES**
The Village of Raymond does not guarantee that any drain tiles are mapped appropriately.

Article 2
Administration and Enforcement

[Back to Table of Contents](#)

Section Number	Title	Ordinance Number	Date of Ordinance
25-2-1	Zoning Administrator Designated		
25-2-2	Enforcement		
25-2-3	Building Permits Required		
25-2-4	Building Permits & Occupancy Permits		
25-2-5	Official Zoning Map Established		
25-2-6	Appeals		
25-2-7	Refiling Following Denial, Withdrawal, or Deferral		
25-2-8	Enforcement & Penalties		
25-2-9	Fees		
25-2-10	Severability		

25-2-1 ZONING ADMINISTRATOR DESIGNATED

- (a) The Zoning Administrator is hereby designated as the administrative and enforcement officer for the provisions of this ordinance. For such duties they may be provided with the assistance of such additional persons as they may designate.
- (1) Designated. The village board shall designate a zoning administrator for the village, under the terms of a separate agreement between the zoning administrator and village.
 - (2) Term, Appointment, and Duties. The Zoning Administrator shall be appointed for an indefinite term subject to agreement between the zoning administrator and village. The Zoning Administrator shall have the following powers and duties:
 - a. Advise applicants of the provisions of this ordinance; assist them in preparing permit applications and appeals and assure that the regional flood elevation for the proposed development is shown on all permit applications.
 - b. Promulgate policies and procedures as necessary to administer and enforce this Code.
 - c. Determine that all zoning permit applications and their constituent plans, sign permit applications and their constituent plans, and site plans comply with all the provisions of this Chapter.
 - d. Keep records of all official actions such as: All permits issued, inspections made, work approved, maintain documentation of certified lowest floor and regional flood elevations for floodplain development, and maintain records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - e. Investigate, prepare reports, and report violations of this ordinance to the appropriate municipal zoning agency and the municipal attorney for prosecution.
 - f. In case of any finding of a violation of a provision of this Code, notify in writing, the actual violator where known, owner of the property on which the violation has taken place and the Village Board, indicating the nature of the

- violation and the action necessary to correct it. Following such notice, issue citations for violations of this Code.
- g. Carry out such additional responsibilities as are hereinafter set forth by the provisions of this ordinance.
- (3) Authority: In the enforcement of said ordinance, the Zoning Administrator shall have the power and authority for the following:
- a. At any reasonable time and for any proper purpose to enter upon any public or private premises as provided by law and make inspection thereof.
 - b. Upon reasonable cause or question as to proper compliance, to revoke as provided by law any Building Permits or occupancy permit, and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this ordinance, such revocation to be in effect until reinstated by the Zoning Administrator or the Board of Appeals; or take any other action as directed by the Village Board to insure compliance with or to prevent violation of its provisions.
 - c. In the name of the Village and with authorization of the Village Board commence any legal proceedings necessary to enforce the provisions of this ordinance, including the collection of forfeitures provided for herein.

25-2-2 ENFORCEMENT

(a) ZONING COMPLAINTS

- (1) The Zoning Administrator shall only require follow-up and investigation to complaints, that pertain to the Zoning Code, from the public when one of the following events occur:
 - a. The complaint is received verbally, or written, to the Zoning Administrator from a Village Board member.
 - b. When two (2) or more written forms about the same complaint are received from separate individuals from separate addresses.
- (2) Upon a valid zoning complaint being filed with the Zoning Administrator per the above:
 - a. The Zoning Administrator shall investigate the complaint to determine the validity and next course of action. Such action may include a site visit, a discussion with the property owner, and/or a written letter.
 - b. Once a zoning violation appears affirmed the Zoning Administrator will write a letter to the property owner detailing the complaint and potential remedies. Property owners will have no more than thirty (30) days to remedy a violation.
 - c. If continued violations occur the Zoning Administrator may work with the Village Attorney and Sheriff on potential legal action including fines.

25-2-3 OFFICIAL ZONING MAPS ESTABLISHED

- (a) **DISTRICTS MAPPED**: The Village of Raymond is hereby divided into zoning districts as shown upon a map designated as the Zoning Map of the Village of Raymond and made part of this Ordinance and all the notations, references and other information shown thereon shall be as much a part of this ordinance as if the matters and information set forth by said map

were all fully described herein.

- (b) **ZONING MAP:** For the purpose of general administration, the zoning map shall be kept on file at Village Hall. The zoning map is correct only as the date of publication and is for general informational purposes only.
- (a) **DETERMINATION OF ZONING DISTRICT BOUNDARIES:** District boundaries shall be determined by measurement from and as shown on the Zoning Map, and in case of any question as to the interpretation of such boundary lines the Plan Commission shall interpret the map according to the reasonable intent of this Ordinance.
 - (1) Unless otherwise specifically indicated or dimensioned on the map, the district boundaries are normally lot lines; section, quarter section, or sixteenth section lines; or the center lines of streets, highways, railways or alleys.
- (d) **ADDITIONAL MAPS ADOPTED:** The following maps are hereby adopted and made part of this ordinance and are on file in the Village Hall:
 - (1) Floodplain zoning maps as per the Village of Raymond Code as amended from time to time.
- (e) **IDENTIFICATION OF OFFICIAL ORDINANCE AND MAP:** The text of the zoning regulations and the corresponding zoning map shall be kept on file in the offices of the Village and any other copies thereof shall be purely informational and shall not have the status of law.

25-2-4 APPEALS

- (a) **RIGHT TO APPEAL:** Any person aggrieved, or any officer, department, board or bureau of the Village affected by a decision of the Zoning Administrator or of the Plan Commission may appeal such decision to the Board of Appeals as hereinafter established, provided such appeal be taken within a reasonable time, as provided by the rules of said Board of Appeals, and provided such appeal falls within the classification as set forth under the powers of the Appeal Board.
- (b) **APPEALS RESTRICTED:** Unless a variance from the basic zoning regulations is sought (e.g. a request for a 30 foot building setback where a 50 foot setback is required by the regulations of the applicable zoning district), this Section shall not apply to decisions of the Plan Commission relating to the following: Site Plan and Plan of Operations; Signs of a temporary or permanent nature; Residential Accessory Structures; Conditional Use requests. In a case where a variance from the basic zoning regulations is sought, the Plan Commission may file a recommendation with the Board of Appeals outlining its opinion and findings as they relate to the issue(s) being appealed.
- (c) **PROCEDURE:** Refer to Section 25-3-2 of this Code.
- (d) **ADMINISTRATIVE APPEAL:** Any person aggrieved by any decision by the Village Board for the Village of Raymond with regards to this ordinance may request such review of such decision in accordance with the procedures as set forth in the Municipal Code for the Village

of Raymond and/or Chapter 68 of the Wisconsin Statutes.

- (e) **FURTHER APPEAL:** Any person or persons aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, board or bureau of the village may appeal from a decision of the Board of Appeals within 30 days after the filing of the decision in the office of the Board of Appeals in the manner provided in Section §62.23(7)(e)10 of the Wisconsin Statutes.

25-2-5 RE-FILING FOLLOWING DENIAL, WITHDRAWAL, OR DEFERRAL

- (a) Upon denial by the Village Board or Planning Commission of any application by a property owner or his/her authorized agent for a zoning/comp plan text or map amendment, conditional use, site plan review, appeal or variance, no further application concerning any or all of the same property that is substantially the same as the application denied shall be made within six (6) months from the date of such denial.
- (b) Any such application may be withdrawn at any time; provided, that if the request for withdrawal is made after publication of the notice of any public hearing, no application which is substantially the same on all or any part of the same property may be filed within six (6) months of the withdrawal date. All such withdrawal requests must be done/confirmed in writing.
- (c) Whenever consideration of such an application is deferred or adjourned at the request of the property owner or authorized agent, after notice of any public hearing has been first published, the applicant shall bear the additional advertising and mailing costs.
- (d) In no event shall there be any refund of fees in the case of a denial, deferral, or withdrawal.

25-2-6 ENFORCEMENT & PENALTIES

- (a) **ENFORCING OFFICER:** The Zoning Administrator or their designee shall be the enforcing officer of this Code.
- (b) **PENALTIES:** Any person, firm, company, or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance, shall be subject to a forfeiture of not less than \$20.00 and not to exceed the sum of \$1,000.00 for each offense, together with the costs of the action, and in default of the payment thereof, shall be imprisoned in the County Jail as contracted by the Village of Raymond, for a period not to exceed 6 months, or until such forfeiture and the subsequent costs have been paid. Each day that a violation is permitted to exist shall constitute a separate violation and be punishable as such.
- (c) **DECLARED NUISANCES:** Any building erected, structurally altered, or placed on a lot, or any use carried on in violation of the provisions of this ordinance is hereby declared to be a nuisance per se, and the Village may apply to any Court of competent jurisdiction to retain or abate such nuisance.
- (d) **ENFORCEMENT BY INJUNCTION:** Compliance with the provisions of this Ordinance may also be enforced by injunction order at the suit of the Village or one or more owners of real

estate situated within an area affected by the regulations of this ordinance.

25-2-7 FEES

- (a) All persons, firms or corporations performing work which by this chapter requires the issuance of a permit shall pay a fee for such permit to the Village of Raymond Zoning Administrator to help defray the cost of administration, investigation, advertising and processing of permits and variances in accordance with the schedule maintained by the Village Clerk as amended from time to time by resolution of the Village Board.
- (b) The Village of Raymond shall be exempt from payment of any of the above fees in Subsection (a).

25-2-8 SEVERABILITY

- (a) The several sections, subsections, and paragraphs of this Ordinance are hereby declared to be severable. If any section, subsection, paragraph, or subparagraph of this ordinance shall be declared by a decision of a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of this ordinance, or of the section of which the invalid portion or paragraph may be a part.

Article 3
Commissions and Boards

[Back to Table of Contents](#)

Section Number	Title	Ordinance Number	Date of Ordinance
25-3-1	Plan Commission		
25-3-2	Board of Appeals		

25-3-1 PLAN COMMISSION

- (a) *Established authority.* The village board hereby establishes a village planning commission. The village planning commission is authorized and empowered to act pursuant to the authority found in Wis. Stats. §§ 61.35, 236.02 and 236.45.
- (b) *Membership.* The village planning commission shall consist of seven members, consisting of five citizen members who have recognized experience and qualifications but who are not village officials, and two village board members. The members shall be appointed by the village president and voted upon by the village board.
- (c) *Voting rights.* The members of the planning commission shall have the right to vote or abstain on all matters before the planning commission.
- (d) *Officers; records.* During the first planning commission meeting following the induction (election, appointment and oath) of new planning commissioner members annually, the planning commission members shall elect, by a majority vote, a president and a secretary. The president shall conduct the business of all meetings, and act as the planning commission's parliamentarian. In the absence of the president, an acting president shall be appointed by the president to preside during the absence. The secretary shall set and post all planning commission agendas, record all minutes and issue all planning commission correspondence. If the secretary is absent from a meeting, the members present shall elect a temporary secretary as the first order of business for that meeting. Written records shall be kept showing all actions taken, resolutions, findings, determinations, transactions, documents received, and recommendations made. The secretary shall file copies of all records created by the planning commission, and originals received by the planning commission, with the village clerk and shall advise the village clerk of any outstanding items related to matters that came before the planning commission.
- (e) *Meetings; quorum.* The planning commission shall meet monthly, and at the call of the president or a majority of either the full commission or the village board. A quorum of at least four planning commission members shall be required for the planning commission to call any meeting to order and to conduct business.
- (f) *Official oaths.* Official oaths shall be taken by all members in accordance with Wis. Stats. § 19.01, within ten days of receiving notice of their appointment.
- (g) *Terms of office.* Terms of office for non-village board members shall commence on May 1, and each term shall be for a period of three years. The terms shall be staggered so no more than two non-village board members' terms expire during a given year. Terms of office for

village board planning commission members shall commence on the third Tuesday of April and each term shall be for a period of two years to follow that village board member's elected seat expiration. When appointed, the village clerk shall identify the term expiration date.

(h) *Powers.*

- (1) The village planning commission shall have such powers as may be necessary to enable it to perform its functions and duties. Such powers shall include, but are not limited to, the following:
 - a. Employ experts and a staff, and pay for their services, supplies, equipment and other expenses as may be necessary and proper. All such expenses shall not exceed the appropriations and regulations set forth by the village board.
 - b. Request information, in a timely manner, on subjects placed before the planning commissioners.
 - c. Create and change forms to document items before the planning commission.
- (2) Upon request, petitioners of matters before the planning commission shall arrange access to land and sites for the commissioners and planning commission employees to make field observations and examinations.

(i) *Functions and duties.* The planning commission shall have the following functions and duties:

- (1) Make and recommend to the village board a master plan for the physical development of the village.
- (2) Prepare and recommend to the village board a zoning district plan and regulations.
- (3) Prepare and recommend to the village board land division regulations.
- (4) Make reports and recommendations to the village board relating to all land development ordinances, agencies, services and zoning.
- (5) Recommend to the village board public improvement programs and financing thereof.
- (6) Make reports and recommendations to the village board concerning the development, improvement, use and subdivision of both public and private land in the village.
- (7) Make reports and recommendations to the village board concerning all variances from current ordinances and standards regarding the development, improvement, use and subdivision of both public and private land in the village.

(j) *Additional powers and duties.* The planning commission shall have all additional powers and duties granted or assigned by the village board or by ordinances. All the powers and duties granted or assigned by statute to planning commissions, and any amendments thereof, are granted and assigned to the planning commission, and such statutes are hereby adopted by reference.

(k) *Referrals.* The village board and other village agencies may refer the following to the planning commission for its consideration and recommendation before final action is taken thereon:

- (1) Location and architectural design of public buildings.

- (2) Location of any statue or memorial.
 - (3) Location, acceptance, extension, alternation, vacation, abandonment, change of use, sale or land lease pertaining to any street, road, alley, other public way, playground, airport, public parking area, memorial or other public land.
 - (4) Authorization, location, change to or abandonment of any public or private utility.
 - (5) Location, purchase or lease, or standards pertaining to lands for, public housing, slum clearance, relief of congestion and public or private recreational sites.
 - (6) All annexations, incorporations or consolidations affecting the village.
 - (7) All land divisions in the village.
 - (8) All proposed changes to the village's master plan, official maps, and zoning and land subdivision ordinances.
- (l) *Appeals.* All decisions by the planning commission are recommendations to the village board. Appeals of planning commission decisions may be presented directly to the village board. Petitioners must request that the village clerk place their petition on the village board's agenda.
- (m) *Fee.* To defray the expenses related to the operation of the planning commission, all persons who wish to have an item considered by the planning commission, and all persons who have items referred to the planning commission by the village board, shall pay a fee, on file in the clerk's office and which may be revised by village board resolution, at the time said item is added to the planning commission's agenda. The fee imposed shall not be increased or decreased regardless of the nature of the request, and no more than a single fee shall be collected regardless of the number of planning commission meetings at which said request is considered. Agenda items instigated at the request of the state, or any agency, department or political subdivision thereof, shall be exempt from the payment of a planning commission fee.

25-3-2 BOARD OF APPEALS

- (a) *Established; authority.* The village board hereby establishes a village board of appeals. The village board of appeals is authorized and empowered to act pursuant to the authority found in Wis. Stats. §62.23(7)(e).
- (b) *Membership.* The board of appeals shall consist of five members appointed by the village president and subject to confirmation by the village board. The terms of the members shall be three years, except that of those initially appointed, one shall serve for one year, two for two years, and two for three years. The village president shall appoint, for staggered terms of three years, two alternate members of such board. The village president shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent. The second alternate shall act only when the first alternate so refuses or is absent or when more than one member of the board so refuses or is absent. There shall be no compensation received by the members for their service on the board.

- (c) *Jurisdiction.* The board of appeals shall have the powers granted in Wis. Stats. §62.23(7)(e), including:
- (1) Appeals where it is alleged there is error in any order, requirement, decision or determination made by the zoning administrator.
 - (2) Hear and decide special exceptions to the terms of this chapter upon which the board of appeals is required to pass.
 - (3) Authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this chapter will result in practical difficulty or unnecessary hardship, so the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done.
 - a. In this subsection, "area variance" means a modification to a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure granted by the board of appeals under this paragraph. In this subsection, "use variance" means an authorization by the board of appeals under this paragraph for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.
 - b. A property owner bears the burden of proving "unnecessary hardship," as that term is used in this subdivision, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with a zoning ordinance would leave the property owner with no reasonable use of the property absent a variance. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.
 - (4) To hear and grant applications for substitution of the same or more restrictive nonconforming uses for existing nonconforming uses.
 - (5) To hear and decide application for interpretation of the zoning regulations and the boundaries of the zoning districts after the plan commission has made a review and recommendation.
 - (6) Reverse, affirm wholly or partly, modify the order, decision, determination or requirement appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end, shall have all the powers of the offices from whom the appeal is taken, and may issue or direct the issue of a permit.
 - (7) The board of appeals may request assistance from other village officers, departments, commissions and boards.
 - (8) Have the powers provided by Wis. Stats. §62.23(7)(e) or by any ordinance of the village.
- (d) *Officers.* The board of appeals shall choose its own chairperson, vice chairperson, and secretary.

- (e) *Meetings and rules.* The board of appeals shall adopt rules and regulations for its government and procedure. Meetings of the board of appeals shall be held at the call of the chairperson and at such other times as the board may determine. Such chairperson, or in his/her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. However, the board may convene in closed session under Wis. Stats. §19.85.
- (f) *Minutes.* The secretary shall keep minutes of its proceedings, showing the action of the board and vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. A majority of board members, or of board members and alternates, shall constitute a quorum.
- (g) *Determinations.* If a quorum is present, the board may take action by a majority vote of the members present.
- (h) *Hearings.*
 - (1) The board of appeals shall fix a reasonable time and place for the hearing of the appeal or application; and shall give public notice thereof by publication at least once during two consecutive weeks, the last publication being no later than one week before the hearing. In addition, the board shall give due notice to the parties in interest, including the officer from whom the appeal is taken.
 - (2) At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.
 - (3) A copy of all notices of appeals or variances to the floodland provisions of this chapter shall be transmitted to the state department of natural resources (DNR) for review and comment. Final action on floodland appeals and variance requests shall not be taken for 30 days or until the DNR has made its recommendation, whichever comes first.
- (i) *Decisions.*
 - (1) *Time limits.*
 - a. The board of appeals shall decide all appeals and applications, except appeals and variance requests to the floodland provisions of this chapter, within 30 days after the final hearing and shall transmit a signed copy of the board's decision to the appellant or applicant, and the officer from whom the appeal is taken. Decisions on appeals to the floodland provisions of this chapter shall be made as soon as is practicable, but not more than 60 days after the required public hearing.
 - b. Decisions on appeals and variance requests to the floodland provisions of this chapter shall not be made for 30 days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions on floodland appeals or variance requests shall be transmitted to the DNR within ten days of their effective date.
 - (2) *Expiration of variances.* Variances and substitutions granted by the board of appeals shall expire within six months, unless substantial work has commenced under such grant. An extension, the duration to be determined by the zoning administrator on a

case-by-case basis, may be granted by the zoning administrator before its expiration. The zoning administrator or applicant may request that the board of appeals review and approve the request for extension.

- (3) *Establishment of conditions.* In exercising any of its powers, the board of appeals may, in any finding or decision, establish appropriate conditions and safeguards in harmony with the general purpose and intent of this chapter.

- (j) *Finality of decision.* All decisions and findings of the board of appeals on any application for a variance, after a public hearing, shall, in all instances, be the final administrative decision and shall be subject to judicial review. No application for a variance which has been denied by the board may be resubmitted for a period of one year from the date of the order of denial, except under extraordinary circumstances or on the grounds of new evidence discoverable after the hearing or proof of substantially changed conditions found to be valid by the board.

- (k) *Review of decisions by court.* Any person aggrieved by any decision of the board of appeals or any taxpayer or any officer, department, board or bureau of the village may, within 30 days after the filing of the decision in the office of the board of appeals, but not thereafter, commence an action seeking the remedy available by certiorari.

Article 4
Site Plan and Plan of Operation
Required Plans and Design Guidelines

[Back to Table of Contents](#)

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
25-4-1	Required Plans		
25-4-2	Developers Deposit Required		

25-4-1 REQUIRED PLANS

(a) **PURPOSE AND INTENT**

In order that the physical environment of the Village be developed in a way that will provide the maximum degree of aesthetic satisfaction through architectural and natural beauty and harmony and thereby provide most satisfyingly for the well-being and contentment of its inhabitants as well as for greater economic stability through preservation and enhancement of property values, it is deemed necessary to exercise regulation over the architectural appearance and construction of buildings erected, remodeled or in any way placed within the Village. Such regulations are herein known as Site Plan and Plan of Operation (SPPO) Plans.

The Site Plan and Plan of Operation is not intended to impose a pattern of regimented conformity to any specific architectural style or taste established by the governing body, a review board, or the existing residents of any area; but is intended solely to prevent any development which would substantially affect adversely the existing or potential beauty and character of the neighborhood, reduce its desirability, and depreciate surrounding property values.

(b) **SITE PLAN AND PLAN OF OPERATION EXEMPTIONS: ADMINISTRATIVE REVIEWS**

(1) **SINGLE-FAMILY AND TWO-FAMILY USES:** Single-family or two-family residential development activity on unplatted lands or associated with an approved final plat of a subdivision or certified survey map shall be exempt from Plan Commission Site Plan and Plan of Operation approval. All plans for single-family or two-family residential development activity shall be approved administratively.

(2) **SIGNS:** Where in the determination of the Zoning Administrator, a proposed change to an approved sign is deemed non-substantial, said changes may, in the sole determination of the Zoning Administrator, be exempted from Plan Commission Site Plan and Plan of Operation approval.

(c) **SITE PLAN AND PLAN OF OPERATION REQUIRED**

(1) **PURPOSE:** The purpose of this Section is to specify the requirements and procedures for the review and approval of site plan applications. The provisions of this Section are designed to ensure that all proposed land use and development activity complies with the requirements of this Ordinance. Specifically, this Section requires that the initiation of all development activity (including building permits, zoning permits, occupancy permits for a change of use of an existing lot or structure where there is contemplated a site plan revision, clear cutting, grading

or filling) require the approval of Site Plan and Plan of Operation Plans (herein referred to as SPPO Plans) by the Plan Commission and the Village Board before the zoning, occupancy, and building permits can be issued.

(2) APPLICATION PROCEDURE

- a. Initiation of Request for SPPO Plan Approval: Procedures for approval of a site plan shall be initiated by the owner(s) of the subject property, or their legally authorized representative(s).
- b. Pre-Application Meeting: The petitioner is strongly encouraged to first meet with the Zoning Administrator and other applicable Village Staff to discuss preliminary concepts and plans for the development. Guidance will be provided to the Petitioner on technical requirements and procedures, and a timetable for project review may be discussed.

(3) APPLICATION REQUIREMENTS: Petitioner shall submit a complete SPPO Plan application, accompanied by all fees and deposits, which from time to time may be adopted by the Village Board and in effect at the time of submittal. A complete application shall be comprised of all of the following (as applicable to particular development):

- a. Written Description of the intended use describing in reasonable detail the:
 1. Full name and contact information of the petitioner and / or agent, and property owner, if different;
 2. Full name and contact information of petitioner's engineers / surveyors / architects, and other design professionals used in SPPO Plan preparation;
 3. Existing zoning district(s) and proposed zoning district(s) if different;
 4. Current land uses present on the subject property;
 5. Proposed land uses for the subject property
 6. Land use designation(s) as depicted on the adopted Comprehensive Plan;
 7. Description of existing environmental features;
 8. Projected number of residents, employees, and / or daily customers;
 9. Proposed amount of dwelling units, floor area, open space area, and landscape surface area, expressed in square feet and acreage to the nearest one-hundredth of an acre;
 10. Resulting site density, floor area ratios; open space ratios, and landscape surface area ratios;
 11. Operational considerations relating to hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings,
 12. Traffic generation;
 13. Operational considerations relating to potential nuisance creation pertaining to the appropriate design of street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials.
 14. Exterior building and fencing materials;
 15. Possible future expansion and related implications for (1) to (14), above, and;
 16. Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.
- b. Property Site Plan drawing which includes:
 1. A title block which provides all contact information for the petitioner and / or agent, and property owner if different;

2. Full name and contact information of petitioner's engineers / surveyors / architects, and other design professionals used in SPPO Plan preparation;
 3. The date of the original plan and the latest date of revision to the plan;
 4. A north arrow and a graphic scale. Said scale shall be in engineering scales, and shall not be smaller than one inch equals 100 feet unless otherwise allowed;
 5. A legal description of the subject property;
 6. All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;
 7. All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose;
 8. All required building setback and offset lines;
 9. All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, walls,
 10. All existing and proposed utility and drainage systems, connections and fixtures;
 11. All requirements of the Village Fire Code;
 12. The location and dimension of all access points onto public streets including cross-section drawings of the entry throat;
 13. The location and dimension of all on-site parking (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided versus required by this Code;
 14. The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas;
 15. The location of all outdoor storage and refuse disposal areas and the design of all screening devices;
 16. The location, type, height, size and lighting of all signage on the subject property;
 17. The location, height, design/type, illumination power and orientation of all exterior lighting on the subject property including photometric plans.
 18. The location and type of any permanently protected green space areas;
 19. The appropriate bufferyard and/or screening between dissimilar uses;
 20. The location of all environmental features including wetlands, floodplains, environmental corridors, steep slopes, forest areas or any other permanently protected natural resource area protected under Local, State or Federal regulations;
 21. The location of existing and proposed drainage facilities; and
 22. Building Heights.
- c. A Detailed Landscaping Plan of the subject property, at the same scale as the site plan showing:
1. The name and address of the property owner, the landscape architect or designer who prepared the plan.
 2. The name of the proposed project.
 3. The plan preparation date and the date of any revisions thereto.
 4. A graphic scale and a north arrow.
 5. A legal description of the property.
 6. A plat of survey, or a sketch drawn to scale.
 7. The location, caliper (size), and common name of all existing deciduous trees six (6) inches or larger in diameter at breast height (d.b.h.), all existing coniferous trees 10 feet or greater in height, and the boundaries of any existing woodlots.
 8. Identification of all trees inventoried which are to be moved or destroyed.
 9. The location of all proposed plantings.

10. A planting schedule showing all symbols intended to represent plantings, quantities of plant materials, and common and botanical names of plant materials, size and caliper of plant materials, root specifications, and special planting instructions.
 11. Typical Sections and details of fences, tie walls, planting boxes, retaining walls, berms, and other landscape improvements.
 12. Typical Sections of landscape islands and planter beds identifying materials to be used.
 13. Details of planting beds and foundation plantings.
 14. Delineation of sodded areas, seeded areas, and wilderness areas indicating square footage, materials to be used, and seed mixtures.
 15. Where landscape or man-made materials are used to provide required screening or buffers from adjacent properties or public rights-of-way, a cross-Section shall be provided drawn to a recognized engineering scale illustrating the prospective of the site from the neighboring property and property line elevation.
- d. A Grading and Erosion Control Plan to be approved by the Village Board. Said plans are not subject to Plan Commission review but are required to be submitted concurrent with SPPO Plan applications in order for the submittal to be complete.
 - e. Elevation Drawings of proposed buildings or proposed remodeling of existing buildings showing finished exterior treatment, with adequate labels provided to clearly depict exterior materials, texture, scale, color and overall appearance.
 - f. Color Renderings and Perspective Renderings The Plan Commission reserves the right to require perspective renderings, but not in lieu of adequate drawings showing the actual intended appearance of the buildings.
 - g. Photo Simulations and 3-D virtual visualizations of the proposed project and/or photos of similar structures may be voluntarily submitted and may be required by the Plan Commission, but not in lieu of adequate drawings showing the actual intended appearance of the buildings.
 - h. A Plat of Survey shall be required for all projects. The survey shall be prepared by a Registered Land Surveyor and shall depict property lines, and existing and proposed buildings, structures, and paved areas.
 - i. A Developers Deposit in an amount required by adopted policies of the Village Board may be required from time to time. The purpose of the Developers Deposit is to provide a surety to address all charges required to be paid by a petitioner. The requirement for submittal of a Developers Deposit for specific projects may be modified or waived by the zoning administrator.

(d) REVIEW BY PLAN COMMISSION & VILLAGE BOARD

- (1) The Plan Commission, in its consideration of the submitted SPPO Plan application, shall take into account the basic intent of the Zoning Ordinance to ensure attractive, efficient, and appropriate development of land in the community, and to ensure particularly that every reasonable step has been taken to avoid depreciating effects on surrounding property and the natural environment. Beyond protection of the public health, safety and welfare, and morals,

this Section shall enable the Plan Commission to consider factors related to community aesthetics, urban design, and architectural consistency within the community. The Plan Commission, in reviewing the application may require such additional measures and/or modifications to any or all elements of the site plan as described in the application submittal required per Section 25-4-1(c)2 as it deems necessary to accomplish this objective. If such additional measures and/or modifications are required, the Plan Commission may withhold approval of the SPPO Plan until a revision depicting such additional measures and / or modifications are submitted to the satisfaction of the Plan Commission, or may approve the application subject to the provision of a revised application reflecting the direction of the Plan Commission to the satisfaction of the Zoning Administrator or their designee. Such amended plans and conditions applicable to the proposed use shall be made a part of the official record, and development activity on the subject property may not proceed until the revised application has been approved pursuant to the procedures described herein.

- (2) In reviewing said application the Plan Commission shall make findings on each of the following criteria to determine whether the submitted SPPO Plan shall be approved, approved with modification, or denied:
 - a. The public health and safety is not endangered;
 - b. All standards of the Zoning Ordinance and other applicable Village, State and Federal regulations are met;
 - c. Adequate Public Facilities (sewer/water) are provided;
 - d. Adequate control of stormwater and erosion are addressed through submittals to be reviewed and approved by the Village Engineer per Municipal Code;
 - e. The disruption of existing topography, drainage patterns, and vegetative cover is minimized insofar as is practical;
 - f. Appropriate traffic control and parking are provided;
 - g. Appropriate landscaping and open space areas are provided;
 - h. The appearance of structures maintains a consistency of design, materials, colors, which comply with the general architectural guidelines adopted by the Village.

- (3) **ARCHITECTURAL CONTROL:** In order that the physical environment of the Village is developed in a way that will provide the maximum degree of aesthetic satisfaction; through architectural and natural beauty, harmony with adjacent facilities, and thereby provide the most appealing development for the well-being, and contentment of its inhabitants. In addition, to promote greater economic stability through preservation and enhancement of property values, it is deemed necessary to exercise regulation over the architectural appearance and construction of buildings erected, remodeled, or in any way placed within the Village. Such regulations are not intended to impose a pattern of regimented conformity to any specific architectural style or taste established by the Plan Commission, review board, or the existing residents of any area; but is intended solely to prevent any development which would substantially adversely affect the existing or potential beauty and value to the community, the characteristics of the neighborhood—potentially reducing its desirability and depreciating surrounding property values.

To implement and design criteria for the purposes stated above, to promote Four-Sided Architecture and Quality in Design Standards, the following standards are established:

- a. No building shall be permitted a design or exterior appearance which is unorthodox or has abnormal character in relation to the surrounding properties as to be unsightly or

- offensive to generally accepted tastes of the community and professional judgment of the Planning Commission.
- b. No building shall be permitted where any exterior surface is not constructed or faced with a finished material which is aesthetically compatible with the exterior surface of adjacent buildings and presents an attractive appearance to the public and to surrounding properties.
 - c. No building or addition to any building shall be permitted to be sited on the property in a manner which would interfere with the peaceful enjoyment and natural light of adjacent buildings.
- (3) **INITIATION OF LAND DEVELOPMENT ACTIVITY:** Except with the written permission of the Zoning Administrator and the Building Inspector or their designees, absolutely no land use or development activity, shall occur on the subject property prior to the approval of the required SPPO Plan or SPPO Plan Amendment. Any such activity prior to such approval shall be a violation of this Chapter and shall be subject to all applicable enforcement mechanisms and penalties.
- (4) **COMPLIANCE IN PERPETUITY:** Any SPPO Plan granted through the authority of this Section shall be perpetually binding upon the development and all aspects of the approval given shall be followed. Further, SPPO Plans referenced above, shall be perpetually binding to the extent that:
- a. All buildings and structures shall be maintained in a tasteful, safe and appropriate manner as they were originally approved for.
 - b. All landscaping shall be periodically groomed and/or replaced when necessary.
 - c. All drives, parking and pedestrian areas shall be kept in a safe and passable condition. This includes the maintaining of the appropriate pavement markings and the refinishing of the asphalt or concrete when it should become deteriorated.
 - d. All natural areas and environmental areas identified for protection shall be maintained in manner which preserves their aesthetic and natural function.
 - e. All repairs and maintenance shall be executed in a timely manner.
- (5) **APPROVAL FOLLOW THRU INSPECTION:** The Zoning Administrator or designee shall make a final inspection of all new buildings, building sites, additions and alterations of properties that have received Plan Commission and Village Board approvals in order to assure all approvals from Planning Commission have been accomplished. The inspection shall be made at the same time final inspections are requested as part of building permits or, in the case building permits aren't required for the improvements, the inspection shall be made upon the developer notifying the Zoning Administrator that the improvements have been accomplished. If all approvals have been followed, a certificate of occupancy will be allowed. If further improvements are required, the certificate of occupancy will be withheld until such time the improvements are completed. A certificate of occupancy may be issued subject to certain items being completed within a given amount of time, however, if the items are not completed within the given timeframe, the certificate of occupancy can be revoked. Revocation of the certificate of occupancy requires all business use of the property to cease immediately until such time a new certificate of occupancy is given.
- (6) **MODIFICATIONS TO APPROVED PLANS:** Where modification to an approved SPPO Plan is requested, the Zoning Administrator or designee is authorized, upon review of the proposal, to make a determination that the modification is either a non-substantial change or a substantial change to the approved SPPO Plan. Where it is determined that the modification is non-

substantial, the Zoning Administrator or designee may approve the modification. Where it is determined that the modification is a substantial change to the approved SPPO Plan, said Plan shall be revised and review by the Plan Commission and the Village Board pursuant to the procedures of this Section above, so as to clearly and completely depict any and all proposed modifications to the previously approved SPPO Plan, prior to the initiation of said modifications.

- (7) EXPIRATION: Approvals granted for building, site and operation plans in which the petitioner has not commenced construction activity or preparation of the land, or has not submitted a Certified Survey Map or Preliminary Plat within the past 12 months of the date of approval, said approval will expire and reapplication will be required. A reapplication shall be limited solely to reasonable compliance with current design, locational, and operational requirements. A reapplication shall not involve the basic permissibility of the use where such use is permitted by right at the time of reapplication. The Village may grant one six-month extension if requested 30 days prior to the pending expiration date provided that the applicant demonstrates a valid cause.

25-4-2 PROFESSIONAL SERVICES REIMBURSEMENT AGREEMENT FORM REQUIRED

- (a) Any applicant submitting a development item that requires Village Board and/or Plan Commission review and approval processes may be required to submit a reimbursement agreement form at the time of application along with any other required fees for the proposal. The reimbursement form will be used to acknowledge reimbursement for the following activities during the duration of the development proposal will be sought:
 - (1) Processing, reviewing, revising, and approving conceptual, preliminary or final development plans, including meeting time, regardless of whether the developer attended or participated in the meeting;
 - (2) Processing, reviewing, revising, drafting and approving any agreements, easements, deed restrictions or other documents associated with the proposed use, and
 - (3) Inspection and approval of construction and installation of all improvements provided for in the development, including but not limited to, consultation reasonably required to address issues and problems encountered during the course of design and construction of the development.
 - (4) Costs of Village consultants including engineers, planners, attorneys, inspectors, ecologists, agents, sub-contractors and the Village's own employees. Such costs shall also include those for attendance at meetings. The cost for outside services shall be the direct cost incurred by the Village. The cost for Village employees' time shall be based upon the classification of the employee and the rates established by the Village Board, from time to time, for each such classification.
- (b) The Village shall send notice of required payment of the above costs.

Article 5
General Provisions and Non-Conformities

[Back to Table of Contents](#)

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
25-5-1	Uses Regulated		
25-5-2	Building Location		
25-5-3	Building Height		
25-5-4	Building Size		
25-5-5	Lot Area and Width		

25-5-1 USES REGULATED

(a) **USES RESTRICTED**

(1) No structure or land shall be used and no structure shall be hereafter erected, structurally altered, or relocated except for a use as permitted and in compliance with the regulations hereinafter established for the district in which it is located.

(b) **USES CLASSIFIED**

(1) For the purpose of this ordinance all uses shall be classified according to the following categories:

- a. Permitted Uses by Right: Principal uses the permissibility of which is a predetermined right anywhere in the district which located subject only to the regulations established governing such use.
- b. Permitted Accessory Uses: Uses incidental, customary to, and commonly associated with a permitted principal use.
- c. Permitted Uses by **CONDITIONAL USE PERMIT**: Uses, the nature, character, or circumstances of which are so unique, or so dependent upon the specific contemporary conditions, that predetermination of permissibility by right, or the detailing the ordinance of the specific standards, regulations, or conditions necessary or appropriate to such permissibility are not practical; but which may be permitted in the districts where listed subject to certain conditions and requirements as hereinafter specified.

(c) **UNCLASSIFIED USES**

(1) Any permitted or accessory use that is not listed is prohibited unless the Plan Commission and the Village Board determines that such use is substantially similar to another use that is listed. In making a determination with respect to similarity of uses, the Plan Commission and the Village Board should consider (i) the nature of the requested use; (ii) whether the requested use is consistent with the Village's comprehensive plan; and (iii) whether the requested use is consistent with the purpose of each of the zoning districts where the similar use is allowed as a permitted or accessory use.

25-5-2 BUILDING LOCATION

(a) LOCATION RESTRICTED

- (1) No building or structure shall be hereafter erected, structurally altered or relocated on a lot except in conformity with the following locational regulations as hereinafter specified for the district in which it is located.

(b) SETBACKS

- (1) All lot area requirements are measured exclusive of any highway right-of-way and all street yard setbacks are measured from the outer limit of the highway right-of-way or private road easement.
- (2) Building projections into street yards: Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.
- (3) Street yard setback increase: The street yard must be increased in any residential or business district to the average of the existing street yards of the abutting structures on each side. In no case may the street yard be decreased to less than the district minimum setback. Only principal structures on abutting lots within one hundred (100) straight-line feet of the proposed structure may be used for averaging. Any existing uncovered and/or unenclosed portion of a principal structure, such as deck or covered porch, can only be used for averaging with a similar uncovered and/or unenclosed portion of a proposed structure. If an abutting lot is vacant or the existing principal structure is greater than one hundred (100) feet from the proposed structure, the minimum required setback for the district may be used when said abutting lot is a substandard lot. This requirement can be waived if written approval is granted by adjacent property owners.
- (4) Pergolas and otherwise uncovered decks, stairs, landings and fire escapes may project into any yard, but not to exceed six (6) feet and not closer than three (3) feet to any lot line and no closer than ten (10) feet from any street right-of-way.
- (5) Architectural projections, such as chimneys, flues, sills, eaves, belt courses, ornaments, decorative projections, lighting fixtures, balconies, and bay/bow windows, may project into any required yard; but such projection shall not exceed two (2) feet and bay/bow windows must be less than or equal to eight (8) feet wide.
- (6) The only structures permitted within such setback area shall be necessary highway and traffic signs, public utility lines and poles, walls and fences, as regulated by this Code, rural mailboxes, signs as permitted under the individual district regulations, or as permitted by this Code, structures other than buildings as regulated by this Code.
- (7) Maintenance and Use of Setback and Offset Areas: Any such required setback or offset area shall be landscaped and kept clean and free from the accumulation of debris or refuse, and shall not be used for storage or display of equipment, products, vehicles, or any other material except as may be specifically otherwise permitted under this ordinance.

(c) ADA ACCOMODATIONS

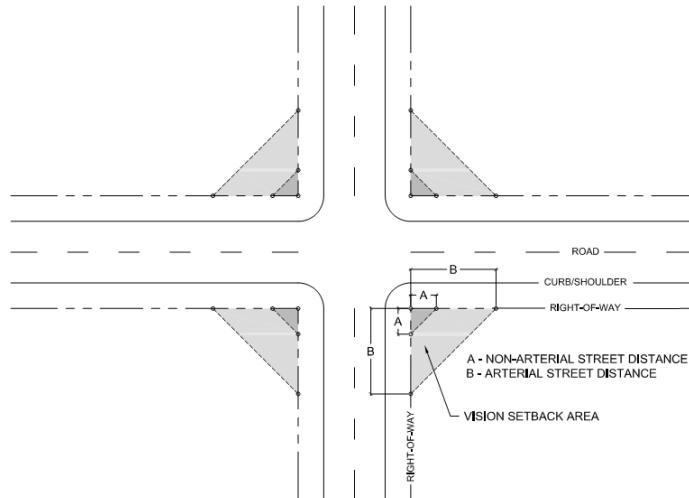
- (1) The zoning administrator shall be authorized to review and issue a Building Permit to allow a nonconforming building addition projection, such as a wheelchair ramp, that is needed to allow the minimum required reasonable accommodation that is necessary to allow ingress/egress by a handicapped or disabled person to the following:
 - a. A residential structure utilized by such person that lives on the property or such person employed in a home occupation on the property. Any such addition shall be removed within thirty (30) days from the time that the structure is no longer serving the aforementioned handicapped or disabled person. A deed restriction to this effect shall be recorded with the register of deeds department and proof of such shall be

submitted to the building inspector and zoning administrator before a Building Permit will be issued.

- b. A commercial facility or any other structure that provides public accommodations.
- c. Any such projection should be designed to be at least three (3) feet from any lot line and have a minimal intrusion into a floodplain, wetland, environmental corridor, or required shore yard setback.

(d) **VISION SETBACKS**

- (1) Vision setbacks at the intersections of public streets exist and no obstructions, such as structures, parking or vegetation, shall be permitted in any zoning district above the height of three (3) feet. Vision setback areas are hereby established as follows:
 - a. The triangular space formed by any two (2) existing or proposed intersecting street right of way lines and a line joining points on such lines located a minimum fifteen (15) feet from their intersection.
 - b. In the case of arterial streets intersecting with another arterial street, or railways, the corner cutoff distances shall increase to fifty (50) feet.



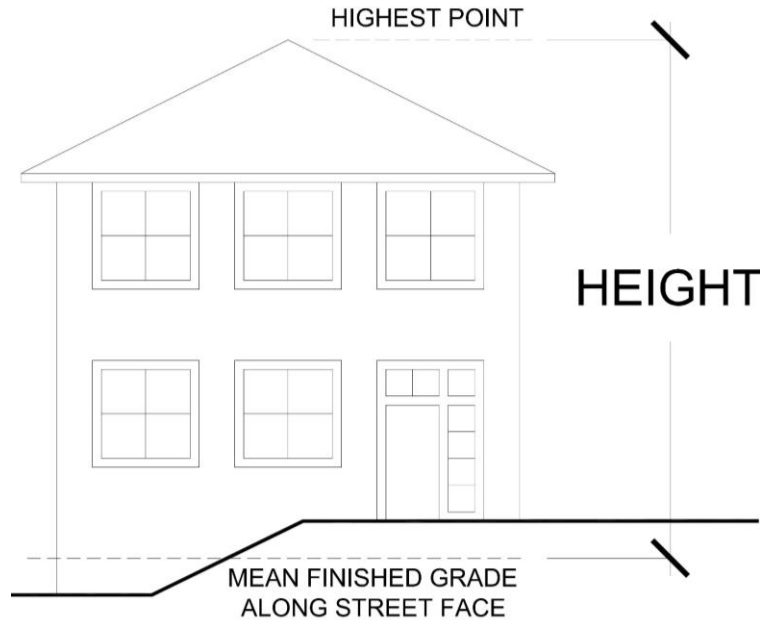
25-5-3 BUILDING HEIGHT

(a) **MAXIMUM HEIGHT RESTRICTED**

- (1) In any district no building or structure shall be hereafter erected or structurally altered to a height in excess of that hereinafter specified by the regulations for that district, except as may be modified by this Code.
- (2) **EXCEPTIONS:** The following shall be exempt from the height regulations of all districts:
 - a. Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys.
 - b. Special structures, such as elevator penthouses, gas tanks, grain elevators, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smoke stacks.
 - c. Essential services, services, water towers, electric power and communication transmission lines.

(3) **HOW MEASURED**

The height of any other structure shall be defined as the total height of the structure measured with a line from the mean finished lot grade along the street yard face of the structure to the highest point of a roof.



25-5-4 BUILDING SIZE

- (a) No residence with a basement shall be erected which shall have a total floor area of less than 1,200 square feet in the case of a one-story residence, or less than 1,600 square feet in the case of a residence of more than one story with 1,000 square feet on the ground level. All such measurements shall exclude basements, open porches, garages and other spaces that are not used frequently or during extended periods for living, eating and sleeping purposes. For the purpose of this subsection, a basement shall contain at least 400 square feet of area and shall be at least seven feet high, when measured from the surface of the floor to the bottom of the joists.
- (b) No residence without a basement which meets the requirements of subsection (a) of this section shall be erected with a total floor area of less than 1,200 square feet, excluding utility rooms, open porches, garages and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes.
- (c) The minimum height of the first story of a residence shall be seven feet, nine inches, when measured from the surface of the floor to the bottom of the ceiling joists.
- (d) The minimum height of the second story of a residence shall be seven feet, six inches, when measured from the surface of the floor to the bottom of the ceiling joists or collar beams. This shall not preclude the use of rafters for lathing and plastering, if approved by the building inspector.
- (e) All exterior walls of residences shall be of brick, stone, concrete, sound wood, aluminum siding, gypsum, wood shingles or other approved material.

25-5-5 LOT AREA AND WIDTH

(a) MINIMUMS REQUIRED

No building shall be erected on a lot of less area or of minimum average width less than hereinafter specified by the regulations of the district in which such building is located, except where said lot is an existing lot of record which was previously divided.

(b) LOT AREA - HOW MEASURED

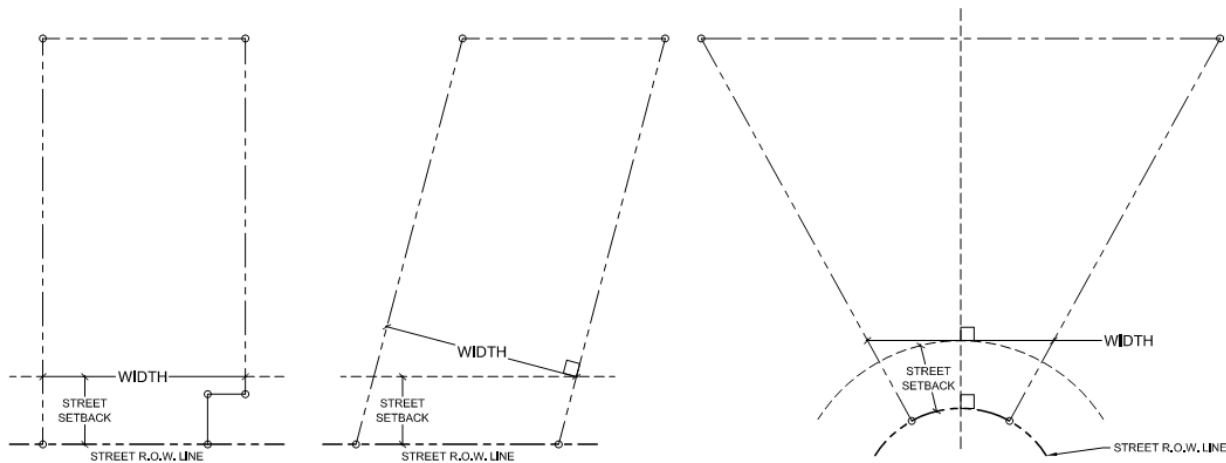
All lot area requirements are measured exclusive of any highway right-of-way and all street yard setbacks are measured from the outer limit of the highway right-of-way or private road easement.

(c) WIDTH - HOW MEASURED

Lot width shall mean the width of a parcel of land measured at the rear of the specified street yard. On all parcels where parallel side lot lines are not perpendicular to the street right-of-way line, such lot width shall be determined by measuring along a line which is perpendicular to the side lot lines and begins at a point on the side lot line that is at the specified street yard setback distance. For parcels with non-parallel side lot lines, lot width shall be measured at the street yard setback distance along a line that is perpendicular to a line which begins at the center of the lot at a point on the street right-of-way line and is perpendicular to such right-of-way line or perpendicular to the tangent at such point in the case of a curved right-of-way.

(d) REDUCTION

No lot area shall be reduced by any means so as to create a lot of less than the required size or so that the existing offsets, setbacks, open space or lot area would be reduced below that required by the regulations for the district in which such lot is located.



Article 6
Zoning Districts Established

[Back to Table of Contents](#)

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
25-6-1	Zoning Districts Established		
25-6-2	A-1 Farmland Preservation District		
25-6-3	A-2 Rural Home District		
25-6-4	AD-5 Agricultural Density District		
25-6-5	R-1 Countryside Estate District		
25-6-6	R-2 Suburban Residential		
25-6-7	R-3 Suburban Residential		
25-6-8	RM-1 Two-Family Residential District		
25-6-9	RM-2 Multi-Family Residential District		
25-6-10	B-1 Neighborhood Business District		
25-6-11	B-2 Community Business District		
25-6-12	B-3 Commercial Service District		
25-6-13	B-4 Highway Business District		
25-6-14	BP-1 Business Park District		
25-6-15	M-1 Light Industrial and Office District		
25-6-16	M-2 General Industrial District		
25-6-17	M-3 Quarrying District		
25-6-18	I-1 Institutional District		
25-6-19	C-1 Lowland Resource Conservation District		
25-6-20	C-2 Upland Resource Conservation District		
25-6-21	DGO Design Guide Overlay District		
25-6-22	PUD Planned Unit Development District		

25-6-1 ZONING DISTRICTS ESTABLISHED

- (a) GENERAL: The Regulations of the various Sections of this Code are made specifically applicable to each individual district as hereinafter set forth in the Individual District Sections of this Code.
- (b) FORMAT OF DISTRICT REGULATIONS AND SUMMARY:
 - (1) Basic Districts: All property in the Village has been placed on the basic districts created for the purpose of establishing the general pattern of intended land use consistent with the General Plan for Comprehensive Development.
 - (2) Overlay Districts: Overlay of "floating" districts are also established which provide for the possibility of superimposing upon a basic district certain additional permissive uses and regulatory standards applicable thereto without disturbing the underlying basic district regulations. The basic intent is similar to that upon which conditional use grants are premised and in effect represent the granting of specifically defined special use rights in specifically defined areas.
 - (3) Planned Unit Development Districts: The Planned Unit Development District is intended to allow for greater freedom, imagination, and flexibility in the development of land while ensuring

substantial compliance to the intent of the normal district regulations of this ordinance. These districts consist of subdivisions, commercial, industrial, and mixed use land uses.

(4) Organization of District Regulations: For convenience and readability the uses as permitted in each district and the supplementary regulations thereto are presented in a summary tabular form consisting of the following:

- a. A statement of intent interpreting the intended purpose of the specific district classification.
- b. The specific numeric requirements of the provisions of this Code made applicable to the district. In case of an Overlay district the requirements listed apply to the uses permitted by virtue of the overlay and do not alter the application of the underlying district regulations to the use permitted therein.
- c. A list of permitted, accessory, and conditional uses with a reference to related provisions of the Ordinance.

(c) **BASE DISTRICTS**

- (1) Agricultural District
 - a. A-1 Farmland Preservation District
 - b. A-2 Rural Home District
 - c. AD-5 Agricultural Density District 10-Acre
- (2) Single-Family Residential Districts
 - a. R-1 Countryside Estate District
 - b. R-2 Suburban Residential, Unsewered District
 - c. R-3 Suburban Residential, Sewered District
- (3) Multi-Family Residential Districts
 - a. RM-1 Two-Family Residential District
 - b. RM-2 Multi-Family Residential District
- (4) Commercial Districts
 - a. B-1 Neighborhood Business District
 - b. B-2 Community Business District
 - c. B-3 Commercial Service District
 - d. B-4 Highway Business District
- (5) Business Park District
 - a. BP-1 Business Park District
- (6) Industrial Districts
 - a. M-1 Light Industrial and Office District
 - b. M-2 General Industrial District
 - c. M-3 Quarrying District
- (7) Institutional Districts
 - a. I-1 Institutional District
- (8) Conservation District
 - a. C-1 Lowland Resource Conservation District
 - b. C-2 Upland Resource Conservation District

(d) **OVERLAY DISTRICTS**

- (1) The following overlay districts are created:
 - a. DGO Design Guide Overlay District

(e) **PLANNED UNIT DEVELOPMENT DISTRICTS**

- (1) New Planned Development Districts are created as they are approved by the Village and are notated as “PUD-” Planned Unit Developments along with the corresponding number in which they were approved (ex. PUD-1).

(f) **DISTRICT BOUNDARIES**

- (1) Boundaries of the districts, except for the floodplain districts, structural and nonstructural districts, are hereby established as shown on a series of maps entitled "Zoning Maps, Village of Raymond, Wisconsin," dated to correspond with their adoption by the Village, as amended, which accompany and are a part of this chapter. Unless otherwise noted on the zoning map, such boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey Lines; lot or property lines; centerlines of street, highways, alleys, easements, and railroad rights-of-way or such lines extended. Where a C-1 lowland resource conservancy district is delineated on the zoning district map in a linear form along a perennial or intermittent watercourse, the district boundaries shall be construed to be the following unless otherwise noted on the zoning district map:

- a. One hundred (100) feet from the ordinary high-water mark of perennial streams.
- b. Fifty (50) feet from the ordinary high-water mark of intermittent streams.

25-6-2 A-1 Farmland Preservation District

- (a) **STATEMENT OF INTENT:** This district is intended to provide for agricultural and related uses in rural areas where non-farm residential development is not of significant proportions presently nor anticipated or to be encouraged.

(b) **BASIC REGULATIONS**

Frontage/ Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
250	35 Acres	35*	100	100	100

* Agricultural structures, such as barns, silos and windmills, shall not exceed in height twice their distance from the nearest lot line.

(c) **PERMITTED USES BY RIGHT**

- (1) Apiculture (beekeeping).
- (2) Christmas tree production.
- (3) Community living arrangement, 8 or fewer residents.
- (4) Contract sorting, grading and packaging of fruits and vegetables.
- (5) Dairy farming and general agriculture.
- (6) Essential Services
- (7) Floriculture (cultivation of ornamental flowering plants).
- (8) Forest and game management.
- (9) General farm buildings, including agricultural windmills, barns, silos, sheds, and storage bins, provided, however, that said structures are located at least 100 feet away from any off-premises neighboring residence.
- (10) Grazing or pasturing.
- (11) Greenhouses.
- (12) Hay baling.

- (13) Horticultural services, including the retail sale of nursery landscape material and other agricultural crops and related commodities.
 - (14) Livestock raising, except commercial feedlot and fur farms.
 - (15) Land within a federal or state agricultural land conservation payment program.
 - (16) Orchards.
 - (17) One single-family dwelling.
 - (18) Paddocks.
 - (19) Plant nurseries.
 - (20) Poultry raising, except commercial egg production and commercial poultry feedlots.
 - (21) Raising of grain, grass, mint, seed crops, silage, tree fruits, nuts, and berries.
 - (22) Riding stables and indoor riding arenas (private).
 - (23) Sod farming.
 - (24) Telecommunication collocation (class 2).
 - (25) Threshing services.
 - (26) Undeveloped natural resource and open space areas.
 - (27) Vegetable raising.
 - (28) Viticulture (grape growing).
- (d) **PERMITTED ACCESSORY USES**
- (1) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
 - (2) Accessory structures may be permitted in the agricultural district prior to the presence of the principal structure provided that the parcel on which the accessory structure will be located is ten (10) contiguous acres in size or larger, the accessory structure is intended for an agricultural use, the proposed accessory structure meets the setback requirements needed for a principal structure in that district, and the accessory structure is at least one hundred (100) feet from any existing residence on abutting parcels.
 - (3) An activity or business operation that is an integral part of or incidental to, an agricultural use.
 - (4) Any other use that the Department of Agriculture, Trade and Consumer Protection (DATCP), by rule, identifies as an agricultural use.
 - (5) Feedlot (not commercial and only for permitted farm uses).
 - (6) Family daycare home or foster family home of eight (8) or fewer persons.
 - (7) Home occupations per Section 25-10-2.
 - (8) Roadside stands (one (1) such stand permitted only for select farm products produced on the premises subject to the following:
 - a. Off-street parking for a minimum of four (4) vehicles shall be permitted.
 - b. No such stands should be closer than twenty (20) feet to any lot line.
 - c. Not to exceed 300 square feet in floor area.
 - (9) Solar energy system – accessory use.
 - (10) Small wind energy facility.
 - (11) Storage, curing, drying, churning, and packaging of products and crops produced on the land; provided, however, that such products are not processed on the land, and provided further that such products are not commercially sold as part of a retail business conducted on the land.
 - (12) Yard sales, which shall be limited to a total of three (3) sales per year. Each sale shall not have a duration of more than three (3) consecutive days, not including the day leading up to the event for set-up and the day after the event for take down.
- (e) **PERMITTED USES BY CONDITIONAL USE PERMIT**
- (1) Airstrips, landing fields and hangars for personal or agricultural-related uses.

- (2) Animal hospitals, veterinarian clinics, commercial kennels (including “doggy day care” and pet sitting businesses).
- (3) Bed-and-breakfast.
- (4) Commercial egg production.
- (5) Commercial grain and seed operations.
- (6) Commercial Raising of Animals such as dogs, foxes, goats, mink, pigs, and rabbits (must meet W.S.A. § 91.01(1)).
- (7) Commercial vehicle parking.
- (8) Community-scale solar energy system.
- (9) Commercial-scale wind energy facility.
- (10) Creameries and condenseries.
- (11) Event barns.
- (12) Home-Based Agricultural Related Business.
- (13) Housing for farm laborers or caretakers; provided, however, that such housing shall be occupied only by individuals employed full time on the premises and their families.
- (14) In-law suites.
- (15) Landscaping, greenhouse, lawn and garden businesses.
- (16) Large-scale solar energy system.
- (17) Pea vineries.
- (18) Riding stables and indoor riding arenas (public).
- (19) Storage of recreational vehicles, boats or snowmobiles (commercial).
- (20) Telecommunication collocation (class 1).
- (21) Telecommunication tower.

25-6-3 A-2 Rural Home District

(a) **STATEMENT OF INTENT:** This district is intended to provide for agricultural and related uses in rural areas where one and two-family dwellings are permitted, whether or not such dwellings are associated with farm operations.

(b) **BASIC REGULATIONS**

Frontage	Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
250	200	5 Acres	35*	75	25	25

* Agricultural structures, such as barns, silos and windmills, shall not exceed in height twice their distance from the nearest lot line.

(c) **PERMITTED USES BY RIGHT**

- (1) Any use permitted in the in the A-1 Farmland Preservation District.
- (2) One- and two-family dwellings, whether or not such dwellings are associated with farm operations. The principal structure shall be the residential structure intended to service the parcel on which such residence is located. Two-family dwellings shall only be allowed on lots that are 10 acres and a minimum of 500 feet of frontage.

(d) **PERMITTED ACCESSORY USES**

- (1) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.

- (2) Accessory structures may be permitted in the agricultural district prior to the presence of the principal structure provided that the parcel on which the accessory structure will be located is ten (10) contiguous acres in size or larger, the accessory structure is intended for an agricultural use, the proposed accessory structure meets the setback requirements needed for a principal structure in that district, and the accessory structure is at least one hundred (100) feet from any existing residence on abutting parcels.
 - (3) An activity or business operation that is an integral part of or incidental to, an agricultural use.
 - (4) Any other use that the Department of Agriculture, Trade and Consumer Protection (DATCP), by rule, identifies as an agricultural use.
 - (5) Feedlot (not commercial and only for permitted farm uses).
 - (6) Family daycare home or foster family home of eight (8) or fewer persons.
 - (7) Home occupations per Section 25-10-2.
 - (8) Roadside stands (one (1) such stand permitted only for select farm products produced on the premises subject to the following:
 - a. Off-street parking for a minimum of four (4) vehicles shall be permitted.
 - b. No such stands should be closer than twenty (20) feet to any lot line.
 - c. Not to exceed 300 square feet in floor area.
 - (9) Solar energy system – accessory use.
 - (10) Small wind energy facility.
 - (11) Storage, curing, drying, churning, and packaging of products and crops produced on the land; provided, however, that such products are not processed on the land, and provided further that such products are not commercially sold as part of a retail business conducted on the land.
 - (12) Yard sales, which shall be limited to a total of three (3) sales per year. Each sale shall not have a duration of more than three (3) consecutive days, not including the day leading up to the event for set-up and the day after the event for take down.
- (e) **PERMITTED USES BY CONDITIONAL USE PERMIT**
- (1) Airstrips, landing fields and hangars for personal or agricultural-related uses.
 - (2) Animal hospitals, veterinarian clinics, commercial kennels (including “doggy day care” and pet sitting businesses).
 - (3) Bed-and-breakfast.
 - (4) Commercial egg production.
 - (5) Commercial grain and seed operations.
 - (6) Commercial Raising of Animals such as dogs, foxes, goats, mink, pigs, and rabbits (must meet W.S.A. § 91.01(1)).
 - (7) Commercial Vehicle Parking.
 - (8) Community-scale solar energy system.
 - (9) Commercial-scale wind energy facility.
 - (10) Creameries and condenseries.
 - (11) Event barns.
 - (12) Home-Based Agricultural Related Business.
 - (13) Housing for farm laborers or caretakers; provided, however, that such housing shall be occupied only by individuals employed full time on the premises and their families.
 - (14) In-law suite.
 - (15) Landscaping, greenhouse, lawn and garden businesses.
 - (16) Large-scale solar energy system.
 - (17) Pea vineries.
 - (18) Riding stables and indoor riding arenas (public).
 - (19) Storage of recreational vehicles, boats or snowmobiles.
 - (20) Telecommunication collocation (class 1).

- (21) Telecommunication tower.

25-6-4 AD-5 Agricultural Density District 5 Acre

- (a) **STATEMENT OF INTENT:** The purpose of this ten-acre density district is to allow for agricultural and rural use of lands to continue while also allowing for cluster development on lands located in rural or semi-rural areas. Additional stated purposes of this district include:
 - (1) Promote the preservation of the rural character of the Village by encouraging farm fields, pastures, orchards, and natural open spaces to be retained either as common open spaces, or as part of a farm operation.
 - (2) To achieve the optimum residential environment while recognizing the rural character of the Village. The density transfer technique is designed to permit variable lot sizes in the utilization of the most desirable terrain for housing sites while encouraging preservation of natural resource lands and agricultural lands.
 - (3) This district allows for the transfer of residential development rights from one area of a parcel to another area of a parcel, thereby allowing an increase in density of development on suitable lands for development in exchange for establishing the preservation of natural resources or agricultural lands known as "preserved lands."

- (b) **REVIEW OF PROPOSED DEVELOPMENT:** Review of proposed development. Where a development is to occur involving the establishment of "preserved lands," approval by the Village Plan Commission and Village Board shall be required. The development proposed shall conform to the following standards:
 - (1) The shape and arrangement of preserved lands shall be approved by the Village Plan Commission and Village Board pursuant to the requirements of this district.
 - (2) Lands zoned AD-5 that are proposed to be developed via subdivision plat must be developed in a conservation design format following best management practices. Subdivisions shall provide common open space and conserve natural resource lands.
 - (3) The preserved lands shall be retained in one of the following manners:
 - a. A deed restriction or covenant recorded with the Racine County Register of Deeds noting that part or all of the development rights have been utilized for the subject land. No additional development rights would accrue to that site until such times as it could be served with municipal sewer and a zoning change is approved by the Village of Raymond.
 - b. All lot owners within the developed area for which the preserved land is protected could own an undividable interest in said preserved land. Development of those lands may not occur until such times as it could be served with municipal sewer and a zoning change is approved by the Village of Raymond.
 - c. The preserved lands may be retained in public ownership if the Village of Raymond or Racine County is willing to accept a dedication or acquire the land.
 - (4) On a parcel which is AD-5, the development density shall not exceed 10 acres for each dwelling unit.
 - (5) In order to preserve the rural character as well as the efficiency and safety of existing road systems, lands to be developed via subdivision plat shall have lots clustered on interior subdivision streets to minimize lots being accessed from existing arterials or roadways by individual driveway accesses. The goal of this provision is to encourage grouping of lots on an interior street which will then access the existing road system.

- (6) Any land claimed in addition to the actual described residential lots, for credit toward meeting the density factor requirement, shall have its status permanently established, and guaranteed, either by dedication to the public, or by appropriate covenants running with the lands, in conveyance of agricultural easements. Such covenants and easements shall be recorded with the Racine County Register of Deeds and shall restrict the property against any development or use except as is consistent with its preservation as agricultural land or as a form of common open space until such times as it could be served with municipal sewer and a zoning change is approved by the Village of Raymond. The preserved land status of any parcel shall be indicated on the Official Zoning Map.
- (7) In addition to requiring an appropriate open space or an agricultural easement on the transferring lands in favor of the Village and/or county, covenants shall be placed in the title of each dwelling unit, giving the owner enforceable rights to prevent the future development of the transferring lands until such times as it could be served with municipal sewer and a zoning change is approved by the Village of Raymond.

(c) **BASIC REGULATIONS**

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
150*	5 acres**	35***	50	20	20

* Minimum Average Width.

**Minimum required area for one-single family residential lot shall be two (2) acres.

*** Agricultural structures, such as barns, silos and windmills, shall not exceed in height twice their distance from the nearest lot line.

(d) **Area regulations.**

- (1) Floor area:
 - a. Single-family residential, minimum required first floor: 900 square feet. Total: 1,500 square feet.
 - b. Two-family, minimum required first floor: 750 square feet. Total per family: 1,400 square feet.
 - c. Maximum total building footprint: 15%.

(e) **PERMITTED USES BY RIGHT**

- (1) Agricultural or farm uses on parcels having a minimum of three (3) acres. There shall be no more than one head of livestock or twenty (20) poultry for the first three (3) acres of land. There may be one additional head of livestock or twenty (20) additional poultry for each additional one (1) acre of land. Any person using property for agricultural uses under this provision must comply with standard manure disposal practices. This provision includes private stables.
- (2) Community living arrangement, 8 or fewer residents.
- (3) Essential services.
- (4) General farm practices such as dairying, forestry; grazing, livestock, and crops.
- (5) Horticultural services, including the retail sale of nursery landscape material and other agricultural crops and related commodities.
- (6) Land within a federal or state agricultural land conservation payment program.
- (7) One-family dwellings, whether or not such dwellings are associated with farm operations. The principal structure shall be the residential structure intended to service the parcel on which such residence is located.

(8) Undeveloped natural resource and open space areas;

(f) PERMITTED ACCESSORY USES

- (1) Accessory structures may be permitted in the agricultural district prior to the presence of the principal structure provided that the parcel on which the accessory structure will be located is ten (10) contiguous acres in size or larger, the accessory structure is intended for an agricultural use, the proposed accessory structure meets the setback requirements needed for a principal structure in that district, and the accessory structure is at least one hundred (100) feet from any existing residence on abutting parcels.
- (2) Not more than one (1) roadside stand on any one (1) farm shall be permitted as an accessory use subject to Plan Commission SPPO Approval.
- (3) Accessory buildings or uses, when located on the same lot, and not involving the conduct of a business; provided, however, that no accessory building or use shall be erected or commenced unless the principal building on such lot has been erected or is to be erected simultaneously with said accessory building or use.
- (4) Family daycare home or foster family home of eight (8) or fewer persons.
- (5) Home occupations per Section 25-10-2.
- (6) Quarters for household or farm employees; provided, however, that such quarters shall be occupied only by individuals employed full time on the premises and their families.
- (7) Roadside stands subject to the following:
 - a. Off-street parking for a minimum of four (4) vehicles shall be permitted.
 - b. No such stands should be closer than thirty (30) feet to the base setback line or closer than twenty (20) feet to any lot line.
- (8) Solar energy system – accessory use.
- (9) Small wind energy facility.
- (10) Yard sales, which shall be limited to a total of three (3) sales per year. Each sale shall be not have a duration of more than three (3) consecutive days, not including the day leading up to the event for set-up and the day after the event for take down.

(g) PERMITTED USES BY CONDITIONAL USE PERMIT

- (1) Animal Hospitals (Lot area 3+ Acres and Principal Structures not less than 100' from a residential district).
- (2) Bed and breakfast.
- (3) Community-scale solar energy system.
- (4) Commercial-scale wind energy facility.
- (5) Commercial Truck Parking.
- (6) Feed lot operation, fur farms, pig farms, and egg production facilities.
- (7) Home-Based Agricultural Related Business.
- (8) Storage, parking, and maintenance of vehicles and equipment (600' from residential districts along with screening approved by the Plan Commission).
- (9) Itinerant agricultural laborer's quarters not for rent.
- (10) In-Law Suite.
- (11) Contractor's Yard.
- (12) Landscaping, greenhouse, lawn, and garden businesses.
- (13) Large-scale solar energy system.
- (14) Telecommunication collocation (class 1).
- (15) Telecommunication tower.

25-6-5 R-1 Countryside Estate District

(a) STATEMENT OF INTENT: This district is intended to provide for high quality detached single family residential development of a semi-rural nature on a large lot, low density basis in areas not intended to be served by municipal sewer facilities.

(b) BASIC REGULATIONS

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
200	3 Acres	35	100	100	50

(c) PERMITTED USES BY RIGHT

- (1) Agricultural or farm uses on parcels having a minimum of three acres. There shall be no more than one head of livestock or 20 poultry for the first three acres of land. There may be one additional head of livestock or 20 additional poultry for each additional one acre of land. Any person using property for agricultural uses under this provision must comply with standard manure disposal practices. This provision includes private stables.
- (2) Community living arrangement, 8 or fewer residents.
- (3) Essential Services.
- (4) One-family dwelling.
- (5) Telecommunication collocation (class 2).

(d) PERMITTED ACCESSORY USES

- (1) Private accessory structures subject to Section 25-10-3.
- (2) Home Occupations per Section 25-10-2.
- (3) Livestock and farm animals.
- (4) Solar energy system – accessory use.
- (5) Stables, barns, or poultry houses, which house livestock or poultry, shall not be less than 50 feet from an adjacent property line.
- (6) Yard sales, which shall be limited to a total of three sales per year. Each sale shall not have a duration of more than three consecutive days, not including the day leading up to the event for set-up and the day after the event for take-down.

(e) PERMITTED USES BY CONDITIONAL USE PERMIT

- (1) Community Living Arrangements (serving more than 8 persons).
- (2) Bed and breakfast.
- (3) In-law suite.
- (4) Commercial truck parking.
- (5) Community-scale solar energy system.
- (6) Limited family business.
- (7) Churches, and other buildings for religious assembly.
- (8) Telecommunication collocation (class 1).
- (9) Telecommunication tower.

25-6-6 R-2 Suburban Residential

(a) STATEMENT OF INTENT: This district is intended to provide for high quality detached single family residential development of a suburban character on a moderately large lot, moderately low density basis in areas intended or not intended to be served by municipal sewer facilities.

(b) BASIC REGULATIONS

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
175	5 Acres	35'	50'	50'	25'

(c) PERMITTED USES BY RIGHT

- (1) One-family dwelling.
- (2) Community living arrangement, 8 or fewer residents.
- (3) Essential Services.
- (4) Licensed family foster homes subject to the regulations set forth in W.S.A., § 48.62.
- (5) Licensed family day care homes subject to the regulations set forth in W.S.A., § 48.65 and must meet W.S.A., § 91.01(1)(d).
- (6) Telecommunication collocation (class 2).

(d) PERMITTED ACCESSORY USES

- (1) Private accessory structures subject to Section 25-10-3.
- (2) Home Occupations per Section 25-10-2.
- (3) Solar energy system – accessory use.
- (4) Yard sales, which shall be limited to a total of three sales per year. Each sale shall be not have a duration of more than three consecutive days, not including the day leading up to the event for set-up and the day after the event for take-down.

(e) PERMITTED USES BY CONDITIONAL USE PERMIT

- (1) In-law suite.
- (2) Community-scale solar energy system.
- (3) Churches, and other buildings for religious assembly.
- (4) Telecommunication collocation (class 1).
- (5) Telecommunication tower.

25-6-7 R-3 Suburban Residential

- (a) STATEMENT OF INTENT: This district is intended to provide for a moderately high quality detached single family residential development of a suburban character, but of slightly higher density and permitting smaller lots than the R-2 District and intended to be served by municipal sewer facilities.

(b) BASIC REGULATIONS

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
100	20,000 SF	35	35	50	10

(c) PERMITTED USES BY RIGHT

- (1) One-family dwelling.
- (2) Essential Services.
- (3) Community living arrangement, 8 or fewer residents.
- (4) Licensed family foster homes subject to the regulations set forth in W.S.A., § 48.62.

- (5) Licensed family day care homes subject to the regulations set forth in W.S.A., § 48.65 and must meet W.S.A., § 91.01(1)(d).
 - (6) Telecommunication collocation (class 2).
- (d) **PERMITTED ACCESSORY USES**
- (1) Private accessory structures subject to Section 25-10-3.
 - (2) Home Occupations per Section 25-10-2.
 - (3) Solar energy system – accessory use.
 - (4) Yard sales, which shall be limited to a total of three sales per year. Each sale shall be not have a duration of more than three consecutive days, not including the day leading up to the event for set-up and the day after the event for take-down.
- (e) **PERMITTED USES BY CONDITIONAL USE PERMIT**
- (1) Community-scale solar energy system.
 - (2) Churches, and other buildings for religious assembly.
 - (2) Telecommunication collocation (class 1).
 - (3) Telecommunication tower.

25-6-8 RM-1 Two-Family Residential District

- (a) **STATEMENT OF INTENT:** This district is intended to provide for residential development for 2 family dwellings at relatively low density. This district shall be found where such development would be compatible with surrounding uses, the density would not create service problems, and in areas served by municipal sewer.

(a) **BASIC REGULATIONS**

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
100	10,000 SF	35	25	25	10

- (c) **PERMITTED USES BY RIGHT**
- (1) Two-family dwelling.
 - (2) Essential Services.
 - (3) Telecommunication collocation (class 2).
- (d) **PERMITTED ACCESSORY USES**
- (1) Private accessory structures subject to Section 25-10-3.
 - (2) Home Occupations per Section 25-10-2.
 - (3) Solar energy system – accessory use.
 - (3) Yard sales, which shall be limited to a total of three sales per year. Each sale shall be not have a duration of more than three consecutive days, not including the day leading up to the event for set-up and the day after the event for take-down.
- (e) **PERMITTED USES BY CONDITIONAL USE PERMIT**
- (1) Community living arrangement, 9-15 residents.
 - (2) Community-scale solar energy system.
 - (3) Telecommunication collocation (class 1).
 - (4) Telecommunication tower.

25-6-9 RM-2 Multi-Family Residential District

(a) **STATEMENT OF INTENT:** This district is intended to provide for multi-family residential development not to exceed eight (8) dwelling units per structure on a single lot in areas served by municipal sewer.

(b) **BASIC REGULATIONS**

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
120	15,000 SF*	35	35	50	20

* Lot Area is shown as the minimum for the district regardless of the amount of units proposed in a structure. The lot area minimum is further defined depending on the proposed units per the following:

- 2,000 SF of lot area required per efficiency unit
- 2,500 SF of lot area required per 1-bedroom unit
- 3,000 SF of lot area required per 2- or more bedroom units

(c) **PERMITTED USES BY RIGHT**

- (1) Multiple-family dwellings up to eight (8) units per structure.
- (2) Essential Services.
- (3) Telecommunication collocation (class 2).

(d) **PERMITTED ACCESSORY USES**

- (1) Private accessory structures subject to Section 25-10-3.
- (2) Home Occupations per Section 25-10-2.
- (3) Solar energy system – accessory use.
- (3) Yard sales, which shall be limited to a total of three sales per year. Each sale shall be not have a duration of more than three consecutive days, not including the day leading up to the event for set-up and the day after the event for take-down.

(e) **PERMITTED USES BY CONDITIONAL USE PERMIT**

- (1) Community-scale solar energy system.
- (2) Mobile Home Parks.
- (3) Telecommunication collocation (class 1).
- (4) Telecommunication tower.

25-6-10 B-1 Neighborhood Business District

(a) **STATEMENT OF INTENT:** This district is intended to provide for individual or small groups of retail and customer service establishments serving primarily the convenience of a local neighborhood and the character, appearance, and operation of which are compatible with the character of the surrounding area.

(b) **BASIC REGULATIONS**

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
75	15,000 SF	35	25	25	10

(c) **PERMITTED USES BY RIGHT**

- (1) Art, dance, music teaching studios or other similar uses.
 - (2) Bakery, candy, and confectionary stores.
 - (3) Barbershops, beauty shops and salons.
 - (4) Bars/taverns and wine taps (without outdoor dining, entertainment, or recreation (i.e., volleyball, horseshoes, etc.).
 - (5) Bicycle shops.
 - (6) Bookstores.
 - (7) Cafe/coffee shops.
 - (8) Convenience stores.
 - (9) Computer sales and repair.
 - (10) Delicatessens.
 - (11) Drugstores (without drive-through).
 - (12) Dry cleaning and laundry establishments.
 - (13) Essential services.
 - (14) Flower shops.
 - (15) Fruit, vegetable, and/or meat market.
 - (16) Grocery stores.
 - (17) Hardware stores.
 - (18) Hobby, craft, toy, and game shops.
 - (19) Liquor stores.
 - (20) Professional Offices
 - (21) Restaurants (not including fast food and drive-ins).
 - (22) Specialty stores (i.e., tobacco, video, record, photo, shoe repair, or other similar uses).
 - (23) Telecommunication collocation (class 2).
 - (24) Variety stores.
- (d) **PERMITTED ACCESSORY USES**
- (1) Garages for the storage of vehicles uses in conjunction with the operation of the business.
 - (2) Off-street parking and loading.
 - (3) Solar energy system – accessory use.
 - (4) Small wind energy facility.
- (e) **PERMITTED USES BY CONDITIONAL USE PERMIT**
- (1) Community-scale solar energy system.
 - (2) Telecommunication collocation (class 1).
 - (3) Telecommunication tower.
 - (4) Utility substations.
 - (5) Residential quarters for the owner, proprietor, commercial tenant, employee, or caretaker located in the same building as the business.

25-6-11 B-2 Community Business District

- (a) **STATEMENT OF INTENT:** This district is intended to provide for the orderly and attractive grouping at appropriate locations of retail stores, shops, offices, and service establishments serving the daily needs of the surrounding local community area. The size and location of such districts shall be based upon evidence of justifiable community need, of adequate customer potential, of satisfactory relationship to the circulation system and other related facilities, and of potential contribution to the economic welfare of the community.
- (b) **BASIC REGULATIONS**

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
75	15,000 SF	35	25	25	10

(c) **PERMITTED USES BY RIGHT**

- (1) All uses permitted by right in the B-1 Neighborhood Business District.
- (2) Antique and secondhand stores (excluding pawn shops).
- (3) Appliance and furniture stores without related warehousing.
- (4) Automotive and marine supply stores.
- (5) Building supply stores.
- (6) Carpet and flooring stores.
- (7) Caterers.
- (8) Christmas tree sales.
- (9) Civic, social, and fraternal associations.
- (10) Clinics.
- (11) Clothing apparel and footwear stores.
- (12) Commercial recreational facilities (indoor) such as bowling alleys, skating rinks, athletic clubs, tennis and pickleball courts, and swimming pools.
- (13) Contractor's facilities for electricians, plumbers, HVAC contractors, roofers, carpenters, millwork production and installers, and similar trades and services including sales offices and showrooms, and storage for associated equipment, vehicles, and supplies.
- (14) Department stores.
- (15) Essential services.
- (16) Financial institutions.
- (17) Funeral homes.
- (18) Gift stores.
- (19) Hotels and motels.
- (20) Jewelry stores.
- (21) Landscaping, greenhouse, lawn, and garden businesses.
- (22) Meat and fish markets.
- (23) Music stores.
- (24) Nightclubs and dance halls.
- (25) Office supply stores.
- (26) Optical stores.
- (27) Paint, glass, and wallpaper stores.
- (28) Personal service establishments.
- (29) Pet shops.
- (30) Photocopying and duplicating services.
- (31) Radio/television broadcast studios.
- (32) Restaurants, including fast-food and drive-in restaurants, and brewpubs.
- (33) Sign and banner shops.
- (34) Sporting goods stores.
- (35) Supermarkets.
- (36) State licensed commercial day care centers.
- (37) State licensed massage therapy establishments.
- (38) State licensed tattoo and body piercing establishments.
- (39) Telecommunication collocation (class 2).

(d) **PERMITTED ACCESSORY USES**

- (1) Classes associated with any other permitted use as long as the Site Plan and Plan of Operation approved by the Village Plan Commission and Village Board in accordance with SPPO process address the hours of operation, number of events and maximum participants, parking, signage and the facility in which said classes are conducted meets all applicable building sanitation, health and fire codes for the type of classes conducted and the number of participants.
 - (2) Garages for the storage of vehicles uses in conjunction with the operation of the business.
 - (3) Off-street parking and loading.
 - (4) Solar energy system – accessory use.
 - (5) Small wind energy facility.
- (e) **PERMITTED USES BY CONDITIONAL USE PERMIT**
- (1) Animal hospitals, veterinarian clinics, commercial kennels (including “doggy day care” and pet sitting businesses).
 - (2) Automotive sales, service, and mechanical repairs.
 - (3) Bus depots.
 - (4) Carwashes.
 - (5) Contractor’s yard.
 - (6) Community-scale solar energy system.
 - (7) Fireworks sales on retail or wholesale basis.
 - (8) Flea markets.
 - (9) Fueling stations.
 - (10) Restaurants, bars or taverns with outdoor dining, recreation, or entertainment (i.e., volleyball, horseshoes, etc.).
 - (11) Telecommunication collocation (class 1).
 - (12) Telecommunication tower.
 - (13) Utility substations.
 - (14) Residential quarters for the owner, proprietor, or rental apartments on a non-ground-floor level, provided that there shall be a minimum floor area of 300 square feet for an efficiency or one-bedroom apartment or 500 square feet for a two-bedroom or larger apartment. There shall be no more than two rental apartments per parcel above a B-2 District store or office.

25-6-12 B-3 Commercial Service District

- (a) **STATEMENT OF INTENT:** This district is intended to provide for the orderly and attractive grouping at appropriate locations of commercial activities of a more general retail and wholesale nature, and of the office and service facilities serving a larger community trade area. The size and location of such districts shall be based upon relationship of the community need and economy.
- (b) **BASIC REGULATIONS**

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
75	20,000 SF	35	25	25	10

- (c) **PERMITTED USES BY RIGHT**

 - (1) All uses permitted by right in the B-1 Neighborhood Business District, or B-2 Community Business District.
 - (2) Appliance and furniture stores with related warehousing.
 - (3) Gunsmith shop.
 - (4) Taxidermy shop.

- (5) Telecommunication collocation (class 2).
- (d) **PERMITTED ACCESSORY USES**
 - (1) Garages for the storage of vehicles uses in conjunction with the operation of the business.
 - (2) Off-street parking and loading.
 - (3) Solar energy system – accessory use.
 - (4) Small wind energy facility.
- (e) **PERMITTED USES BY CONDITIONAL USE PERMIT**
 - (1) Animal hospitals, veterinarian clinics, commercial kennels (including “doggy day care” and pet sitting businesses).
 - (2) Automotive body repair.
 - (3) Automotive and marine sales, service and repairs including related towing.
 - (4) Carwashes.
 - (5) Contractor’s yard.
 - (6) Commercial recreational facilities (outdoor).
 - (7) Community-scale solar energy system.
 - (8) Fireworks sales on retail or wholesale basis.
 - (9) Flea markets.
 - (10) Fueling stations.
 - (11) Restaurants, bars or taverns with outdoor dining, recreation, or entertainment (i.e., volleyball, horseshoes, etc.).
 - (12) Self-service storage facilities (mini warehouses).
 - (13) Telecommunication collocation (class 1).
 - (14) Telecommunication tower.
 - (15) Utility substations.

25-6-13 B-4 Highway Business District

(a) **STATEMENT OF INTENT:** This district is intended to provide for the orderly and attractive grouping at appropriate locations of commercial activities of a more general retail and wholesale nature, and of the office and service facilities serving a larger community trade area. This district allows the same uses as the B-3 District but at different lot sizes.

(b) **BASIC REGULATIONS**

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
400	4 acres	35	100	40	40

- (c) **PERMITTED USES BY RIGHT**
 - (1) All uses permitted by right in the B-1 Neighborhood Business District, B-2 Community Business District, or B-3 Commercial Service District.
- (d) **PERMITTED ACCESSORY USES**
 - (1) Garages for the storage of vehicles uses in conjunction with the operation of the business.
 - (2) Off-street parking and loading.
 - (3) Solar energy systems – accessory use.
 - (4) Small wind energy facility.

- (e) **PERMITTED USES BY CONDITIONAL USE PERMIT**
- (1) Agricultural equipment sales, service and repairs.
 - (2) Arenas and stadiums.
 - (3) Automotive body repair.
 - (4) Automotive and marine sales, service and repairs including related towing.
 - (5) Carwashes.
 - (6) Concrete and asphalt batch plants temporarily located on a parcel.
 - (7) Contractor's yard.
 - (8) Convenient cash business.
 - (9) Commercial recreational facilities (outdoor).
 - (10) Community-scale solar energy system.
 - (11) Fireworks sales on retail or wholesale basis.
 - (12) Flea markets.
 - (13) Fueling stations.
 - (14) Microbreweries, wineries, distilleries.
 - (15) Recreational vehicle sales, service, and repairs.
 - (16) Recreational vehicle, motor home, farm implement or similar large size vehicle equipment sales, service and repairs involving extensive outdoor display and storage.
 - (17) Restaurants, bars or taverns with outdoor dining, recreation, or entertainment (i.e., volleyball, horseshoes, etc.).
 - (18) Restaurants, bars, or taverns (with live entertainment).
 - (19) Self-service storage facilities (mini warehouses).
 - (20) Telecommunication collocation (class 1).
 - (21) Telecommunication tower.
 - (22) Truck stops, truck and trailer sales, and service.
 - (23) Utility substations.

25-6-14 BP-1 Business Park District

- (a) **STATEMENT OF INTENT:** This district is intended to provide for the development of business parks that are established in a campus like setting with landscaping and architectural amenities that create a sense of place and an aesthetically attractive and integrated planned development. It is intended that the business park district provide for the grouping and clustering of single- and multi-tenant professional offices, commercial uses, non-hazardous research and development facilities and high-technology manufacturing that functionally interact well together that are not intended to be opened to or visited by the general public. The business park district is intended to be located primarily on collector streets and arterial highways to provide for good accessibility. Development standards of this district are intended to provide compatibility with and protection to surrounding residential and commercial properties by minimizing traffic congestion, noise, glare, vibration, odors, airborne particulate, and toxic substances.
- (b) It is recognized that it is neither possible nor practicable to list all the permitted and accessory uses that are compatible with those listed below and therefore it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Village for a determination as to the similarity of the intended use with the principal and accessory uses listed below.
- (c) **PERMITTED USES BY RIGHT**
- (1) Accounting, auditing, and bookkeeping services.
 - (2) Architectural services.

- (3) Business/light industrial incubators.
- (4) Commercial bakeries and trade and contractor's offices.
- (5) Computer programming and other software services.
- (6) Corporate headquarters, manufacturing offices, and sales and distribution centers.
- (7) Data processing.
- (8) Drafting services or quick reproduction services.
- (9) Essential Services.
- (10) Financial institutions.
- (11) Food, beverage, and milk processing and soft drink bottling plants.
- (12) Laboratories (scientific, medical, chemical), applied physics, mechanical, electronic, biological, genetic, or other similar experimental research, product development or testing facilities.
- (13) Light manufacturing and assembling of electronic components, precision instruments and devices.
- (14) Light manufacturing, assembling, or packaging of products from previously prepared materials, such as cloth, plastic, paper, leather, precious or semiprecious metals or stones.
- (15) Light industrial plants such as required for production of millwork, machine tools, paper containers, light metal fabrication, and similar small industries.
- (16) Manufacturing and bottling of non-alcoholic beverages.
- (17) Office supplies stores.
- (18) Packaging, processing and assembly of confections, cosmetics, electrical appliances, foods (except garbage, fish and fish products, meat and meat products), instruments, jewelry, tobacco and toiletries.
- (19) Printing, lithographing, blueprinting, photocopying, and publishing establishments.
- (20) Processing or compounding and packaging of drugs and other medical and pharmaceutical products.
- (21) Professional offices which include the following professional and semiprofessional occupations: accountants, architects, attorneys, dentists, engineers, insurance agents, medical clinics, real estate agents, personal or family counselors, chiropractors, physical therapists, physicians, public secretaries, surgeons, or any other offices or professions which are of the same general character as the foregoing, but specifically excludes veterinarians, veterinary hospitals, animal grooming salons, dog kennels, and funeral homes.
- (22) Refrigerated warehousing.
- (23) Research and development offices and testing laboratories.
- (24) Scientific or engineering school facilities or institutions.
- (25) Scientific and precision instruments.
- (26) Telecommunication and call centers.
- (27) Telecommunication collocation (class 2).
- (28) Testing centers.
- (29) Travel agencies.
- (30) Warehousing completely within an enclosed building, but specifically excluding self-service storage facilities (mini warehouses).
- (31) Vocational, trade, technical, or industrial schools.
- (32) Wholesalers and distributors.

(d) **PERMITTED ACCESSORY USES**

- (1) Associated retail sales or products manufactured, or services provided, on the conditions that such accessory sales/services shall not exceed 25% of the building area and/or tenant area devoted to the principal use.
- (2) Independent uses that are customarily principal uses that provide support to businesses and employees of principal uses within the district, on the conditions that such uses shall not

exceed 25% of the building area and/or tenant area devoted to the principal use. Examples of such are: office supply stores, copy centers, travel agencies, and day-care centers.

- (3) Off-street parking and loading in conjunction with any permitted use in this district, provided that such off-street parking and loading within 100 feet of a residential zoned district shall be screened.
 - (4) Small wind energy facility.
 - (5) Solar energy system – accessory use.
- (e) **PERMITTED USES BY CONDITIONAL USE PERMIT**
- (1) Community-scale solar energy system.
 - (1) Utility substations.
 - (2) Parking structures.
 - (3) Telecommunication collocation (class 1).
 - (4) Telecommunication tower.
- (f) **DENSITY AND DIMENSIONAL STANDARDS**
- (5) Minimum tract size: 5 acres.
 - (6) Minimum lot area: 1 acre.
 - (7) Minimum lot width: 60 feet.
 - (8) Minimum open space: 25%.
 - a. In the calculation of open space areas, the following shall be excluded: private lot areas, public or private street right-of-way, and railroad and utility rights-of-way.
 - b. Or if the local municipality has a more restrictive standard.
- (g) **BUILDING HEIGHT AND AREA**
- (1) No building or parts of a building shall exceed 60 feet in height.
 - (2) No maximum or minimum building area shall be required due to the variety of uses within the district and the diverse building demands of each user.
- (h) **YARDS**
- (1) Street yard - not less than 65 feet from the right-of-way of all Federal, State Trunk or Village Trunk highways; and not less than 40 feet from the right-of-way of all other roads.
 - (2) Shore yard - not less than 75 feet from the ordinary high-water mark of any navigable water.
 - (3) Side yard and rear yard - not less than 40 feet in width on each side of all structures 35 feet or less in height, and not less than 50 feet in width on each side of all structures greater than 35.
- (i) **AUTHORIZED SANITARY SEWER SYSTEMS**
- (1) Public Sanitary Sewer.
 - (2) On-site sewage disposal absorption system.

25-6-15 M-1 Light Industrial and Office District

- (a) **STATEMENT OF INTENT:** This district is intended to provide for the orderly and attractive grouping in appropriately landscaped grounds of a mix of low-impact (of a limited nature and size) manufacturing, industrial, wholesaling, limited warehousing, research and development, engineering, and testing related service facilities and uses which occur within enclosed buildings, and which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reason of noise, dust, smoke, odor, traffic, physical appearance or other similar factor; and to establish such regulatory controls as will reasonably insure compatibility with the surrounding area in this respect.

(b) BASIC REGULATIONS

Lot Width	Lot Area	Building Height	Acces. Building Height	Street Setback	Rear Setback	Side Setback
150	As Necessary	35	30	50	25*	25*

*Side and rear setbacks shall not be less than thirty (30) feet to a residential, institutional, or park district line, and subject to landscaped buffer requirements.

(c) PERMITTED USES BY RIGHT

- (1) Commercial condominiums.
- (2) Essential services.
- (3) Professional Offices
- (4) Printing and publishing houses and related uses.
- (5) Telecommunication collocation (class 2).
- (6) Trades or light industrial operations of limited intensity, including manufacturing, assembly, fabrication, and processing operations, warehousing, wholesaling, and distribution operations, except otherwise prohibited.

(d) PERMITTED ACCESSORY USES

- (1) Garages for storage of vehicles used in conjunction with the operation of the industry.
- (2) Office, storage, power supply and other uses normally auxiliary to the principal industrial operations.
- (3) Off-street parking and loading areas.
- (4) Retail stores and service facilities, such as retail outlet stores, surplus goods stores, and restaurants and food service facilities when established in conjunction with the permitted manufacturing or processing facility.
- (5) Small wind energy facility.
- (6) Solar energy system – accessory use.

(e) PERMITTED USES BY CONDITIONAL USE PERMIT

- (1) Contractor’s yard.
- (2) Community-scale solar energy system.
- (3) Large-scale solar energy system.
- (4) Self-Service Storage Facilities (mini warehouses)
- (5) Telecommunication collocation (class 1).
- (6) Telecommunication tower.
- (7) Utility substations.

25-6-16 M-2 General Industrial District

(a) STATEMENT OF INTENT: This district is intended to provide for manufacturing and industrial development of a more general nature than in the M-1 District in those areas where the relationship to surrounding land use would create fewer problems of compatibility and may necessitate stringent regulatory controls. Such districts should not normally abut directly upon residential districts.

(c) BASIC REGULATIONS

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
200 feet	1 acre	60	50	25*	25*

*Side and rear setbacks shall not be less than thirty (30) feet to a residential, institutional, or park district line, and subject to landscaped buffer requirements.

(d) **PERMITTED USES BY RIGHT**

- (1) Breweries.
- (2) Commercial condominiums.
- (3) Essential services.
- (4) Telecommunication collocation (class 2).
- (5) Trades or light industrial operations of limited intensity, including manufacturing, assembly, fabrication, and processing operations, warehousing, wholesaling, and distribution operations.
- (6) Trades or industries of a restrictive character which are not detrimental to the district or to adjoining residential areas by reason of appearance, noise, dust, smoke or odor not including drop forges, foundries, refineries, tanneries, or any similar use, the normal operations of which causes objectionable noise, odor, dust, or smoke.
- (7) Truck terminals

(e) **PERMITTED ACCESSORY USES**

- (1) Garages for storage of vehicles used in conjunction with the operation of the industry.
- (2) Office, storage, power supply and other uses normally auxiliary to the principal industrial operations.
- (3) Off-street parking and loading areas.
- (4) Retail stores and service facilities, such as retail outlet stores, surplus goods stores, and restaurants and food service facilities when established in conjunction with the permitted manufacturing or processing facility.
- (5) Small wind energy facility.
- (6) Solar energy system – accessory use.
- (7) Wholesale stores.

(f) **PERMITTED USES BY CONDITIONAL USE PERMIT**

- (1) Adult establishment uses per Article 16 of this ordinance.
- (2) Community-scale solar energy system.
- (3) Contractor’s yard.
- (4) Large-scale solar energy system.
- (5) Self-Service Storage Facilities (mini warehouses).
- (6) Telecommunication collocation (class 1).
- (7) Telecommunication tower.
- (8) Utility substations.

25-6-17 M-3 Quarrying District

- (a) **STATEMENT OF INTENT:** This district is intended to provide an environment capable of addressing the unique concerns associated with extractive operations.
- (b) **BASIC REGULATIONS**

Lot Width	Lot Area	Building Height	Extractive Setbacks	Misc. Setbacks
As Necessary*	As Necessary*	45	0-200*	100**

*Lot width and size is as necessary to comply with all district regulations subject to Plan Commission and Board approval.

**All excavations shall be at least 200' from a right-of-way or property line; 200-foot excavation setback can be reduced to 0' if approved by Plan Commission and Board if a common lot line is shared with another mineral extraction operation.

***All accessory uses such as offices, other structures, parking areas, and stockpiles shall be at least 100' from any right-of-way line or property line.

(c) **PERMITTED USES BY RIGHT**

- (1) Mineral extraction operations and concrete and concrete products manufacturing (The manufacture of concrete and concrete products, including concrete and asphalt batch plants, may occur on a parcel only during the duration of the on-site mineral extraction activity).
- (2) Nonmetallic mining and associated extractive operations pursuant to Chapter NR135 Wisconsin Administrative Code.
- (3) Mineral extraction operations and concrete and concrete products manufacturing that are presently in existence. The manufacture of concrete and concrete products, including concrete and asphalt batch plants, may occur on a parcel only during the duration of the on-site mineral extraction activity.
- (4) Telecommunication collocation (class 2).

(d) **PERMITTED ACCESSORY USES**

- (1) Solar energy system – accessory use.

(e) **PERMITTED USES BY CONDITIONAL USE PERMIT**

- (1) Community-scale solar energy system.
- (2) Extension of legally existing mineral extraction operations and manufacture of concrete and concrete products or the creation of new such extraction or manufacturing operations; services. The manufacture of concrete and concrete products, including concrete and asphalt batch plants, may occur on a parcel only during the duration of the on-site mineral extraction activity.
- (3) Telecommunication collocation (class 1).
- (4) Telecommunication tower.

25-6-18 I-1 Institutional District

- (a) **STATEMENT OF INTENT:** This district is intended to specifically define areas where churches, schools, libraries, and other uses of a public recreational or institutional nature shall be permitted subject to such regulatory standards as will ensure compatibility with the surrounding uses an area.

(b) **BASIC REGULATIONS**

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
100	1 AC	35*	50	50	50

*Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.

(c) **PERMITTED USES BY RIGHT**

- (1) Community centers.
- (2) Churches and other buildings for religious assembly.
- (3) Essential Services.
- (4) Hospitals and clinics, or rehabilitation facilities or centers.
- (5) Mental health or substance abuse treatment, training, or counseling or rehabilitation facilities.
- (6) Municipal buildings.
- (7) Museums and libraries.
- (8) Nursing home.
- (9) Park and recreational structures and facilities.
- (10) Police and fire stations.
- (11) Public service yards.
- (12) Publicly owned and operated parks, recreational uses, golf courses, and open spaces uses.
- (13) Schools
- (14) State licensed commercial day care centers.
- (15) Telecommunication collocation (class 2).

(d) **PERMITTED ACCESSORY USES**

- (1) Garages for the storage of vehicles uses in conjunction with the operation of the principal use.
- (2) Off-street parking.
- (3) Residential quarters for caretakers or clergy.
- (4) Service buildings and facilities normally accessory to the principal uses.
- (5) Solar energy system – accessory use.
- (6) Small wind energy facility.

(e) **PERMITTED USES BY CONDITIONAL USE PERMIT**

- (1) Airports, heliport pads, aircraft hangars for storage and equipment maintenance; aircraft sales and service.
- (2) Campground.
- (3) Cemeteries and mausoleums.
- (4) Community-scale solar energy system.
- (5) Large wind energy facilities.
- (6) Recreational based motorized off-road vehicle trails.
- (7) Telecommunication collocation (class 1).
- (8) Telecommunication tower.

25-6-19 C-1 Lowland Resource Conservancy District

- (a) **STATEMENT OF INTENT:** The C-1 Lowland Resource Conservancy District is intended to be used to prevent destruction of valuable natural or man-made resources and to protect watercourses and marshes, including the shorelands of navigable waters, and areas that are not naturally drained or which are subject to periodic flooding, where development would result in hazards to health or safety or would deplete or destroy natural resources or be otherwise incompatible with public welfare.

- (b) **DESIGNATION OF LOWLAND CONSERVANCY AREAS:** For the purpose of determining which areas are to be located in the C-1 Lowland Resource Conservancy District, the Zoning Administrator shall develop district maps reflecting the best data available. The district delineation process shall make use of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer or other maps that reflect the best data available. This district includes all shoreland areas that are considered wetlands, as defined in this chapter and as mapped and/or determined as wetlands in this chapter. Shoreland/wetlands designated on the Wisconsin Wetland Inventory Maps prepared by the WDNR, as also depicted on the Department of Natural Resources Surface Water Data Viewer, are also referred to as being located in the "Shoreland-Wetland Zoning District," as defined in this chapter. Said shoreland/wetlands are subject to the regulations of this section.
- (c) **MAPPING:** Mapping disputes in the C-1 District. Whenever it is alleged that a discrepancy exists between a Lowland Resource Conservancy District delineation and actual field conditions, the Zoning Administrator shall resolve the discrepancy in the following manner:
- (1) The Planning and Development Administrator shall request that the staff of the Wisconsin Department of Natural Resources determine if the map is in error. If the Department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the Village shall have the authority to immediately grant or deny a shoreland zoning permit in accordance with the applicable regulations based on the Department determination as to whether the area is wetland.
 - (2) The Planning and Development Administrator shall notify the property owner of the preliminary results of the field investigation. The property owner shall determine, within 30 days, whether he will pursue a final wetland determination on the property.
 - (3) Should the property owner decide to pursue a final wetland determination, he shall have a plat of survey prepared by a professional land surveyor. The plat of survey shall show all property lines, structures on the lot or parcel, and the location of the wetland boundary as staked in the field. The plat of survey shall be filed with the Planning and Development Administrator.
 - (4) The Planning and Development Administrator shall institute the appropriate action to change the Zoning Map to conform to the plat of survey. No fee shall be required of the property owner for this action.
- (d) **PERMITTED USES BY RIGHT:**
- (1) The following uses, provided they do not involve filling, flooding, draining, dredging, ditching, tiling or excavation:
 - a. Fishing; flood overflow and floodwater storage; hunting; navigation; pedestrian and equestrian trails; preservation of scenic, historic and scientific areas; public fish hatcheries, soil and water conservation practices; sustained yield forestry; stream bank and lakeshore protection; water retention ponds; and wildlife areas.
 - b. Hiking, fishing, trapping, hunting, swimming and boating, unless otherwise prohibited by law;
 - c. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - d. The pasturing of livestock;
 - e. The cultivation of agricultural crops;
 - f. The practice of silviculture, including the planting, thinning and harvesting of timber; and
 - g. The construction or maintenance of duck blinds.

- (2) The following uses, which may involve filling, flooding, draining, dredging, ditching, tiling and excavating, but only to the extent specifically provided below:
- a. Temporary water-level-stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;
 - b. The cultivation of cranberries, including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries;
 - c. The maintenance and repair of existing agricultural drainage systems, including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system, provided that dredged spoil is placed on existing spoil banks where possible;
 - d. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 - e. The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and
 - f. The maintenance, repair, replacement or reconstruction of existing Village and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- (e) **CONDITIONAL USES BY RIGHT:** (see also § 490-33.8). No conditional uses shall be permitted in the C-1 Lowland Resource Conservancy District, except:
- (1) Boating, drainageways, game farms, grazing, orchards, shooting preserves, swimming, truck farming, services, water measurement and water control facilities, and wild crop harvesting. The above uses shall not involve drainage; dumping; filling; tilling; mineral, soil, or peat removal; or any other use that would substantially disturb or impair the natural fauna, flora, watercourses, water regimen or topography.
 - (2) Roads necessary to conduct silvicultural and agricultural cultivation activities.
 - (3) Nonresidential buildings for wildlife management.
 - (4) Park and recreation areas.
 - (5) Railroad lines.
 - (6) Wildlife ponds.
- (f) **Lot area.** Where a lot or parcel is located partially within a C-1 Lowland Resource Conservancy District and partially within an adjoining use district, that area of the lot or parcel in the C-1 District may not be used to meet the lot area requirement of the adjoining district where public sanitary sewerage facilities are available. Where public sanitary sewerage facilities are not available, the area of the lot or parcel in the C-1 District may be used to meet the lot area requirement, provided that at least 40,000 square feet is provided outside the C-1 District.
- (g) **Structures.** No structure shall be permitted, except those permitted by conditional use grant, in the C-1 Lowland Resource Conservancy District. Furthermore, no on-site soil absorption sanitary sewage system, holding tank, or private well used to obtain water for ultimate human consumption shall be constructed in the C-1 Lowland Resource Conservancy District.
- (h) **Platting subdivisions.** When platting new subdivisions, every effort shall be made to contain lands zoned C-1 Lowland Resource Conservancy District in outlots to be owned and controlled by a community association.

- (i) Prohibited uses. Any use not listed in Subsection (e) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this chapter in accordance with Subsection (d) of this chapter and § 62.23(7)(d), Wis. Stats

25-6-20 C-2 Upland Resource Conservancy District

- (a) **STATEMENT OF INTENT:** The C-2 Upland Resource Conservancy District is intended to preserve, protect, enhance and restore all significant woodlands, areas of rough topography, and related scenic areas. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the Village.
- (b) **PERMITTED USES BY RIGHT:**
 - (1) Agricultural uses.
 - (2) Farming and related agricultural uses when conducted in accordance with soil conservation service standards; hunting and fishing; forest preservation; forest and game management; preservation of scenic, historic, and scientific areas; park and recreation areas; arboreta; botanical gardens.
 - (3) Essential Services.
 - (4) Forest and game management.
 - (5) Hunting and fishing.
 - (6) One single-family dwelling.
 - (7) Park and recreation areas.
 - (8) Preservation of scenic, historic, and scientific areas
 - (9) Telecommunication collocation (class 2).
- (c) **ACCESSORY USES BY RIGHT:**
 - (1) Gardening, tool, and storage sheds incidental to the residential use.
 - (2) General farm buildings, including barns, silos, stables, sheds, and storage bins.
 - (3) Home occupations and professional home offices.
 - (4) Small wind energy facility.
 - (5) Solar energy system – accessory use.
- (d) **CONDITIONAL USES BY RIGHT:**
 - (1) Utility substations.
 - (2) Bed-and-breakfast establishments.
 - (3) Telecommunication collocation (class 1).
 - (4) Telecommunication tower.
- (e) **BASIC REGULATIONS**

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
300*	3 AC	35	100	100	25

* All such parcels have a frontage of not less than 300 feet in width except on a cul-de-sac or curve, in which case the lot frontage may be reduced to 150 feet of frontage, provided there is at least 300 feet of width at the required building setback line.

- (1) Parcels shall have a minimum area of three (3) acres.

- (f) Building, height, area and design standards.
 - (1) No building or part of a building shall exceed 35 feet in height.
 - (2) The total minimum floor area of a dwelling shall be 1,400 square feet with a minimum first-floor area of 1,000 square feet.
 - (3) All residential dwellings shall be attached to a permanent foundation, be properly connected to all required services, have a building footprint of which the dwelling unit is not less than 24 feet in width for at least 50% of the length, have a roof pitch of not less than 5/12, and an eave extension of at least 12 inches, except residences with an architectural style defined as Colonial or Greek Revival.
 - (4) Minimum yard setbacks shall be as set forth in the A-2 Zoning District.
- (g) Authorized sanitary sewer system.
 - (1) On-site sewage disposal absorption system.
 - (2) Public sanitary sewer.

25-6-21 DGO Design Guide Overlay District

- (a) STATEMENT OF INTENT: The Design Guide Overlay District is intended to aide the Zoning Administrator and Planning Commission in planning, design, and redesign of the built environment of the Village of Raymond within the confines of the gateway properties along Interstate 94 so as to enhance its visual character, and avoid monotony. These standards will also assist in fostering sound, functional, attractive and quality development. The provisions shall be liberally construed in favor of the Village and shall be considered as minimum standards.

25-6-22 PUD Planned Unit Development District

- (a) STATEMENT OF INTENT: The PUD planned unit development district, set forth in this section, is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning and diversified location of structures. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic, to provide attractive recreation and open spaces as integral parts of the developments, to enable economic design in the location of public and private services and community facilities, and to ensure adequate standards of construction and planning. The PUD district under this division will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the requested zoning district.
- (b) PERMITTED USES: The unified and planned development of a site, in single or corporate ownership at the time of development, may be permitted in a Planned Unit Development District, without the customary division into individual lots, or without specific compliance to the district regulations as applicable to individual lots, subject to the regulations as hereinafter provided in this Section.
- (c) DISTRICT REQUIREMENTS:
 - (1) Size Allowed: For the purpose of this Ordinance all Planned Unit Development Projects shall be classified as follows and be limited to parent parcels of not less than the size indicated:

	Min. Size of District
Residential	10 Acres
Commercial	10 Acres
Industrial	20 Acres
Mixed	20 Acres

- (2) Application of Regulations:
- a. Uses and Structures. In addition to the uses permitted in the underlying district any other use may be permitted as hereinafter designated above consistent with the criteria established in the basis for approval below.
 - b. Individual uses and structures in a Planned Development District need not comply with the specific building location, height, building size, lot size, and open space requirements of the underlying basic district provided that the spirit and intent of such requirements are complied with in the total development plan for such project consistent with the criteria as established in the basis for approval below.
 - c. Applicable Underlying Zoning Districts. The PUD Planned Unit Development District may be applied to all zoning districts.
 - d. All PUDs shall be serviced by sanitary sewer other than those PUDs proposed under the Village's subdivision ordinances.
 - e. Density: For specific project density computation, the allowable maximum unit density shall be determined by dividing the gross area of the planned development (Exclusive of existing public right-of-way or public open space easement) by the square feet per unit or lot as required by the district intended. In the case of mixed-use developments, a separate density calculation shall be computed for each defined use in the development (Ex. On an 80-acre planned development, 40 acres is intended for R-2 uses and 40 acres are intended for R-3 uses; the density computations would be run separately as follows: 1,742,400 square feet / 40,000 square feet per unit for R-2 and 1,742,400 square feet / 20,000 square feet per unit for R-3).

(d) APPLICATION PROCEDURE:

- (1) Petition: Petition may be made to the Village Board by the owner or agent of property proposed for such development, to amend the zoning map by the overlaying of a PUD District in order to permit the application of the provisions of this Section to such development. Such petition shall be accompanied by a fee, as from time to time established by the Village Board, and the following information:
- (2) A statement describing the general character of intended development along with such other pertinent information as may be necessary to a determination that the contemplated arrangement or use makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this ordinance.
- (3) A general development plan including all applicable items per the Village's Building, Site, and Operation Plan submittal requirements per Chapter 4 of this ordinance. The development plan shall generally show the intended use or uses of land, the dimensions and location of proposed structures and of areas to be reserved for vehicular and pedestrian circulation, parking, public uses such as schools, and playgrounds, parks, landscaping, and other open spaces and architectural drawings and sketches illustrating the design and character of the proposed uses and the physical relationship of the use.
- (4) Any proposed departures from the standards of development as set forth in the Village zoning regulations.

- (5) The expected date of commencement, schedule of development by phases, and completion of physical development as set forth in the proposal.
 - (6) Total area to be included in the planned unit development, residential density computations, proposed number of dwelling units, population analysis, availability of, or requirements for, municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
- (e) **PUBLIC HEARING:** Upon receipt of a petition the Village Board shall cause a public hearing to be held pursuant to this Ordinance in front of the Village Board.
- (f) **REFERRAL TO PLAN COMMISSION:** Such petition shall be referred to the Plan Commission, **following the public hearing by the Village Board**, and processed as any other petition for zoning change. Upon completion of necessary study and investigation the Plan Commission shall make its recommendation to the Village Board as to the appropriateness and desirability of the proposed zoning change, the suitability of the building, site and development plans, and any additional conditions which it may feel necessary or appropriate.
- (g) **BASIS FOR APPROVAL:** The Plan Commission in making its recommendations and the Village Board in making its determination shall give consideration and satisfy themselves as to the following:
- (1) That the proponents of the proposed development have demonstrated that they intend to start construction within twelve (12) months following the approval of the project and requested overlay of the PUD District, that the project appears economically sound, that adequate financing is possible, and that the development will be carried out according to a reasonable construction schedule satisfactory to the Village.
 - (2) That the proposed development is consistent in all respects to the spirit and intent of this Ordinance, is in conformity with the general plans for community development, would not be contrary to the general welfare and economic prosperity of the Village or of the immediate neighborhood, that the specific development plans have been prepared with competent professional advice and guidance, and that the benefits and improved design of the resultant development justifies the variation from the normal requirements of this Ordinance through the application of the PUD Planned Development Overlay District.
 - (3) The Plan Commission in making its recommendations and the Village Board in making its determination shall further find that:
 - a. The proposed site is provided with adequate drainage facilities for surface waters and stormwater management.
 - b. The proposed site is accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
 - c. No undue constraint or burden will be imposed on public services and facilities, such as, but not limited to, fire and police protection, street maintenance, and maintenance of public areas by the proposed development.
 - d. The streets and driveways on the site of the proposed development are adequate to serve the proposed development and to meet the minimum standards of all applicable ordinances or administrative regulations of the Village.
 - e. Centralized public sewer facilities are provided (unless as part of an approved unsewered subdivision) and centralized public water is desired.
 - f. The density proposed meets the intent of the underlying comprehensive plan densities and/or the area zoning.
 - (4) In the case of proposed residential developments:
 - a. The following of any lot design considerations as per the Land Division Chapter of the Village Code.

- b. If applicable, the use of cluster developments.
 - c. That such development will create an attractive residential environment of sustained desirability and economic stability, compatible with the character established for the area by the community Comprehensive Plan, and where the economic impact of the development in terms of income levels, property values, and service demands is at least as beneficial to the community as that which could be anticipated under the base zoning.
 - d. The population composition of the development will not alter adversely the impact upon school or other municipal service requirements as anticipated under the existing basic zoning and Comprehensive Plan.
 - e. That the project will not create traffic or parking demand incompatible with that anticipated under the Comprehensive Plan.
 - f. That the total average residential density of the project will be compatible with the Comprehensive Plan, except as may be modified by this Section.
 - g. Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities.
 - h. Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public.
 - i. That the density doesn't exceed 10% of what a normal approved underlying district would allow.
- (5) In the case of proposed PUD Planned Development Overlays for commercial and industrial developments:
- a. The economic practicality of the proposed development can be justified.
 - b. That the economic practicality of the proposed development can be justified on the basis of purchasing potential, competitive relationship and demonstrated tenant interest.
 - c. That the proposed development will be adequately served by off-street parking and truck service facilities.
 - d. That the locations for entrances and exits have been designed to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an effect upon the general traffic pattern of the area incompatible with that anticipated under the Comprehensive Plan.
 - e. The proposed development will be adequately provided with and will not impose any undue burden on public services and facilities, such as but not limited to fire and police protection, street maintenance, and maintenance of public areas.
 - f. That the architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not creating an effect upon the property values of the surrounding neighborhood incompatible with that anticipated under the Comprehensive Plan.
- (6) In the case of PUD Planned Development Overlays for mixed use developments:
- a. That the proposed mixture of uses produces a unified composite which is compatible within itself and which as a total developmental entity is compatible with the surrounding neighborhood and consistent with the general objectives of the Comprehensive Plan.
 - b. That the various types of uses conform to the general requirements as herein set forth, applicable to projects of such use character.
 - c. The allowable maximum residential density may be computed by dividing the gross area of the planned development by the square feet per family as required by the district intended. This is inclusive of the area of the other proposed uses in the development. (Ex. PD on 12 acres of land with 8 acres for multi-family residential and 4 acres for commercial still equals approximately 104 units (12 acres / 5,000 square feet per unit)

upon approval of the Plan Commission and Village Board that the increased density is justified in terms of the relationship to the denser area, the commercial area, open areas, service demand, and the total quality and character of the project.

(h) DETERMINATION:

- (1) The Village Board after due consideration may deny the petition, approve the petition as submitted or approve the petition subject to additional conditions.
- (2) The approval of a petition and consequent amending of the zoning map by overlay of the PUD District shall be based on and include as conditions thereto the Site Plan and Plan of Operation (SPPO) Plans for the development as well as all other commitments offered or required with regard to project value, character or other factor pertinent to assuring that the project will be developed basically as presented in the official submittal plans as approved by the Village Board. Such plans, however, need not necessarily be completely detailed at the time of rezoning provided they are of sufficient detail to satisfy the Plan Commission and Village Board as to the general character, scope, and appearance of the proposed development. Such preliminary plan shall at least designate the pattern of proposed streets, the basic pattern of land use, the size and arrangement of lots, and illustrate a "typical" example of the development proposed. The approval of such preliminary plan shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans as the development progresses.
- (3) Any subsequent change or addition to the plans or use shall first be submitted for approval to the zoning administrator and if in the opinion of the zoning administrator such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Village Board shall be required and notice thereof given pursuant to this Ordinance.

(i) FAILURE TO BEGIN DEVELOPMENT;

- (1) If no substantial construction has commenced or no use established in the planned unit development district within the time schedule which addresses construction commencement and construction completion submitted to the Village Board, the Village shall petition the Village Board for the purpose of rescinding the planned unit development overlay designation so as to allow the land in question to revert to its underlying zone. If the planned unit development overlay district is rescinded, the zoning administrator shall remove the district from the official zoning map. Those zoning regulations applicable before the creation of the district shall then be in effect and no vested rights in the planned unit development overlay district shall be deemed to have accrued.

(j) FAILURE TO COMPLY WITH THE PROVISIONS OF THE PLANNED UNIT DEVELOPMENT APPROVAL: It shall be unlawful to construct, develop or use any structure or develop or use any land, water or air in violation of any provisions or conditions of a planned unit development approval or order of the Village regarding compliance with conditions of approval.

(k) PLANNED DEVELOPMENT DISTRICTS AND REQUIREMENTS

- (1) Approved Planned Development districts shall be found below in this Section and shall state the development requirements and parameters as approved by the Village Board.
- (2) The text description outlining the parameters for each planned development shall be approved with the rezoning ordinance of the Village Board.
- (3) Amendments to existing PD text descriptions shall be approved by ordinance of the Village Board concurrent with the determination of non-substantial change resolutions.

- (4) Planned Development District approval lapses twenty-four (24) months after its effective date if substantial development progress has not occurred. The Plan Commission and Board may grant extensions for good cause.

[Back to Table of Contents](#)

Article 7
Performance Standards

[Back to Table of Contents](#)

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
25-7-1	Intent		
25-7-2	Procedure		
25-7-3	Regulation of Nuisance Elements		
25-7-4	Air Pollution		
25-7-5	Electrical, Radioactive and other disturbances		
25-7-6	Fire and Explosive Hazards		
25-7-7	Glare and Heat		
25-7-8	Noise		
25-7-9	Odors		
25-7-10	Erodible Land Regulations		
25-7-11	Soil Capability Regulations		
25-7-12	Steep Land Regulations		
25-7-13	Vibrations		
25-7-14	Water Quality Protection		
25-7-15	Floodproofing		
25-7-16	Exterior Lighting Standards		

25-7-1 INTENT

It is the intent of the Village of Raymond Board that the following performance standards designed to limit, restrict and prohibit the effects of those uses outside of their premises or district be imposed upon all parcels falling within the jurisdiction of this chapter so as to protect the quality of the environment and the safety and health of the citizens of the Village of Raymond and to alleviate and, where possible, eliminate nuisances. It is the further intent of the Village of Raymond Board that all structures, lands, air and waters shall hereafter, in addition to their use, site, shoreland and sanitary regulations, comply with the following performance standards, and all applicable standards set forth by the Wisconsin Department of Safety and Professional Services, Wisconsin Department of Natural Resources, and the Wisconsin Administrative Code.

25-7-2 PROCEDURE

- (a) Prior to construction and operation. Any application for a permit under this chapter or any use subject to the regulations and standards set forth herein shall be accompanied by a sworn statement by the owner of the subject property that said property and use will be operated in accordance with the performance standards hereinafter set forth.
- (b) Continued compliance. Continued compliance with the regulations and standards heretofore set forth in this section is required, and enforcement of such continued compliance with these regulations and standards shall be a duty of the Planning and Development Administrator. Determination of violation. The Planning and Development Administrator shall investigate any

reported violation of the hereinafter noted regulations and standards and, if there are reasonable grounds for the same, shall proceed in accordance with Subsection D below and this chapter.

- (c) Termination of violation. All violations, as ascertained in accordance with Subsection C above, shall be terminated within 30 days after notice of such violation, and in the event that said violation is not terminated, it shall be deemed a separate violation for each date of its existence and subject to fines as set forth in this chapter, except that certain uses established before the effective date of this chapter and nonconforming as to the regulations and standards hereinafter set forth shall be given not more than 180 days in which to conform therewith after the determination of the existence of such violation, and in the event said violation is not terminated, it shall be deemed a separate violation for each day it existed since the effective date of this chapter.

25-7-3 REGULATION OF NUISANCE ELEMENTS

- (a) No land or building in any district shall be operated in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, dirt or other form of air pollution; water pollution; electrical, radioactive or other disturbances; glare; or other substance, condition or element (referred to herein as "dangerous or objectionable elements") in such amount as to adversely affect the surrounding area or premises, provided that any use permitted by this chapter may be undertaken and maintained if it conforms to the regulations of this section limiting dangerous and objectionable elements at the specified point or points of the determination of their existence.
- (b) The determination of the existence of any dangerous and objectionable elements shall be made at:
 - (1) The point or points where such elements shall be most apparent for fire and explosion hazards, for radioactivity and electrical disturbances, and for smoke and other forms of air pollution.
 - (2) The property lines of the use creating such elements for noise, vibration, glare and odors.

25-7-4 AIR POLLUTION

No activity shall emit any fly ash, dust, fumes, vapors, smoke, mists or gases in such quantities as to cause soiling or danger to the health of person, animals, vegetation or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grain per cubic foot of the conveying gas nor any color visible smoke equal to or darker than number two on the Ringelmann Chart described in Chapters NR 431 and NR 439, Wis. Adm. Code, and amendments thereto.

25-7-5 ELECTRICAL, RADIOACTIVE AND OTHER DISTURBANCES

No activity shall emit electrical, radioactive or other disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises. All applicable federal and state regulations shall be complied with.

25-7-6 FIRE AND EXPLOSIVE HAZARDS

All activities involving the manufacturing, utilization, processing or storage of flammable and explosive materials shall be conducted in accordance with NFPA 495, Explosive Materials Code, 2013, as modified by § SPS 307.21, Wis. Adm. Code.

25-7-7 GLARE AND HEAT

No activity shall emit glare or heat that is visible or measurable at the boundaries of the lot on which the principal use is located. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

25-7-8 NOISE

- (a) At the points of measurement specified in 25-7-3(b)(2), the maximum sound pressure level radiated in each standard octave band by any use or facility (other than transportation facilities or temporary construction work) shall not exceed the values for octave bands lying within the several frequency limits given in Table I after applying the corrections shown in Table II. The sound pressure level shall be measured with a sound-level meter and associated octave band analyzer conforming to standards prescribed by the American Standards Association, Inc., New York, N.Y.; American Standard Sound Level Meters for Measurement of Noise and Other Sounds, 224.3-1944, and American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, 224.10-1953, or latest approved revisions thereof, shall be used.)

Freesncy Containing Standard Octave Bands in Cycles Per Second	Octave Band Sound Pressure Level in Decibels re 0.0002 dyne/cm
600 to 1,200	40
1,200 to 2,400	40
Above 2,400	35

- (b) If the noise is not smooth and continuous and is not radiated between the hours of 10:00 p.m. and 7:00 a.m., one or more of the corrections in Table II shall be applied to the octave band levels given in Table I.

Type of Location of Operation or Character of Noise	Collection in Decibels
Daytime operation only	5
Noise source operates less than:	*
20% of any 1-hour period	5
5% of any 1-hour period	10
Noise of impulsive character (hammering, etc.)	-5
Noise of periodic character (hum, screech, etc.)	-5
Property is located in any M District and is not within 200 feet of any R District	10

* Apply one of these corrections only.

25-7-9 ODORS

Except in the A Districts, no activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside its premises. The guide for determining odor measurement and control shall be Ch. NR 429, Wis. Adm. Code, and amendments thereto.

25-7-10 ERODIBLE LAND REGULATIONS

In addition to any other applicable use, site or sanitary regulation, the following organic and sandy soils listed below and any other soils having an erosion factor of three shall not be used for crop production or grazing unless such lands make use of contour cropping practices or strip cropping practices or crop terraces:

- | | |
|-----------------|-----------------|
| 133 - BmB, BmC2 | 416 - Ry |
| 316 - BmB, BmC2 | 417 - CrD2, CrE |
| 359 - MxD2 | 419 - SfB |
| 414 - BmB, BmC2 | 451 - Ht |

25-7-11 SOIL CAPABILITY REGULATIONS

In addition to any other applicable use, site or sanitary regulation, the following restrictions or regulations shall apply to the following soils as shown on the Operational Soil Survey Maps prepared by the USDA Natural Resources Conservation Service for the Southeastern Wisconsin Regional Planning Commission.

- (a) Because of their erodibility and very low agricultural capabilities, tillage is permitted on the following rough, broken, sandy, stony or escarpment soils only when conducted in accordance with sound soil conservation practices and after review by the Natural Resources Conservation Service:

- | | |
|---------------------------|-----------------|
| 75 - CcB, CrC, CrD2, CrE | 417 - CrD2, CrE |
| 282 - CeB, CrC, CrD2, CrE | 419 - SfB |
| 416 - Ry | |

- (b) Farm drainage systems may be installed on the following soils, which soils are subject to a flooding hazard and which have generally unsuitable soil characteristics for an operative drainage system, only if installed in accordance with sound soil conservation practices and after review by the Natural Resources Conservation Service:

- | | |
|----------|-----------|
| 4 - Mf | 11 - Am |
| 5W - Sg | 11W - Ww |
| 7 - Dh | 54 - Lp |
| 10 - Am | 419 - SfB |
| 10W - Ww | 452 - Ac |

- (c) Because of very severe limitations for pasturing, grazing is permitted on the following soils when conducted in accordance with sound soil conservation practices and after review by the Natural Resources Conservation Service:

4 - Mf
416 - Ry

419 - SfB
462 - Ht

25-7-12 STEEP LAND REGULATIONS

In addition to any other applicable use, site, shoreland or sanitary regulation, the following restrictions and regulations shall apply to all lands having slopes of 12% or greater as shown on the Operational Soil Survey Maps prepared by the USDA Natural Resources Conservation Service in cooperation with the Southeastern Wisconsin Regional Planning Commission:

- (a) Tillage and grazing of lands with slopes of 12% or greater shall be permitted only if such tilling and grazing make use of contour cropping practices, strip cropping practices or cropping terraces. Spreading the manure or fertilizer on frozen ground and establishment of feedlots shall be prohibited when such practice would cause direct runoff of pollutants into a drainageway or watercourse.
- (b) Tree cutting and shrubbery clearing for the purpose of changing land use from wildlife or woodlot management on lands with slopes of 12% or greater shall be conducted so as to minimize erosion and sedimentation and promote the preservation of scenic beauty.

25-7-13 VIBRATIONS

No activity in any district except the M Districts shall emit vibrations which are discernible without instruments outside its premises. No activity in the M Districts shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

Frequency (cycles per second)	Displacement (inches)	
	Outside the Premises	Outside the District
0 to 10	0.0020	0.0004
10 to 20	0.0010	0.0002
20 to 30	0.0006	0.0001
30 to 40	0.0004	0.0001
40 to 50	0.0003	0.0001
50 and over	0.0002	0.0001

25-7-14 WATER QUALITY PROTECTION

- (a) No activity shall locate, store, discharge or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that would be likely to run off, seep, percolate or wash into surface or subsurface waters so as to contaminate, pollute or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness or be harmful to human, animal, plant or aquatic life.
- (b) In addition, no activity shall discharge any liquid, gaseous or solid materials so as to exceed or contribute toward the exceeding of the minimum standards and those other standards and the application of those standards set forth in Ch. NR102, Wis. Adm. Code, and amendments thereto, for all navigable waters in the Village.

25-7-15 FLOODPROOFING

See Floodplain Zoning Regulations.

25-7-16 EXTERIOR LIGHTING STANDARDS

The requirements of this section apply to all private exterior lighting within the business, manufacturing, institutional and park-recreational districts.

- (a) Orientation of fixtures. Except for security lighting, outdoor recreational facility lighting or flag lighting, in no instance shall an exterior lighting fixture be oriented so that the lighting element (or a transparent shield) is visible from any abutting right-of-way or adjacent property. The use of fully shielded fixtures constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer, is required. Any structural part of the light fixture providing this shielding must be permanently affixed.
 - (1) Building lighting. Ground-mounted light fixtures for building lighting shall be carefully located, aimed and shielded so that light is directed only onto the building facade.
 - (2) Service station canopy lighting. Light fixtures mounted on the bottom surface of service station canopies shall be recessed so that the lens cover is flush with the bottom surface (ceiling) of the canopy.
 - (3) Wall lighting. Wall-mounted light fixtures shall be aimed and shielded so that illumination is directed below a horizontal plane through the top of the lighting fixture.
- (b) Intensity of illumination. In no instance shall the amount of illumination attributable to exterior lighting as measured at the property line exceed 0.5 footcandle above ambient lighting conditions on a cloudless night. This will be verified by a photometric plan of the property.
- (c) Minimum parking lot lighting. All areas designated on required site plans for vehicular parking, loading or circulation and used for any such purpose shall provide artificial illumination in those areas at a minimum average intensity of two footcandles.
- (d) Height. Light fixtures shall not be more than 25 feet above ground level for parking lots serving 20 or fewer parking spaces, nor more than 30 feet above ground level for parking lots with more than 20 spaces.
- (e) Flashing, flickering and other distractive lighting. Flashing, flickering and/or other lighting which may distract motorists is prohibited.
- (f) Nonconforming lighting. All lighting fixtures existing prior to the effective date of this section and that do not comply with the provisions of this section shall be considered as legal nonconforming uses. The replacement of nonconforming fixtures after the effective date of this section shall be done so with fixtures which fully comply with the provisions of this section.

- (g) Exemptions. Lighting placed in a public right-of-way for public safety shall be exempt from the provisions of this section.
- (h) Special uses. Lighting for outdoor recreational facilities such as athletic fields, courts, tracks, golf courses and driving ranges, shooting ranges, swimming pools, ski hills or amusement parks and fairgrounds may be exempt from the provisions of this section but shall meet accepted minimum design standards for the intended use. Lighting plans for outdoor recreational facilities shall be subject to review and approval by the Village Plan Commission and Board.

Article 8
Non-Conformities

[Back to Table of Contents](#)

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
25-8-1	Non-Conformities		

25-8-1 NON-CONFORMITIES

- (a) EXISTING USE PERMITTED: The existing lawful use of a building or premises at the time of the enactment of this ordinance or any amendment applicable thereto which is not in conformity with the provisions established by this ordinance may be continued in the manner and for the purpose then existent subject to the conditions hereinafter stated.
- (b) CLASSIFICATION AND REGULATION: For the purpose of administration such nonconformity shall be classified and regulated as follows:
 - (1) NON-CONFORMING USES
 - a. No such use shall be expanded or enlarged.
 - b. Where the structure in which such use is carried on is damaged to the extent of more than 50% of its current assessed value it shall not be restored for use except in conformity with the regulations of the district in which it is located.
 - c. Structure repairs and alterations to a structure housing such use shall not, as long as such use continues, exceed 50% of the assessed value of the structure at the time the use became nonconforming.
 - d. Upon petition to and approval of the Plan Commission and Board such use may be changed to another use provided the Plan Commission and Board determines that the new use would result in greater or no less degree of conformity and provided further that such new use shall thereafter determine the degree of legal nonconformity.
 - e. Where any such use is discontinued for a period of twelve (12) consecutive or for eighteen (18) accumulative months during any three (3) year period, any future use of the structure shall conform to the regulations of the district in which it is located.
 - (2) NON-CONFORMING STRUCTURES
 - a. No such structure shall be expanded or enlarged except in conformity with the regulations of the district in which it is located, unless said expansions or enlargements do not get any closer than their existing distance from any lot line and shall not exceed 50% of the assessed value.
 - b. Where any such use is discontinued for a period of twelve (12) consecutive or for eighteen (18) accumulative months during any three (3) year period, any future use of the structure shall conform to the regulations of the district in which it is located.
 - c. In this subsection pursuant to Wisconsin Statutes Section 62.23(7)(hb) as to repair and maintenance of certain non-conforming structures:
 - 1. “Development Regulations” means the part of a zoning ordinance enacted under this subsection that applies to elements including setback, height, lot coverage and side yard.
 - 2. “Non-Conforming Structure” means a dwelling or other building that existed lawfully before the current zoning ordinance was enacted or amended but that does not conform with one or more of the development regulations in the current zoning ordinance.

3. This subsection does not prohibit, or limit based on cost, the repair, maintenance, renovation or remodeling of a non-conforming structure.

(3) **SUBSTANDARD NON-CONFORMING LOTS:** Where a lot has less land area or width than required for the district in which it is located and was of record at the time of the passage of this Ordinance, such lot may be used for any purpose permitted in such district. A substandard lot is one which:

- a. Does not contain sufficient width, depth or area to conform to the dimensional requirements of this chapter, and
- b. Was a legal lot or parcel of record in the office of the county register of deeds prior to the original adoption of this chapter or any applicable amendment to this chapter.
- c. Such a lot located in a residential, business, industrial or institutional district may be used as a single building site provided that the use is permitted in the district and provided that there is compliance with each of the requirements of this section, was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one (1) property tax parcel, and has never been developed with one (1) or more of its structures placed partly upon an adjacent lot or parcel. Except for lots which meet these requirements, a building permit for the improvement of a lot having lesser width, depth or area to conform to the dimensional requirements of this chapter shall be issued only if a variance is granted by the board of appeals.

(c) All shoreland lots created after the adoption of the ordinance from which this chapter is derived shall have a minimum 65-foot lot width (sewered) and 100-foot width (unsewered); ten thousand (10,000) square feet (shoreland sewered), twenty thousand (20,000) square feet (shoreland unsewered).

(d) All non-shoreland substandard lots in separate ownership shall comply with all relevant district requirements insofar as practicable, as determined in accordance with section 20-31 et seq., but shall in no event be less than the following:

(1)	Lot	Width	Minimum	30 feet (non-shoreland)
(2)		Area	Minimum	4,000 sq. feet (non-shoreland)
(3)	Building	Height	Maximum	30 feet (non-shoreland)
(4)	Yards	Street	Minimum	25 feet; the second street yard on corner lots shall not be less than 10 feet
		Rear	Minimum	25 feet
		Side	Minimum	16 percent of the lot width, but not less than 5 feet, nor greater than the zoning district side yard setback requirement for a standard size lot
		Shore	Minimum	75 feet

(e) **NON-CONFORMING SIGNS:** The existing lawful use of a sign at the time of enactment of this ordinance or any amendment thereto may be considered as a legal non-conforming structure or use, and regulations of Ordinance relating to their elimination shall apply. Disrepair and/or dangerous signs shall be removed.

Article 9
Conditional Uses

[Back to Table of Contents](#)

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
25-9-1	General		
25-9-2	Application Procedure		
25-9-3	Requirements		
25-9-4	Standard in Reviewing Conditional Uses		
25-9-5	Application to Existing Uses		
25-9-6	Termination		
25-9-7	Failure to Comply		
25-9-8	Revocation of Conditional Use Permit		
25-9-9	Conditional Uses Allowed		

25-9-1 GENERAL

- (a) **APPROVAL REQUIRED:** Certain uses and situations are of such a special nature or are so dependent upon actual contemporary circumstances that it is impractical to predetermine the permissibility of such uses or to detail in this chapter all of the specific standards, regulations or conditions which would permit such uses in each individual situation. Such uses may, however, be permitted as conditional uses. The applicant for a conditional use must demonstrate that the application and all requirements and conditions established by the Village relating to the conditional use are, or shall be satisfied, both of which must be supported by substantial evidence. The Village's decision to approve or deny any such conditional use permit will be based upon substantial evidence presented at a public hearing. Only those uses specifically listed herein can be granted a conditional use. Any other uses not specifically listed shall require an amendment to this Code to be considered by the Plan Commission and Village Board.

- (b) **BASIS FOR APPROVAL:** The determination of whether to approve or deny or conditionally approve such conditional use shall be made by the Village Board, upon receipt of a recommendation from the Plan Commission, and shall be based on substantial evidence. Substantial evidence means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion. Any condition imposed by the Village must relate to the purpose of the ordinance, be reasonable, and to the extent practicable, measurable. Conditions shall be established to ensure that the proposed use will not:
 - (1) Violate the spirit or intent of the Village of Raymond Comprehensive Plan or this Code.
 - (2) Be contrary to the public health, safety or general welfare.
 - (3) Be hazardous, harmful, noxious, offensive or a nuisance by reason of appearance, noise, dust, smoke, odor or other similar factors.

25-9-2 APPLICATION PROCEDURE

- (a) **APPLICATION:** Application for conditional use permits may be made by an individual property owner, group of owners, by a municipality, or similar agency on behalf of a larger property area where said proposal may benefit a larger group or entire community. Application shall be made to the Village

Zoning Administrator and shall include:

- (1) Completed conditional use application form available from the Village Zoning Administrator.
 - (2) An accurate legal description of the property by lot, block, recorded subdivision, or metes and bounds.
 - (3) A site plan and plan of operation in accordance with Article 4.
 - (4) Additional information as may be required by the Zoning Administrator, Village Engineer, Village Attorney, the Village Plan Commission, or Village Board.
 - (5) A fee, as may be established by the Village Board and periodically modified, shall accompany each application. Such fees shall be paid to the Village of Raymond to defray the cost of official notification and posting of the public hearing. Cost incurred by the Village in obtaining legal, planning, engineering, publication, and notice requirements, and other technical and professional advice in connection with review of the conditional use applications and preparation of conditions to be imposed on such uses, shall be charged to the applicant, and, if required by the Village, a professional services reimbursement agreement form covering the costs shall accompany the application.
 - (6) Where necessary, to comply with certain regulations established by applicable laws, applications shall be required to be submitted to the other governmental bodies having jurisdiction which may include the State Department of Natural Resources, the United States Army Corps of Engineers, and/or Racine County.
- (b) **PUBLIC HEARING:**
- (1) Upon receipt of the application, the foregoing data and fees, the Village Zoning Administrator shall establish a date for a public hearing by the Village Board, and shall publish notice of said hearing twice, with the last publication being one week prior to the hearing, in a newspaper of general circulation in the area of the proposed conditional use. The Village Zoning Administrator, or designee, shall give notice of the public hearing by first-class mail to the owners of all lands within 500 feet of any part of the land included in such conditional use at least 10 days before such public hearing. If the applicant is a governmental entity or group of property owners and the area affected by the proposed conditional use is so large such that the Village Board finds the first-class-mail notice to the owners within 500 feet to be unnecessarily burdensome, the Village Board may waive the first-class-mail notice requirement.
 - (2) A copy of the notice of public hearing along with pertinent information relative to the specific nature of the matter (copy of application and map) shall be transmitted without delay to any other governmental agencies having jurisdiction by first-class mail not less than seven days prior to the date of the public hearing. Testimony of all interested parties will be received at the public hearing and the Village Plan Commission, following the public hearing date, shall take action within a reasonable time to either recommend approval or denial of the application along with any recommended conditions of approval or reasons for recommending denial to the Village Board.
- (c) **DETERMINATION:** Final review and approval. The Village Plan Commission shall provide a recommendation on the proposal as submitted along with requirements as may be established or recommended by other governing bodies having jurisdiction. The Village Board, upon receipt of a recommendation from the Plan Commission, shall approve or deny the application. If the Village Board approves the conditional use, any conditions imposed by the Village shall be made an integral part of the conditional use permit. The applicant shall comply with these conditions, and any failure to comply with the conditions set forth in the conditional use permit shall constitute a violation of the terms of the conditional use permit. Such violation shall constitute a violation of this Code and will be subject to

prosecution and penalties under the terms of this Code.

- (d) **TIME LIMITATIONS:** Conditional use permits shall expire within nine (9) months unless substantial work has commenced pursuant to such approval.

25-9-3 REQUIREMENTS

(a) STANDARD REQUIREMENTS

- (1) Except as may be specifically otherwise provided for by this Code, any such use shall conform to any building location, height, and area regulations of the district in which it is located.

(b) MODIFICATION OF REGULATIONS

- (1) Requirements applicable to uses permitted by right or as accessory uses in any district by the regulations of this ordinance may be modified or waived by the Plan Commission in their application to a conditional use if in the Commission's opinion they are not appropriate or necessary to the proper regulation of the conditional use, and where such modification or waiver would not in the Commission's opinion result in adverse effect upon surrounding properties.

(c) MODIFICATION OF EXISTING CONDITIONAL USE PERMIT

- (1) Should the conditions of the area in which a conditional use exists change such that the conditional use allowed by the permit presents an imminent and substantial threat to public health, safety, or property, the committee may review such conditional use permit upon notification and hearing as set forth in this chapter. Any review conducted hereunder shall be limited to revision of the permit to eliminate the threat(s) to public health, safety, or property. Revision of the permit may include addition and/or deletion of specific conditions.
- (2) The Zoning Administrator and/or the Plan Commission may make decisions if a conditional use permit change request constitutes a substantial change that requires new public hearing and Plan Commission approval.

25-9-4 STANDARD IN REVIEWING CONDITIONAL USES

- (a) In reviewing the proposed conditional uses, the plan commission and the Village Board shall be guided by the following standards and requirements:

- (1) All conditional uses must be in accordance with the purpose and intent of this chapter and shall not be hazardous, harmful, offensive or otherwise adverse to the environmental quality, water quality, shoreland cover or property values in the county and its communities.
- (2) A review of the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems, and the effect of the proposed use, structure, operation and improvement upon flood damage protection, water quality, shoreland cover, natural beauty and wildlife habitat.
- (3) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, location, size and number of signs, water supply and waste disposal systems, higher performance standards, street dedication, certified survey maps, floodproofing, ground cover, diversions, silting basins, terraces, stream bank protections, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or additional parking may be required by the planning and zoning commission upon its finding that these are necessary to fulfill the purpose and intent of this chapter and the State Water Resources Act of 1965, and to meet the provisions of state's floodplain, and shoreland management programs.

- (4) Compliance with all other provisions of this chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards, shall be required of all conditional uses. Variances shall only be granted as provided in Section 20-31 et seq.
- (5) With respect to conditional uses within shorelands, the standards set forth in W.S.A., § 144.26(5)(a), in particular as they relate to the avoidance or control of pollution.

25-9-5 APPLICATION TO EXISTING USES

- (a) The grant of conditional use in such case shall be based upon the existing conditions at that time and any expansion or change in use shall require changing of the conditional use permit.
- (b) Petition may be made at any time for expansion or other change of the conditional use permit and such petition shall not prejudice the existing permit as herein authorized.
- (c) Conditional use status granted under previous zoning regulations shall be considered in effect under this ordinance subject to the conditions established by the original permit. Any expansion or other change, however, shall be subject to the provisions of this ordinance.

25-9-6 TERMINATION

- (a) Any conditional use granted under this Section that is discontinued or terminated for a period of twelve (12) consecutive months or eighteen (18) cumulative months in a three (3) year period (A business of a seasonal nature shall not be deemed to be discontinued during periods in which it is normally inactive, i.e. summer camps, snowmobile courses, ski areas, marinas, quarries, etc.) shall be considered abandoned and any future use thereof will require Village review and approval.

25-9-7 FAILURE TO COMPLY

- (a) No person, firm or corporation shall violate, disobey, neglect or refuse to comply with or abide by the terms and conditions of a conditional use permit.
- (b) The failure of any person, firm or corporation to obtain a conditional use permit when required shall constitute a violation of this chapter.

25-9-8 REVOCATION OF CONDITIONAL USE PERMIT

- (a) Should a permit applicant, his heirs or assigns, fail to comply with the conditions of the permit issued by the Zoning Administrator or should the use, or characteristics of the use be changed without prior approval by the Village Board, the Conditional Use Permit may be revoked. The process for revoking a permit shall generally follow the same procedures as those required for granting a conditional use permit as set forth in this Section.

25-9-9 CONDITIONAL USES ALLOWED

The following are conditional uses found in various zoning districts in this code. Each conditional use has further requirements for approvals as follows:

- (a) Airstrips, landing fields and hangers

- (1) The area shall be sufficient and the site otherwise adequate to meet the standards of the Federal Aviation Agency and the Wisconsin Department of Transportation and any other federal or state agency retaining jurisdiction over such airstrips and landing fields in accordance with their proposed rules and regulations. In no case shall the parcel be less than 35 acres in size.
- (2) Any building, hangar or other structure shall be at least 100 feet from any street or boundary line.
- (3) Any proposed runway or landing strips shall be situated so that the approach zones are free of any flight obstructions, such as towers, chimneys, other tall structures or natural obstructions outside the airport site.
- (4) There shall be sufficient distance between the end of each usable landing strip to satisfy the requirements of the aforementioned agencies, and no landing strip shall be within 200 feet of any property line. If air rights or easements have been acquired from the owners of abutting properties in which approach zones fall, satisfactory evidence thereof shall be submitted with the application.
- (5) Airstrips and landing fields in the "A" Districts are intended only for the use of the property owner and/or emergency landings. No commercial operation shall be permitted with the exception of crop dusting.
- (6) Storage of any combustible fuels shall be in accord with any state and federal regulations and due consideration shall be given so as to insure safe storage of such fuels.
- (7) Special consideration shall be given to the installation of equipment normally associated with the use of airplanes, such as proper ground markings and lighting, wind direction signals, firefighting extinguishers, radio communications equipment, and tie-down spaces.
- (8) No more than two planes shall be housed on the premises.
- (9) No conditional use permit shall be given unless all necessary federal and state permits have been placed on file with the Zoning Administrator.

(b) Adult Establishment uses

- (1) No more than one adult establishment may be established on any one parcel.
- (2) No adult establishment may be established within 1,000 feet of any other adult establishment.
- (3) No adult retail establishment may be established within 1,000 feet of any sensitive land use.
- (4) No adult entertainment establishment may be established within 1,000 feet of any sensitive land use.
- (5) All adult entertainment establishments shall be located within 300 feet of a state trunk highway right-of-way (maintained and traveled), as indicated on the map of the official layout of the State Trunk Highway System of Racine County prepared by the State of Wisconsin Department of Transportation in accordance with § 84.02(12), Wis. Stats., and as currently on file with the Racine County Clerk and Racine County Highway Commissioner, and as subsequently amended, and shall not be located within 1,000 feet of the right-of-way of the intersection of another state trunk highway or any federal or county trunk highway, or any other road.
- (6) For these purposes, distance shall be measured in a straight line from the closest point of the structure or portion of the structure occupied or proposed for occupancy by the adult establishment to the nearest lot line of the other parcels of property to which these location requirements apply.

(c) Animal hospitals, veterinarian clinics, commercial kennels (including "doggy daycare" and pet sitting businesses).

- (1) All animals shall be kept within an enclosed structure and no structure or animal enclosure shall be located closer than 100 feet to a property boundary.
 - (2) Adequate provisions shall be made for the proper disposal of animal waste.
 - (3) Buildings to house animals shall be constructed with materials, such as concrete, etc., so as to deaden noise.
- (d) Arenas and stadiums.
- (1) At least one off-street parking space shall be provided for every three seats located within the arena or stadium.
 - (2) The site shall have direct access to federal, state or county highways.
 - (3) An application for a conditional use permit shall be accompanied by a report setting forth the proposed operation of the arena or stadium.
- (e) Automotive body repair.
- (1) All outside storage of vehicles shall be properly screened, fenced and secured. Fences shall be of uniform design and height and be properly maintained for aesthetic purposes.
 - (2) The premises shall not be used for storage of wrecked and/or dismantled vehicles.
- (f) Automotive and marine sales, service and repairs including related towing.
- (1) All servicing and repair work shall be within an enclosed structure. Repair materials, new, used or junk parts shall not be stored outside unless the storage area has a solid fence enclosure. Junk materials shall be removed at least once a month to avoid unsightliness of the site. Fences shall be of uniform design and height and be properly maintained for aesthetic purposes.
 - (2) No cars or boats shall be parked within the vision triangle, and all parking lots shall meet all yard requirements.
 - (3) Lights shall not be beamed directly onto adjoining property.
- (g) Bed-and-breakfast
- (1) The site plan shall include a parking plan.
 - (2) All requirements set forth in § 97.605, Wis. Stats., and Ch. ATCP 73, Wis. Adm. Code, shall be fully complied with. Necessary state permits and licenses shall have been secured.
 - (3) All requirements of the Racine County Sanitary Code shall be fully complied with. Existing on-site soil absorption sewage disposal systems shall be evaluated prior to the issuance of a conditional use permit.
 - (4) The owner of the bed-and-breakfast establishment shall reside in the establishment. No bedrooms shall be permitted to be located in an accessory structure.
 - (5) No more than four bedrooms shall be rented.
 - (6) Individual rentals shall not exceed five consecutive days in length.
 - (7) No retail sales shall occur in a bed-and-breakfast establishment.
 - (8) One exterior advertising sign, not exceeding four square feet in area, may be erected on the premises.
- (h) Bus Depots.
- (1) One exterior advertising sign, not exceeding four square feet in area, may be erected on the premises.

(i) Carwashes.

- (1) Car washes shall be located on a public sanitary sewer and on federal, state or county highways.
- (2) A traffic flow pattern shall be submitted to the Commission.

(j) Cemeteries and mausoleums.

- (1) The site proposed for a cemetery shall not interfere with the development of a system of collector and arterial streets in the vicinity. In addition, the site shall have direct access to a public roadway.
- (2) Any new cemetery shall be located on a site containing at least 20 acres.
- (3) All burial buildings and crematoriums shall meet the yard requirements of the district. A burial building is any building used for the interment of bodies or other remains of persons who have died, including mausoleums, vaults or columbaria.
- (4) All graves or burial lots shall be set back at least 30 feet from any street bounding the cemetery, and there shall be two side yards and a rear yard of at least 25 feet each.
- (5) Existing cemeteries may continue to operate in a manner consistent with the existing development in the area presently covered by a conditional use permit. Any expansion to land not covered by an existing conditional use permit must comply with the requirements of this section.
- (6) Adequate parking shall be provided on the site, and no cemetery parking shall be permitted on any public street.
- (7) Nothing in these provisions, however, shall prohibit the issuance of a conditional use permit for a pet cemetery.

(k) Commercial Egg production

- (1) The site shall contain a minimum of 50 acres.
- (2) There shall be submitted a detailed site plan showing all building locations and distances and the capacity of each building.
- (3) There shall be submitted to the Plan Commission for its approval a detailed plan as to how manure is to be handled. This shall include such items as drying and storage facilities, hauling methods, location(s) where manure is to be spread and distances to the surrounding residential structures
- (4) There shall be submitted detail of all types of equipment used in handling process of manure.
- (5) There shall be provided a plan for odor control, such as ozonators, etc.
- (6) There shall be provided a detailed day-to-day management plan for total operation.
- (7) There shall be provided a vermin, rat and insect control plan for all facilities on the premises.
- (8) All buildings housing chickens shall be located at least 500 feet from any property boundary line.
- (9) There shall be provided a detailed stormwater drainage plan between all buildings and feedlots.
- (10) There shall be provided a sealed vermin-proof container for all dead chickens, and further, the owner and operator shall present the Plan Commission with proof that the operator has contracted with a licensed renderer to haul all dead chickens off the premises on a weekly basis. Further, the owner shall be required to show that hauling is being performed at last once a week.

(l) Commercial Recreation facilities

- (1) Applicants for a conditional use permit for a commercial recreational facility (outdoor) must submit detailed development plans with timetables and necessary bonding to insure performance.

(m) Commercial truck parking

- (1) The minimum lot area shall be at least three (3) acres.
- (2) The parking and storage of commercial or industrial type vehicles (trucks, construction vehicles, grading equipment, buses, semi-trailers and tractors, other trailers, and similar vehicles and related equipment, etc.) may be allowed as long as the vehicle is owned or leased and operated by the owner or occupant of the premises. Refrigerator trucks are prohibited.
- (3) No such use shall be allowed on any parcel except as may front directly upon and have access to an arterial or collector street, as defined in the county-established street and highway width map.
- (4) No more than three such vehicles or pieces of equipment may be parked or stored on the occupant's property. The type of vehicles allowed shall be specified in the conditional use permit application or conditions of approval. All such vehicles and equipment shall be fully operative and in active use. Where considered appropriate, two semi-trailers may be allowed, but no more than one semi-tractor or "cab" unit.
- (5) The Plan Commission shall specify the area on the property where the vehicles shall be parked or stored. No such vehicle may be parked or stored closer than 50 feet to any adjacent lot line, and not closer than 100 feet from the base setback lines. Vehicles shall only be parked or stored in an area with adequate screening from view from adjacent properties and public rights of way.
- (6) If a conditional use permit application involves the storage of more than two (2) vehicles or involves the construction of buildings to house, service, or maintain the vehicles, the use shall not be considered a commercial parking lot and not to be considered as a conditional use under this section.
- (7) In determining whether or not the proposed conditional use permit should be issued, a determination of compatibility with adjacent land uses shall be made by the Village Board, upon receipt of a recommendation from the Plan Commission, in issuing this conditional use permit. If it is determined that it would be incompatible and represents an adverse effect or nuisance to adjacent land uses, the conditional use permit will not be issued.
- (8) Notwithstanding anything contained herein to the contrary, the parking of agricultural equipment in an agricultural zoning district, and the parking of one panel van or pickup truck of a commercial nature in any zoning district, shall be permitted and shall not be subject to the requirement provided by this section.

(n) Community Living Arrangements (serving more than 8 persons).

- (1) A report and license from the Department of Health Services relating to the suitability of the premises for use as a community living arrangement shall accompany the application for a conditional use permit. The loss of any license shall operate as an automatic revocation of the conditional use permit. Permits shall not be transferable to another location or holder without approval of the Commission.
- (2) The applicant for a conditional use permit for a community living arrangement shall state on his application the purpose for the community living arrangement, the type of

individuals that will reside on the premises and the plan for supervising and administering to the needs of the residents.

- (3) There shall be continuous twenty-four-hour-a-day supervision for the residents in the community living arrangement facility.
- (4) There shall be one off-street parking facility for every four residents in the facility.
- (5) The owner and supervisors for the facility shall appear before the Plan Commission in person.
- (6) Noises and disturbances such as loud music which may be heard on adjoining property shall be prohibited after 10:00 p.m.
- (7) Unless greater restrictions are set by the State of Wisconsin, there shall be not more than three residents per 120 square feet of bedroom living area.
- (8) The premises shall be located on a sanitary sewer.
- (9) The premises shall be located on a minimum of one acre of land.

(o) Concrete and asphalt batch plants temporarily located on a parcel.

- (1) Federal and state air quality standards shall be complied with.
- (2) Conditions may be set with respect to hours of operation and ingress and egress to the premises.
- (3) The premises shall be properly secured.

(p) Contractor's Yard

- (1) The minimum lot area shall be at least five acres in all districts where allowed, except the "M" Districts where the minimum lot area shall be three acres.
- (2) The outdoor storage areas shall be fenced with a six-foot-high solid fence.
- (3) All buildings used in the conduct of the business shall be located at least 100 feet from the lot line of an adjoining lot in a residential district or at least 50 feet from a lot line of an adjoining lot in any other district.
- (4) No such use shall be allowed on any parcel, except as may front directly upon and have access to an arterial or major collector street, as defined in this Code.
- (5) A planting screen at least 10 feet high in initial height shall be provided between any abutting property line and the proposed use. The Village Plan Commission or Village Board may increase or decrease the planting screen requirements based on location and compatibility of zoning and use with abutting properties.
- (6) In determining whether or not the proposed conditional use should be approved, the Village Board, upon receipt of a recommendation from the Plan Commission, shall make a determination that the proposed conditional use is compatible with adjacent land uses. If it is determined that the proposed conditional use would in any way be incompatible with the adjacent land uses or represent an adverse effect or nuisance to adjacent land uses, the proposed conditional use shall not be approved.

(q) Event Barn

- (1) The minimum lot area shall be 20 acres.
- (2) No building, structure, or outdoor use associated with the event shall be located less than 100 feet from any adjacent lot line permitting a residential use except as follows. No parking to be located less than 50 feet from any adjacent lot line permitting a residential use. No building, structure, outdoor use or parking associated with the event shall be located less than 250 feet from any residence not owned by the applicant.

- (3) The operator of the event barn shall reside on the same lot as the event barn or a lot immediately adjacent.
- (4) The subject property must abut directly upon an arterial or collector street as defined in the Village of Raymond Code of Ordinances and the event access to the parcel shall be from the arterial or collector street. Property access on a collector street shall be no further than one mile from an arterial street.
- (5) Events must be served by a private on-site waste system (not including portable facilities) and a private on-site well, a municipal sewer system and municipal water system, or a combination of both. Restroom facilities associated with the private waste system shall be located within the event barn. Private systems shall be sized appropriately for the building occupancy and approved by Racine County.
- (6) Events shall be limited to no more than one event per day with no more than three events per calendar week. For the purpose of this condition, an individual event shall include one entire occasion. For example, a scenario in which a renter reserves the site for a Saturday wedding but is also on-site for a Friday rehearsal and Sunday gift opening would be counted as one event.
- (7) There shall be no more than 300 attendees per event. "Attendees" include all persons present at any time, including employees, catering services and other support service providers, property owners, staff, operators, hosts, guests and invitees without limitation. Use of structures and capacity is required to comply with all federal, state and local fire and building code regulations.
- (8) Events shall not begin prior to 8:00 a.m. or continue past 11:59 p.m. on Friday and Saturday and shall not begin prior to 8:00 a.m. or continue past 10:00 p.m. Sunday through Thursday. These limitations apply to setup and takedown activities associated with an event and the arrival and departure of attendees.
- (9) Alcohol shall not be served past 11:00 p.m. on Friday and Saturday and 9:00 p.m. on Sunday through Thursday.
- (10) No sale of alcohol is permitted unless an alcohol beverage license for the event barn is obtained from the Village of Raymond.
- (11) There shall be no outdoor sound amplification devices used in association with outdoor event areas before 9:00 a.m. or after 8:00 p.m. There shall be no sound amplification within buildings before 9:00 a.m. or after 11:00 p.m. Sound amplification devices shall be located at least 100 feet from all property lines and directed to minimize impact to adjacent properties and shall comply with Article 7 of the Village of Raymond Code of Ordinances.
- (12) Exterior lighting to be used in association with events shall not exceed 15 feet in height above the ground, and light sources shall not be visible from the lot lines measured five feet above the lot line.
- (13) There shall be no open fires associated with the operation, except where approved by the Village of Raymond, in writing, within specifically designated locations.
- (14) The minimum number of parking spaces shall be equal to one parking stall per three attendees, as defined above. At no time shall the number of attendees exceed three times the number of stalls.
- (15) All parking areas shall be clearly defined and designed with appropriate surface materials determined by the Village Plan Commission based on surrounding aesthetic character and uses, topography and drainage, and potential for dust.
- (16) There shall be no parking associated with the event barn on any public road.
- (17) Any area occupied by outdoor tents shall not exceed the square footage of the event barn.
- (18) The Plan Commission may require landscaping/screening for parking and outdoor areas used in conjunction with events to provide buffering for adjacent residential uses.

- (19) The exterior of buildings to be used for event activities may be repaired or refurbished but shall not be substantially modified as to significantly alter the character as determined by the Village Plan Commission.
 - (20) The floor area of an existing building to be used for event activities may be expanded for event activities by no more than 10%, provided all building and zoning requirements are satisfied. This does not include alterations made to accommodate for items, such as access or circulation, which will be considered on a case-by-case basis.
 - (21) The proposed event barn, including the site plan and access, shall be reviewed by the Village of Raymond Fire Department Chief (or designee). The event barn and property shall comply with any and all recommendations provided by the Fire Chief (or designee). Such inspection is for the Village's purposes and shall not be relied upon by the property owner as any assurance of safety nor of compliance with all applicable laws, which shall be solely the responsibility of the owner and event barn operator.
 - (22) The event barn conditional use permit shall be reviewed every two years by the Village Plan Commission to determine compliance with the conditions and requirements of the permit and may be terminated in accordance with the Village of Raymond Code of Ordinances.
 - (23) The Plan Commission, at its sole discretion and in accordance with the flexibility afforded in the Village Code, specifically as it relates to Village code of ordinances, may modify requirements related to site access, including driveway dimension, setbacks, width and appropriate surface materials. Modification shall be based on a specific site's existing conditions, including offsets and setbacks, existing improvements, including surface materials, surrounding aesthetic character and uses, topography and drainage, and potential for dust. The Plan Commission may require additional landscaping/screening for the parking lot and access areas. All site access modification by the Plan Commission requires review and approval by the Raymond Fire Department Chief (or designee).
- (r) Fireworks sales on retail or wholesale basis.
- (1) A detailed site plan shall be submitted with the application for a conditional use permit.
 - (2) The property on which the proposed use lies shall abut a state or county trunk highway.
 - (3) The property on which the proposed use lies shall not contain a dwelling unit or accessory dwelling unit.
 - (4) All or a part of the building in which the use is proposed to take place shall lie within 300 feet of the center line of a state or county trunk highway.
 - (5) The property on which the proposed use lies shall have direct access to a state or county trunk highway.
 - (6) Adequate area must be available on the site to provide a parking space sufficient to handle all anticipated traffic with proper ingress and egress to public roads. An on-site traffic/parking plan shall be required.
 - (7) No outside storage of any product, vehicle or of packing and crating materials shall be allowed.
 - (8) Each building in which the use is proposed to take place shall be equipped with an automatic sprinkler system designed and installed in accordance with NFPA regulations and as approved by the Village of Raymond Fire Department.
- (s) Feedlot operations
- (1) No operation, farm or facility shall be permitted on less than 35 acres of tillable land nor closer than 1,000 feet from any land presently zoned for a residential district.

- (2) No accessory residence shall be permitted closer than 100 feet to an operation, farm or facility.
- (3) No part of the operation, farm or facility shall be closer than 300 feet from the centerline of any public road or closer than 200 feet from the lot lines of the site on which the operation, farm or facility is situated.
- (4) Information to be submitted.
 - a. A site plan showing drainage, structures, and the methods to be employed to control, contain or divert runoff of animal wastes.
 - b. A plan of operation detailing the method of operation and the equipment necessary to accomplish safe and sanitary disposal of animal wastes. Farmers are encouraged to seek advice from Racine County, Wisconsin Department of Natural Resources (Wis DNR), or applicable agencies.
 - c. A statement of the number of animals to be contained in the proposed animal feed lot. This plan shall include numbers, type and weights. Any increase in the number of animal units for a period of more than 30 days shall be reported to the Village Plan Commission and Village Board.
 - d. A statement detailing the method of animal collection, storage and disposal to be employed.
 - e. A waste management plan approved by Racine County, Wisconsin Department of Natural Resources (Wis DNR), or applicable agencies.
- (t) Fueling stations.
 - (1) A detailed site plan shall be submitted, showing all structures and their distances, including canopies, pump islands, light poles, tower signs, storage tank locations, etc.
 - (2) All canopy posts shall be at least 30 feet from any property line. No canopy shall exceed 20 feet in height.
 - (3) Canopies shall not be permitted to overhang past the property line.
 - (4) All pumps shall be set back at least 30 feet from any property line.
 - (5) Fueling stations for semitrailers shall have their ingress and egress located in such a fashion as to give due regard to topography and public road and pedestrian traffic, taking into consideration hills, curves, speed limits and vision clearance.
- (u) Home-based agricultural related business (HBARB)
 - (1) Allowed as a conditional use approval in all agricultural districts.
 - (2) The operator shall reside in a residence on the property.
 - (3) The operator shall grow the primary portion of materials or products sold onsite.
 - (4) The HBARB must be located on a parcel not less than five (5) acres in area.
 - (5) Maximum two (2) persons other than members of the immediate family may be employed in the HBARB at any given time.
 - (6) Any signage associated with the HBARB must comply with Code of Ordinances and will require zoning permit approval.
 - (7) Any structure that is utilized at the subject site that is associated with any aspect of the HBARB must meet the principle structure setbacks for the zoning district.
 - (8) Any accessory building used in association with the HBARB shall be clearly incidental to the principle use.
 - (9) Retail sales of ancillary non-agricultural items is subject to detailed plan approval by the committee and local municipality.
 - (10) Proper sanitation approval must be obtained in full compliance with state sanitation codes.

- (11) The HBARB product must consist of farm commodities that are entirely, or the majority of which are, planted or produced on the farm premises, or are agriculturally related.
- (12) Food shall not be served to patrons other than small sample of product produced by the HBARB.
- (13) Limited outside customer activity may occur on the premises in accordance with town/county approval.

(v) Housing for farm laborers or caretakers

- (1) Not more than one dwelling for farm laborers or caretakers shall be permitted per farm.
- (2) The conditional use shall be permitted only so long as the occupants of said dwelling are primarily engaged in farm labor on the farm or management of the farm on which the dwelling is located.

(w) In-Law Suite

- (1) The applicant shall provide written proof to the Village Building Inspector that Racine County has certified that the septic system will accommodate the proposed use.
- (2) The maximum living area in an in-law suite shall not exceed 800 square feet for a one-bedroom unit and 1,000 square feet for a two-bedroom unit.
- (3) There shall be adequate parking for the in-law suite.
- (4) The architecture of the residence shall be compatible with the adjacent residential neighborhood and should appear to be a one-family residence. All other appropriate district requirements for the principal living unit shall apply. A common entrance to the residence and in-law suite shall be designed into the structure so that the structure does not appear to be a duplex.
- (5) The Village Board, upon receipt of a recommendation from the Plan Commission may determine that it is appropriate to have an interior door between the living units.
- (6) A deed restriction shall be filed in the Racine County Register of Deeds Office prior to issuance of the building permit indicating that this living unit is for family members of the principal dwelling unit only. This deed restriction shall state the in-law suite is to be occupied by persons related by blood or marriage to the family occupying the principal unit. The deed restriction shall require that the in-law suite be removed, and the dwelling restored to a single housekeeping entity upon termination of the occupancy of the in-law suite by persons related by blood or marriage to the family occupying the principal unit.

(x) Itinerant agricultural laborer's quarters not for rent.

- (1) Not more than one such living quarters shall be permitted per parcel.
- (2) The applicant shall provide written proof to the Village Building Inspector that Racine County has certified that the septic system will accommodate the proposed use.
- (3) Said conditional use permit terminates at such time as the aforementioned quarters are no longer used as living quarters for itinerant agricultural laborers.

(y) Landscaping greenhouse, lawn and garden businesses.

- (1) All buildings used in the conduct of the business shall be located at least 150 feet from the lot line of an adjoining lot in a residential district or at least 50 feet from a lot line of an adjoining lot in any other district.
- (2) No such use shall be allowed on any parcel except as may front directly upon and have access to an arterial or major collector street, as defined in this Code.

- (3) A planting screen at least 10 feet in initial height and 15 feet wide shall be provided between any abutting property line and the proposed use. The Village Board, upon receipt of a recommendation from the Plan Commission, may increase or decrease the planting screen requirements based on location and compatibility of zoning and use with abutting properties.
 - (4) In determining whether or not the proposed conditional use should be approved, the Village Board, upon receipt of a recommendation from the Village Plan Commission, shall make a determination that the proposed conditional use is compatible with adjacent land uses and the surrounding area as it relates to noise, traffic, dust, hours of operation, etc. If it is determined that the proposed conditional use would in any way be incompatible with the adjacent land uses, conflict with future development of the area, or represent an adverse effect or nuisance to adjacent land uses, the proposed conditional use shall not be approved.
 - (5) A site plan and plan of operation application in accordance with standards in this Code shall include the type and quantity of equipment and vehicles owned or leased by the property owner, the location and type of storage of materials, location of all greenhouses, shade houses and storage bins, parking areas for customers and employees, signs, toilet facilities, fuel storage facilities, landscaping and lighting plans, dumpsters, and hours of operation.
 - (6) The landscaping and lawn and garden business is restricted to a service-oriented business and is prohibited from manufacturing or assembling products. The sale of products on the premises which are not produced on the subject property is prohibited unless expressly permitted or permitted subject to specific conditions in the conditional use permit (i.e., mulch, fertilizer, decorative stone).
 - (7) The design and size of the structures used in the operation of the business shall be subject to conditions in the conditional use permit.
 - (8) All offices, vehicle storage, greenhouses, shade houses, storage bins, maintenance or service facilities, hazardous chemical or salt storage facilities shall comply with all applicable federal, state, county, and Village regulations.
- (z) Large Wind Energy System
- (1) See Section 25-13-7 in Article 13 on Wind Energy Facility submittal requirements and procedures.
- (aa) Manufacturing of abrasive materials, storage and/or manufacturing of explosives/flammables and beverage bottling
- (1) All outside storage and manufacturing areas a minimum of 300 feet from residential, institutional or park districts shall be enclosed by a solid fence with a minimum height of six feet; screen plantings may be required around the perimeter of the district where such perimeter abuts residential districts or where such a screen planting is deemed necessary or advisable depending on surrounding land uses.
 - (2) A detailed site and security plan shall be required, indicating the location of storage areas, the type of material to be stored and a list of all hazardous materials stored on the property along with precautions necessitated by the storage of such hazardous material.
 - (3) Lighting shall be required for the storage and manufacturing areas; provided, however, that the glare from said lighting does not shine on adjoining properties.
- (bb) Mineral extraction operations and concrete manufacturing and/or operations

- (1) An application for quarrying and other nonmetallic mining shall include:
 - a. The name, address and telephone number of the operator, and the name, address and telephone number of the owner of the site, if the operator is not the owner.
 - b. A copy of the operator's deed to the site, contract to purchase the site, or lease authorizing the operator to conduct quarry or other nonmetallic mining operations on the site. The expiration date of any lease shall be clearly indicated thereon.
 - c. A legal description of the proposed quarry or other nonmetallic mining site and the total number of acres involved.
 - d. A list of all other quarry or nonmetallic mining permits or licenses held by the operator, including the name, address and telephone number of each permitting or licensing entity.
 - e. A general location map of the site.
- (2) Survey required. Five copies of a survey, drawn to a scale of no less than one inch equals 200 feet, which shall include the following:
 - a. The boundaries of the quarry or other nonmetallic mining site.
 - b. Topography of the site and all lands within 200 feet thereof, at intervals no larger than two feet.
 - c. Location and names of all streams, lakes, ponds, roads, railroads, utility lines and pipelines on or immediately adjacent to the site.
 - d. Location of all structures.
 - e. Boundaries and elevations of previous excavations on the site.
 - f. Location and description of mining site boundary stakes and permanent reference point.
- (3) Zoning of the site and of all properties within 500 feet of the boundaries of the site.
- (4) Photographs (eight inches by 10 inches) of the site and its surroundings, including photographs of all potentially sensitive or important aspects of the site or neighboring properties and, if available, an aerial photograph of the site and its surroundings (usually available from the Southeastern Wisconsin Regional Planning Commission).
- (5) An operations plan, in which all horizontal and vertical measurements are referenced to a permanent reference point, consisting of maps, diagrams, narrative documents and other materials describing and explaining in detail the nature of the operations, the methods and procedures to be used in mining the site and in processing and otherwise dealing with the mined materials, the methods and procedures to be used in eliminating or minimizing adverse impacts or effects of the proposed operations, and a proposed timetable for completion of the operations and of the various stages of the operations, and which shall contain, without limitation, the following:
 - a. Type and total volume of desirable material to be extracted, and the estimated annual volume to be extracted, identifying the assumptions on which such estimate is based, and the type and volume of waste material to be stripped or extracted.
 - b. Type of mining, processing, and transportation equipment to be used.
 - c. Timetable for the commencement and, to the extent practical, duration and cessation of the mining operations, and if seasonal operations are intended, the months during which operations will be conducted.
 - d. Anticipated hours and days of operation, specifying differences between various aspects of the operations, if applicable.
 - e. Market area to be served by the operation.
 - f. Means of transporting mined materials from the site and the primary travel routes to be used.
 - g. Whether haul trucks will be owned by the operator or others.
 - h. Boring descriptions to the total depth of the proposed operation, describing each formation in terms of thickness and other relevant characteristics; sufficient borings

shall be conducted to describe the type and quality of material to be extracted, to calculate the amount of desirable material to be mined and the amount of waste material to be disposed of, and to demonstrate that an adequate supply of desirable material is located at the site to justify the adverse impacts of the operation. Borings shall be referenced to a permanent reference point.

- i. A detailed description and explanation of all methods used to control and monitor noise.
- j. A detailed description and explanation of all methods used to control and monitor dust and mud tracking.
- k. A detailed description and explanation of all methods used to control and monitor ground vibrations.
- l. A detailed description and explanation of all methods used to control and monitor airblast.
- m. A detailed description and explanation of how the operator proposes to screen the operations from surrounding properties, streets and highways, including, without limitation, detailed plans for any proposed berming or landscaping.
- n. A detailed description and explanation of how water will be collected, treated and disposed of on the site, and of all methods used to avoid or control water pollution or sedimentation and to monitor the results of such controls.
- o. A detailed description and explanation of how overburden and other waste materials will be stored, disposed of, or used.
- p. Observed or estimated depth of groundwater, together with a description of the location(s) and date(s) of any observations, and the basis for any estimates.
- q. A detailed description and explanation of how the operator will avoid a drawdown of groundwater that will affect nearby wells and of all methods used to monitor the effects of the operation on the groundwater table.
- r. A detailed statement of the following:
- s. The beneficial aspects of the proposed operation.
- t. The potential adverse impacts of the operation on humans residing or working in the vicinity of the operation which cannot be totally eliminated by proposed control measures.
- u. The potential adverse environmental impacts of the operation which cannot be totally avoided by proposed control measures.
- v. The potential adverse economic impacts of the operation on neighboring property owners and the Village which cannot be totally avoided by the proposed control measures.
- w. A detailed, step-by-step description and explanation of all aspects of the operations.
- x. A detailed site plan, drawn to scale, showing the boundaries of the site, the proposed boundary of the area to be mined, the proposed location of permanent mining area markers, the final elevation of the area to be mined, and the locations and dimensions of proposed berms, haul roads, crushing, washing or other processing facilities, conveyors, stockpiles, loading areas, scales or other sales facilities, circulation routes and parking, offices, explosives storage facilities, and all other structures or specific operations areas.
- y. With respect to any proposed blasting operations, a detailed description and explanation of the proposed blasting methodology, including, without limitation, drilling procedure (and how burden and depth of holes is measured), benching, the initiation system, type and sequencing of delays, the explosives used and a full description of a typical proposed production shot, including the height of the face, number of holes, size of holes, burden, spacing and maximum pounds of explosives per delay.

- z. If explosives are to be used in the operation, a detailed plan for the storage, handling and use of such explosives. Any such proposed procedures shall comply with all federal, state and local regulations.
- aa. Map or diagram and narrative describing in detail the sequential stages of mining (including any shifts in the location of activities or facilities) or, if no stages are planned, a detailed description of how the operator plans to proceed with the mining operation. The map or diagram shall show the location of all phase boundary stakes.
- bb. A detailed plan showing and describing in detail erosion control measures to be used during and in connection with each aspect of the operation. Such plan shall describe, without limitation, how disturbed surfaces such as stripped areas, haul roads, berms, waste piles, stored topsoil and stockpiles will be dealt with to prevent erosion, sedimentation, fugitive dust and pollution of surface water and groundwater, and how the operator proposes to minimize the area of erodible surfaces exposed at any one time. (In addition to any permit requirements, temporary stabilization measures may be ordered by the Plan Commission or its designee to correct situations which are resulting in or are likely to result in erosion, sedimentation, fugitive dust or water pollution that is detrimental to adjoining properties or to the public health, safety and welfare. Such temporary stabilization measures may include, without limitation, silt fencing, bale check dams, sod strips, riprap, hard surfacing with concrete or blacktop, slope reduction, seeding or sodding, erosion mat placement, mulching, and settling basin construction.)
- cc. A plan describing and explaining in detail the handling of all water on the site, including, without limitation, the following:
 - dd. Existing and proposed drainage on the site, showing contours at two-foot intervals.
 - ee. The location and dimensions of all settling, retention or detention ponds, together with calculations demonstrating that such ponds are of adequate design to eliminate downstream sedimentation, erosion or water pollution.
 - ff. The estimated volume of water to be pumped out of the operations area, together with the assumptions, observations and calculations on which such estimate is based.
- gg. A scale map of survey delineating all bodies of navigable water, all floodplains, all shorelands or shorelands wetlands zoning areas, all wetlands, and all primary environmental corridor areas on the site.
- hh. A detailed map or diagram and description of the location, type, height and installation of proposed fencing.
 - ii. If customers of the operator will pick up product at the site, a detailed description of how the operator will deal with haul trucks that arrive at the site before the site is open in the morning.
- jj. A detailed description of any highway modifications or improvements that are required or desirable to accommodate the anticipated truck traffic, including, for example, acceleration or turning lanes, traffic signals or reinforced pavement, the estimated cost of such improvements, and of any other required modifications of public infrastructure, and whether the operator proposes to pay for such modifications.
- kk. A detailed traffic study demonstrating that the anticipated truck traffic can be safely accommodated on the proposed routes of travel.
 - ll. A detailed description and explanation of the methods by which the operator proposes to determine whether the operation has damaged or diminished the value of nearby properties, including, for example, periodic evaluation of structures, wells and market value, and whether the operator is willing to reimburse persons for such losses.
- mm. If there are active wells within 1,000 feet of the quarry site, a hydrogeological study to determine whether and to what extent the operation is likely to draw down the groundwater table to an extent that wells will or may be impaired.

- nn. A listing of all federal, state or local permits or approvals which are required in connection with any aspect of the proposed operation.
- oo. A detailed description of all structures or areas of archaeological or historic interest on the site, and a detailed explanation of how the operation will affect such structures or areas.
- pp. A detailed description of, explanation of the function of, and architectural renderings of all proposed structures.
- qq. Any other information or materials required to demonstrate that the proposed operation will result in no significant loss, harm or damage to neighboring property owners, to the Village or to the public health, safety and welfare, nor any serious risk of any such loss, harm or damage.
- rr. A reclamation plan, in which all horizontal and vertical measurements shall be referenced to a permanent reference point, consisting of maps, diagrams, narrative documents and other materials describing and explaining in detail the proposed reclamation of the site, the methods and procedures to be used for reclamation and a timetable for completion of various stages of the reclamation, and which shall contain, without limitation, the following:
 1. A detailed description of the topsoil stripping and separation process, the location of topsoil storage, and the methods of stabilization and conservation that will be used during storage.
 2. A detailed reclamation site plan and description of the site when fully reclaimed, showing topography at two-foot intervals, drainage patterns, landscaping, structures, any water impoundments or lakes, and the proposed end use(s). To the extent that restoration will take place in stages, or incrementally, provide such site plan and description for each appropriate stage.
 3. The estimated elevation of the water's surface in any lake or impoundment, referenced to a permanent reference point, and a detailed explanation for the basis of such estimate.
 4. Detailed landscaping plans, showing the location, species and size of the trees, shrubs and other vegetation to be planted or seeded, and the approximate time frame for such planting or seeding.
 5. Detailed cross-section diagrams, drawn to scale, showing at appropriate illustrative locations [which should be indicated on the reclamation site plan(s)] the reclaimed topographic features, including, without limitation, elevations, slopes, high wall reductions, benching, terracing, and other stabilization and utilitarian features.
 6. Detailed topsoil application, seeding and/or sodding plan, describing the location, methods and thickness of topsoil application, seed types, seeding rates, and mulching netting and/or other techniques used to accomplish soil and slope stabilization.
 7. Detailed plan for the disposal of all structures, roads and other facilities not incorporated into the final reclamation plan.
 8. Estimated cost of reclamation, by phase, with accompanying supportive estimates and calculations, and the proposed form of any security documents.
 9. A detailed description of how potentially dangerous conditions will be rendered safe and useful, e.g., by reducing sheer high walls to provide for access to the water, shallow areas suitable for swimming and fish propagation, climb-out areas, etc. To the extent practicable, a timetable for the commencement, duration and cessation of reclamation activities by stage.

10. Any other information or materials required to demonstrate that the proposed reclamation will result in a safe, useful and aesthetically pleasing site.
- ss. Additional information. The Plan Commission and its designees may require the submittal of such additional information or materials as may be necessary or desirable to determine the nature and extent of the operations, the potential adverse impacts of such operations on neighboring property owners and the Village in general, the appropriate methods to eliminate or mitigate potential adverse impacts, and the appropriateness and effectiveness of the proposed reclamation.
 - tt. Waiver of application requirements. The Plan Commission may waive any specified information required to be submitted with the application for a permit if it is satisfied that such information is not relevant or is unnecessary to a full and effective evaluation of the proposed operation and reclamation, or if the cost of producing certain information is unreasonable in comparison to the usefulness of the information in the evaluation process. The Planning and Development Department staff may preliminarily waive any application requirements on the same grounds, but such a preliminary waiver may be reversed by the Plan Commission. In determining whether to waive application requirements, the Plan Commission and Village staff shall take into account, without limitation, the nature and extent of the proposed operations, the surrounding existing and anticipated land uses, and whether and to what extent the operation preexisted the effective date of this section. It shall be the obligation of the applicant to request in writing any such waiver. Such request shall set forth the justification for such waiver.
 - uu. Public hearing for nonmetallic mining. Notwithstanding the public hearing requirements, the Planning staff shall, upon receipt of a complete permit application, refer the application to the Plan Commission for its consideration, and the Commission shall schedule a public hearing on the application before the Village Board. The hearing shall be scheduled not earlier than 60 days nor more than 90 days after receipt of the application to provide time for the staff to review the application, but the Plan Commission, for good cause shown, may order a modification of this requirement. Notice of the public hearing shall be published as a Class 2 notice in a newspaper of general circulation within the county. In addition, notice of the public hearing shall be mailed to the operator, the owner of the site, and to the last known address of all owners of real property located within 500 feet of the boundaries of the site. This requirement of actual notice to persons other than the operator is precatory, and the failure to mail or receive such notice shall not invalidate any action taken by the Plan Commission. At the hearing, the Plan Commission shall hear and receive information or recommendations presented by the Planning staff and/or its consultants, information presented by the applicant or the applicant's authorized agents and consultants, and information presented by members of the public. If the Plan Commission determines that additional time or information is required, the public hearing may be continued from time to time at the direction of the Commission. The applicant shall be given an opportunity to respond to any adverse information or recommendation.
 - 1. Decision. After the hearing, the Plan Commission and Board shall either grant or deny the permit application on the basis of express findings and conclusions. The Plan Commission and Board shall condition any permit granted upon compliance with specified operational and reclamation requirements, including the minimum requirements of this section and the requirements of all other applicable Village and county ordinances, except as such requirements may be appropriately modified by the Commission, and the requirements of all other applicable federal, state and local statutes, rules, regulations, ordinances and permits relating to blasting, mining, land use, highway access, air pollution,

water pollution, contamination of the ground, solid waste disposal, navigable waters, groundwater, wetlands, floodplains, shorelands and other environmental matters. The Commission may impose requirements which are in addition to, or more stringent than, the minimum requirements of this section. In granting a permit, the Commission shall specify all aspects of the proposed plan of operations and plan of reclamation which are not approved. No application shall be granted unless the Commission first finds that the approved operations, as conditioned, will result in no significant loss, harm or damage to neighboring property owners, to the Village, or to the public health, safety or welfare, nor serious risk of any such loss, harm or damage, and that the approved reclamation will result in a safe, useful and aesthetically pleasing site. In deciding upon an application regarding an operation that preexisted the effective date of this section and was active on the effective date of this section, the Plan Commission shall take into account the nature, extent, circumstances and past performance of the operation and shall modify the requirements of this section to the extent necessary to ensure that the permit requirements are reasonable under the particular circumstances.

2. Term of permit. Permits shall be granted for an initial term of two years. Thereafter, permits may be renewed by the Plan Commission and Board for terms of two years. Any permit issued pursuant to this section shall automatically terminate upon the abandonment of the quarry or other nonmetallic mining operations.
3. Renewal. Applications for the renewal of a permit shall be filed with the Village Clerk not later than 90 days prior to the expiration date. Any information or materials required for an initial permit application shall be supplied with the application for renewal to the extent that such information or materials were not supplied with the prior application or to the extent that the previously supplied information or materials are out-of-date or no longer accurate and complete. Such an application shall be processed in the same manner as an initial permit application. In the event that a timely renewal application is not decided by the expiration date of the permit, the permit shall be deemed to be extended to the date of the Commission's decision.
4. Amendment. In the event that the operator desires to make any material modification in the permitted operation or reclamation, the operator shall file with the Village Clerk an application for an amendment to the permit. Such application shall describe in detail the proposed modification, explain the effects of the proposed modification, supplement and update the information and materials submitted with the prior application and make the certification required for renewal applications. Such an application shall be processed in the same manner as an initial permit application.
5. Review and monitoring fees. The applicant shall pay a fee equal to the cost of any administrative, legal, engineering or consultant work which may be undertaken by the Village in the review of a quarrying or nonmetallic mining permit application. Such fee may include the cost of any monitoring activity set forth as a condition of the permit issued.
6. Security. As a condition of any permit issued pursuant to this section, the Plan Commission and Board shall require, and the operator shall promptly deposit with the Village, an irrevocable letter of credit, cash, a bond or other security in an amount adequate to secure the obligation of the operator to restore the site to a safe, useful and aesthetically pleasing condition, in accordance with the approved restoration plan, to the extent of the mining operations if the

operations were abandoned during the term of the permit. Any security instrument shall be in a form satisfactory to the Village Attorney and shall be issued by a person satisfactory to the Village Attorney. Any cash deposited with the Village shall be deposited in a segregated interest-bearing account and shall be used only for the required restoration. Any security shall be promptly released or returned to the operator, with any accrued interest, at the completion of the approved reclamation to the satisfaction of the Plan Commission. The termination, expiration or modification of a security instrument, in the absence of a renewal or replacement thereof or the making of other arrangements satisfactory to the Plan Commission after review by the Village Attorney, shall be grounds for suspension of the operator's permit.

7. Transfer. Permits issued under this section may be transferred only with the prior written approval of the Plan Commission. Such approval shall not be unreasonably withheld, but the Commission shall not approve any transfer in the absence of satisfactory arrangements regarding security and the prompt correction of any prior failure to comply with permit requirements.
- vv. Minimum standards. The following are minimum standards for all operations commenced after the effective date of this section and, to the extent reasonable, for all preexisting operations continued thereafter:
1. The minimum setback of any excavation shall be 200 feet from any street right-of-way or property line. When the operations adjoin residentially developed land or residentially zoned land, the Commission shall carefully consider whether greater setbacks are required.
 2. The minimum setback of any building, structure, storage area, parking area, or stockpile shall be 100 feet from any street right-of-way or property line.
 3. Accessways and roads shall be maintained in a dust-free condition either by oiling or by spraying with calcium chloride.
 4. All operations shall be conducted in a safe manner, especially with respect to hazards to persons, damage to adjacent lands or improvements, and damage to any street by slides, sinking or collapse of supporting soil adjacent to an excavation. No extractive operation shall be conducted in a manner so as to lower the water table of surrounding properties.
 5. No plan of reclamation shall be approved unless it will result in a safe, useful and aesthetically pleasing site.
 6. No reclaimed slope shall exceed a four-to-one ratio of horizontal distance to vertical distance; provided, however, that this requirement shall not apply to rock faces, and further provided that the Plan Commission, for good cause shown, may modify this requirement.
 7. After completion of operations, and in accordance with the approved rehabilitation map, the premises shall be cleared of debris and a layer of soil capable of supporting vegetation shall be spread over the premises to a depth of at least six inches (except for areas under water) and shall be seeded with grass or other ground cover to prevent erosion.

(cc) Mobile Home Parks

- (1) The requirements set forth in all applicable provisions of the Wisconsin Administrative Code and amendments thereto shall be complied with.
- (2) The minimum park size shall be 10 acres.
- (3) Minimum park width shall be 450 feet.

- (4) The maximum number of mobile home/manufactured home sites shall be eight per gross acre and shall be supplied by community water facilities.
- (5) The minimum open space provided shall be 20% of the development area, exclusive of streets.
- (6) The minimum lot area for a single module mobile home/manufactured home shall be 5,000 square feet. The mobile home/manufactured home lot shall be a minimum of 50 feet in width.
- (7) The minimum lot area for a double module mobile home/manufactured home shall be 6,000 square feet. The mobile home/manufactured home lot shall be a minimum of 60 feet in width.
- (8) The minimum setback for a mobile home/manufactured home park shall be 65 feet from the right-of-way line of a state trunk or county trunk highway and 45 feet from all other roads.
- (9) The minimum distance between mobile home/manufactured home units and all other exterior park lot lines shall be 45 feet.
- (10) The minimum distance between mobile home/manufactured home and internal service roads shall be 20 feet.
- (11) The minimum distance between mobile home/manufactured home trailers shall be 20 feet.
- (12) All drives, parking areas, and walkways shall be surfaced with dust-free material. There shall be two parking spaces for each mobile home/manufactured home. All public or private roadways shall have a minimum road right-of-way of 66 feet and shall meet all Village standards for road construction.
- (13) All mobile homes/manufactured homes shall be securely anchored to the ground so as to minimize storm damage.
- (14) No mobile home/manufactured home sales office or other business or commercial use shall be located on the mobile home/manufactured home park site. However, laundries, washrooms, recreation rooms, maintenance equipment storage, and one office are permitted as long as it is related to the general operations of the park.
- (15) Each mobile home/manufactured home park shall be completely enclosed, except for permitted entrances and exits, by:
 - a. A temporary planting of fast-growing material, capable of reaching a height of 10 feet or more; and
 - b. A permanent evergreen planting, the individual trees to be of such number and so arranged that within 10 years they will have formed a dense screen. Such permanent planting shall be grown or maintained to a height of not less than 10 feet.
- (16) All mobile homes shall meet the construction standards of the Mobile Home Manufacturing Association and any other requirements set forth by the Wisconsin Statutes or Wisconsin Administrative Code. All manufactured homes shall have a HUD (U.S. Department of Housing and Urban Development) label or insignia certifying that it is built in compliance with the Federal Manufactured Housing Construction Standards as set forth in the United States Code of Federal Regulations.
- (17) No mobile home/manufactured home site shall be rented for a period of less than 30 days.
- (18) The mobile home/manufactured home park shall meet the requirements of all local ordinances and state administrative rules regarding mobile homes/manufactured homes and mobile home/manufactured home parks, and in the event of a conflict between said ordinances, statutes or rules, the more restrictive requirement shall be complied with.
- (19) Copies of all licenses required by § 66.0435(1) to (8), Wis. Stats., shall be obtained and presented to the Commission for review.

- (dd) Restaurants, bars, or taverns (with live entertainment).
 - (1) Hours of use may be limited to prevent disturbance to abutting property owners.
 - (2) Lighting may be limited to prevent disturbance to abutting property owners.
 - (3) Any outside music speakers or live music shall comply with applicable Village ordinances and associated performance standards found herein.

- (ee) Restaurants, bars or taverns with outdoor dining, recreation, or entertainment (i.e., volleyball, horseshoes, etc.).
 - (1) A site plan shall be submitted, showing all proposed outdoor use areas, including parking, landscaping and the location of existing structures.
 - (2) Hours of use may be limited to prevent disturbance to abutting property owners.
 - (3) Lighting may be limited to prevent disturbance to abutting property owners.
 - (4) Any outside music speakers or live music shall comply with applicable Village ordinances and associated performance standards found herein.
 - (5) Any approval granted must be in conformance with the restrictions of the liquor license issued for the establishment.

Article 10
Accessory Uses and Structures

[Back to Table of Contents](#)

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
25-10-1	General Requirements		
25-10-2	Home Occupations		
25-10-3	Accessory Uses and Structures		
25-10-4	Various Performance Standards		
25-10-5	Other Temporary and Accessory Use Restrictions		

25-10-1 GENERAL REQUIREMENTS

- (a) Any accessory use or structure shall conform to the applicable regulations of the district in which it is located except as specifically otherwise provided.
- (b) Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction, except as provided in agricultural districts.
- (c) Accessory structures may be permitted in the agricultural districts prior to the presence of the principal structure provided that the parcel on which the accessory structure will be located is ten (10) contiguous acres in size or larger, the accessory structure is intended for an agricultural use, the proposed accessory structure meets the setback requirements needed for a principal structure in that district, and the accessory structure is at least one hundred (100) feet from any existing residence on abutting parcels.
- (d) No accessory use or structure shall be permitted that by reason of noise, dust, odor, appearance, or other objectionable factor creates a nuisance or substantial adverse effect on the property value or reasonable enjoyment of the surrounding properties.
- (e) No accessory use or structure shall be permitted without a principal use on a property except as specifically otherwise provided or approved by the Plan Commission and Board or as part of an allowed use in an agricultural district.
- (f) Except for signs and towers for broadcast facilities and/or wind energy, which are regulated separately, any detached accessory structure less than thirty-six (36) square feet in area is exempt from the requirement for obtaining a Zoning Permit. In addition, any temporary, seasonal outdoor above-ground swimming pool, hot tub, or whirlpool bath that does not remain erected on the same lot for more than one hundred twenty (120) consecutive days is exempt from the requirement for obtaining a Zoning Permit.

25-10-2 HOME OCCUPATIONS

- (a) Home occupations are permitted Accessory Uses in those districts that provide for such home occupations, subject to the provisions of this Section.
- (b) Regulations Applicable to Home Occupations:
 - (1) The primary use of the structure shall be as a dwelling unit.
 - (2) No person other than a resident of the dwelling unit shall be engaged or employed in the home occupation on the premises.

- (3) No mechanical equipment shall be utilized except that which is necessarily, customarily, or ordinarily used for household or leisure purposes.
- (4) No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials shall be used or stored on the site except those which are necessarily, customarily, or ordinarily used for household or leisure purposes.
- (5) There shall be no outside operations, storage, or display of materials or products.
- (6) Total storage of materials or products used in the business shall not exceed 128 cubic feet in volume.
- (7) No alteration of the residential appearance of the premises shall occur, including the creation of a separate entrance for the home occupation.
- (8) No process shall be used which is hazardous to public health, safety, morals, or welfare.
- (9) Visitors, customers, or deliveries shall not exceed that normally and reasonably occurring for a residence including not more than two business visitors per hour, not to exceed a total of eight visitors per day, and not more than two deliveries of product or material per week.
- (10) The home occupation shall not displace or impede use of required parking spaces, including any business storage in required garage parking areas.

25-10-3 ACCESSORY USES AND STRUCTURES

(a) RESIDENTIAL (“R” AND “A” DISTRICT) ACCESSORY STRUCTURES:

(1) Area:

- a. The prescribed maximum square foot, height allowances, and setbacks shall be as follows:

Summary of Regulations for Detached Accessory Buildings:			
Lot Size	Maximum Square Footage Allowed (Total)	Maximum Height (Feet)	Side/Rear Setback
<1 AC	1,000 SF	20	10-Feet
1 AC - 1.9 AC	2,000 SF	20	10-Feet
2-2.9 AC	3,000 SF	20	10-Feet
3 AC - 4.99 AC	4,000 SF	24	10-Feet
5 AC - 9.99 AC	5% of LOT AREA	30	10-Feet
10 AC AND ABOVE	10% of LOT AREA	30	25-Feet/50-Feet
<i>Garden Sheds (accessory structures not exceeding 150 square feet) must be no more than twelve (12) feet in height and can have a side/rear setback of 5-feet. Garden shed square footages count towards the overall allowed accessory structure square footage for a given property.</i>			

- (2) Location: Detached structures are permitted in the rear and side yards only and shall not be closer than ten (10) feet to a principal structure or more than distances prescribed in Section 25-10-3(a)(1) a. , for a side or rear lot line.

- a. When the street yard setback of a principal structure exceeds the required setback for the particular district in question, a detached accessory structure may be permitted in the street yard provided the street yard setback of the accessory structure is not less than the required setback for the district or the average street yard setback of principal structures on abutting parcels, if any, whichever is greater.
 - (3) Patios constructed at or below yard grade, may be installed in the rear or side yard adjacent to the principal structure without the issuance of a building permit; and shall not be located closer than five (5) feet to a lot line.
 - (4) Decks located adjacent to or attached to a principal structure shall not be closer to the lot line than the required side setback and rear setback for principal structures for the district in which they are located. Freestanding decks surrounding private swimming pools shall be located at least ten (10) feet from the principal structure and shall be located at least five (5) feet from a side or rear lot line. All decks shall require the issuance of a building permit.
 - (5) Residential Air Conditioning Condensers / Power Generators may be located adjacent to a residence in the rear yard and side yard, provided that all condensers and generators shall be located at least five (5) feet from a side or rear lot line. Residential air conditioning condensers and power generators shall not be located in the front yard.
 - (6) Private Swimming Pools are permitted as accessory uses in the rear yard in any district; except the C-1 Resource Conservation District; however, the swimming pool shall be located at least ten (10) feet from the principal structure, be located at least five (5) feet from any side or rear lot line, and be installed in accordance with the Village building, plumbing, and electrical codes, including the issuance of all required permits.
 - (7) Private Tennis Courts / Basketball Courts are permitted as accessory uses in the side and rear yard in any district, except the C-1 Resource Conservation District. A Building Permit is required for all tennis courts and:
 - a. All tennis courts shall be surrounded by a fence not less than ten (10) feet in height.
 - b. No lighting installed around a tennis court or basketball court shall project onto adjacent properties; and
 - c. No private tennis court or basketball court shall be located closer than five (5) feet to a lot line.
 - (8) Firewood shall not be stored in the front yard.
 - (9) Fences.
 - a. Residential fences may be permitted up to the property lines in residential districts but shall not in any case exceed a height of six (6) feet. Residential fences are not permitted in the street yard, except as ornamental, as defined, shall not exceed a height of four (4) feet and shall be 50% or more open (i.e., not more than 50% opaque) and shall not be closer than two (2) feet to any public right-of-way. All residential fences shall display their most aesthetic side towards the public and/or neighboring view.
 - b. Snow fencing not allowed to meet residential permanent standards.
 - c. Security Fences are permitted up to the property lines in all districts except residential districts. Security fences shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (b) **NON-RESIDENTIAL DISTRICT ACCESSORY STRUCTURES:**
- (1) **Height:** Shall not exceed in height twice their distance from the nearest lot line.
 - (2) **Area:** The aggregate total floor area shall not exceed three (3) percent of the total lot area, except that on agriculturally zoned parcels, the requirements of Section 25-10-3 a. (1) a. shall apply; in all non-residential and non-agricultural districts accessory building areas greater than three (3) percent are allowed, when approved by the Planning Commission as part of a Building, Site, and Operation Plan review, and where said buildings are used solely accessory to the principal use on said lot.

- (3) **SHORELAND OVERLAY DISTRICT:** Within the shoreland overlay district, accessory uses and detached accessory structures are permitted in the street yard portion of waterfront lots provided that such uses or structures shall not be closer than twenty-five (25) feet to the street right-of-way.
- (4) **FLAGPOLES:** are permitted as accessory uses in all yards of any zoning district.
- (5) **MUNICIPALLY-OWNED EMERGENCY SIRENS:** are permitted as accessory structures in all yards on any property in any zoning district with or without an existing principal structure or use.

25-10-4 VARIOUS PERFORMANCE STANDARDS

- (a) **Water Quality Protection:** No residential, commercial, industrial, institutional or recreational use shall locate, store, discharge or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that might run off, seep, percolate or wash or be harmful to human, animal, plant or aquatic life. This section shall not apply to uses other than those enumerated in it.
- (b) **Noise:** All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.
- (c) **Exterior Lighting:** Any lighting source on any use, lot or parcel which is for the purpose of illuminating any structure exterior, sign, parking lot or outdoor area shall be established in a manner which satisfies the following conditions:
 - (1) Such lighting shall be arranged, oriented or shielded in such a manner that direct radiation or glare from such source does not penetrate adjacent or nearby parcels or the public right-of-way.
 - (2) The source of such illumination shall be arranged, oriented or shielded in a manner which will not endanger the safety of pedestrian or vehicular traffic.
- (d) **Maintenance:** Any fence, wall, hedge, yard space or landscaped area required by this chapter or grant of variance or conditional use shall be kept free of an accumulation of refuse or debris. Plant materials must be well kept in a healthy, growing condition; and structures, such as walls and fences, shall be maintained in sound conditions, good repair and appearance at all times.
- (e) **Odors:** No residential, commercial, industrial, institutional or recreational use shall emit an odor of such nature or quantity as to be offensive or unhealthful which is detectable at the lot line.

25-10-4 OTHER TEMPORARY AND ACCESSORY USE RESTRICTIONS

- (a) Temporary uses may be permitted by the Zoning Administrator for a period of 14 days or as hereinafter provided. Temporary use permits for longer periods may be issued by the Village Plan Commission and Board after review of site and operation plans. Special requirements may be imposed for parking, sanitary facilities, lighting, and hours of operation. No temporary use listed herein shall be conducted within the street right-of-way. Temporary uses permitted under this Section may be allowed one (1) temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All buildings, tents, equipment, supplies, and debris shall be removed from the site within ten (10) days following the temporary activity.
- (a) Cargo Containers, railroad cars, truck vans, converted mobile homes, travel trailers, recreational vehicles, bus bodies, vehicles, and similar prefabricated items and structures originally built for purposes

other than the storage of goods and materials are not permitted to be used as an accessory storage building in the Village.

- (b) Notwithstanding the provisions set forth in subsection (b) of this section, licensed and bonded contractors may use cargo containers for the temporary location of an office, equipment, and/or materials storage during construction which is taking place on the property where the cargo container is located, if the use of the cargo container is authorized pursuant to the temporary use standards in subsection (a) of this section.
- (d) “Portable Storage Structure” is any container, storage unit, shed-like container or portable structure, other than an accessory building or shed complying with all building codes and land use requirements, that can or is used for the disposal or storage of personal property of any kind and which is located for such purposes outside an enclosed building.
 - (1) The use of portable storage structures are allowed under the following conditions.
 - a. There must be no more than one (1) portable structure per property.
 - b. The portable storage structure must be no larger than ten (10) feet wide, twenty (20) feet long, and ten (10) feet high.
 - c. A portable storage structure must not remain on the property in any zoning district in excess of thirty (30) consecutive days, and must not be placed at one property in a zoning district in excess of thirty (3) days in any calendar year.
 - d. Portable structures associated with construction at a site where a building permit has been issued are permitted for a duration of construction and must be removed from the site within fourteen (14) days of the end of the construction. Portable storage structures associated with construction are exempt from the aforementioned conditions.
- (e) Ponds, impoundments and similar bodies are permitted in all zoning districts provided that:
 - (1) To the maximum extent possible, all excavated material shall remain on site and shall be integrated into the restoration of the pond area.
 - (2) Detailed plans (site plan, cross-section, depth, area, location and disposition of spoils, timing) of the proposed pond excavation and restoration shall be submitted to the planning and development department for review and approval.
 - (3) A permit is required for such pond construction prior to any excavation.
 - (4) Except as discussed below, these provisions apply to all ponds, including, but not limited to, those utilized for the following purposes: drainage, recreation, aesthetics, sediment control, fish management. Stormwater ponds done by drainage districts according to district plans, ponds which have been previously reviewed and approved as part of an erosion control plan and existing ponds are exempt from such provisions.
 - (5) Borrow pits for public facility construction, such as for public roads, are subject to review and approval by the planning and development department.
 - (6) Ponds to be constructed in the shoreland or floodplain areas remain subject to the shoreland, wetland and/or floodplain provisions of this chapter which may limit such construction and will require a shoreland conditional use permit.
 - (7) Ponds should be constructed in conformance with the standards of the soil conservation service.
 - (8) If the excavated material from the project site is sold, given away, or is otherwise removed from the site in a manner in which the principal use appears to be soil removal, and pond construction appears to be a secondary result, the parcel shall be rezoned to M-3 quarrying

district and a mineral extraction conditional use permit shall be obtained prior to any excavation or grading on the parcel.

- (f) Because it is difficult to enumerate all temporary uses that may occur in the Village, any other use which the Plan Commission and Board find to be similar to other temporary uses permitted in a given district, will not be disruptive to the neighborhood, and will not create a hazard to traffic in a neighborhood may be permitted. The Plan Commission and Board may impose additional operational or construction conditions on such temporary uses when it is deemed necessary.

Article 11 Signs

[Back to Table of Contents](#)

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
25-11-1	Purpose		
25-11-2	Definitions		
25-11-3	General Restrictions		
25-11-4	Existing Signs		
25-11-5	Obsolete Signs		
25-11-6	Administration		
25-11-7	Construction and Maintenance		
25-11-8	Measuring Signs		
25-11-9	Requirements		

25-11-1 PURPOSE

- (a) **Applicability.** This Chapter regulates all Signs in the Village of Raymond that are readable/visible from the street right-of-way, public facilities, publicly owned or publicly managed trails and other recreation areas, and navigable waterways.
- (b) **Intent.** The Village of Raymond has a tradition and reputation as a community with a rich mix of land uses that blend into a landscape of high aesthetic quality. Depending on their size, number, and character, Signs may attract or repel visitors, affect the visual quality enjoyed daily by residents, affect the safety of vehicular traffic, and define the character of the area. Thus aesthetic considerations impact economic values as well as public health, safety, and welfare. This Chapter sets standards for the following purposes:
- (1) Maintain and enhance the visual quality (aesthetics) of Signage and the community;
 - (2) Enhance the pedestrian environment and improve pedestrian and motorist safety by minimizing distractions and obstacles to directional or warning Signs, Signs pertinent to the Village's businesses, and clear views of the street;
 - (3) Protect and enhance economic viability;
 - (4) Protect property values and private/public investments in property;
 - (5) Protect views of the natural landscape and sky;
 - (6) Avoid personal injury and property damage from structurally unsafe Signs;
 - (7) Provide businesses with effective and efficient opportunities for advertising and identification;
 - (8) Create attractive gateways and enhance the image of the community; and
 - (9) Inform the public of recreational opportunities, including for trails, within the Village.

25-11-2 DEFINITIONS.

- (a) **Signage Components.** The following words and phrases shall be regulated as a Signage Component, whether singularly or collectively, and shall have the meanings set forth below:
- (1) **Sign.** Any object, device, display, structure or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

As used herein *Sign* does not include the flag or emblem of any nation, organization of nations, or other governmental or municipal agencies or units; traffic control or other public agency Signs; community information Signs placed by a governmental entity; displays within the confines of a building; merchandise or models of products or services incorporated in a window display; works of art which in no way identify a product or service; temporary holiday decorations or displays with no commercial message; sculptural representations of an organization's or business's logo which do not contain any words and are not illuminated except that only one such representation of a particular business's or organization's logo is permitted; scoreboards located on athletic fields; and Signs mounted or painted on commercial vehicles incidental to the primary use of that vehicle as a mode of transportation.

- (2) **Sign Copy Area.** The total area of a Sign Face which may be used for display of advertising, message, announcement, etc.
- (3) **Sign Face.** The total surface of a Sign including the Sign Trim and Sign Copy Area.
- (4) **Sign Trim.** A separate border or framing around the Sign Copy Area.
- (5) **Vision Clearance Triangle.** The area in each quadrant of an Intersection that is bounded by the right-of-way lines of the roads and a vision clearance setback line connecting points on each right-of-way line that are located a distance back from the Intersection equal to the setback required for each right-of-way.
- (6) **Intersection.** The point at which the right-of-way lines meet or, for highway interchanges, the beginning and ending points of the on and off ramps. A "T" Intersection shall be considered the same as a four-way Intersection in the determination of the required distance of Signs from said Intersection.

(b) **Freestanding Sign.**

The following words and phrases shall be regulated as a Freestanding Sign, whether defined singularly or collectively, and shall have the meanings set forth below:

- (1) **Agriculture Sign.** A Sign identifying the name of a specific farm.
- (2) **Directional Sign.** On-premises or off-premises Signs directing the public to governmental, cultural, religious, or charitable institutions and Signs that provide directions, e. g., enter, exit, parking, or location of any place or area on the same premises.
- (3) **Freeway Sign.** A Sign within one-hundred fifty (150) feet of the Interstate 94 right-of-way. The road side edge of such Sign should be located as close to the interstate right-of-way as feasible, but shall maintain a minimum of five (5) feet from the public right-of-way. Freeway Signs shall be constructed as set forth in the Design Guidelines Manual and this ordinance.
- (4) **Governmental Sign.** On-premises or Off-premises Signs of any public or governmental agency addressing traffic, railroads, trespassing, evacuation routes, danger, governmental service (including a welcome Sign) or safety including water dependent informational Signs with public health, safety or regulatory information that are no larger than necessary to accommodate the information that needs to be displayed.
- (5) **Home Occupation Sign.** A Sign that advertises a permitted home occupation.
- (6) **Monument Sign.** A Freestanding Sign mounted on a base and whose Sign Face is less than three (3) feet above the ground.
- (7) **Off-premises Sign.** A Sign that directs attention to a place, business, commodity, service or entertainment conducted, sold, offered or located elsewhere other than upon the premises where the Sign is displayed.
- (8) **Private Property Sign.** A Sign containing the words "no trespassing," "no hunting," "no entry," "private property" or similar language indicating an intent to deny entry to the general public. *Private Property Signs* include Signs erected to conform to s. 943.13(2)(a) or (b), Wis. Stats.
- (9) **Private Trail Sign.** On-premises or Off-premises Signs that direct the people to privately owned trails, whether held open to the public or for private use by invitation only.

- (10) **Public Trail Sign.** On-Premises or Off-premises Signs that direct the public to publicly owned or publicly managed trails.
 - (11) **Recreational Sign.** On-premises or Off-premises Signs indicating the direction and/or distance to a specific cottage, resort, residence, park or recreations facility.
 - (12) **Subdivision Sign.** A permanently installed Sign located on the subdivision property that identifies the subdivision name, etc.
 - (13) **Street Banner Sign.** A Sign affixed to a light pole or similar object.
 - (14) **Temporary Sign.** A Sign that is installed for a limited time period for the purpose of advertising a forthcoming event, e.g. retailer's Signs temporarily displayed for the purpose of informing the public of a sale or special offer, garage sale Signs, church or club event Signs, etc. A permanently mounted Sign shall not be considered as temporary even though the message displayed is subject to periodic changes. Temporary Signs include **construction, event, political, private sale, and real estate** Signs. These subtypes are further outlined in Section 25-7-9(d).
- (c) **Building Signs.** The following words and phrases shall be regulated as a Building Sign, whether singularly or collectively, and shall have the meanings set forth below:
- (1) **Awning or Canopy Sign.** A Sign consisting of letters or symbols applied to the top as well as the front of an awning. Canopy Sign may consist of individually mounted lettering or symbols or lettering and symbols applied to a background and mounted to a canopy.
 - (2) **Projecting Sign.** A Sign which is attached to and projects out from a wall or a building.
 - (3) **Wall Sign.** A Sign mounted on and parallel to a building wall or other vertical building surface.
 - (4) **Window Sign.** A Sign consisting of painted or placed lettering or symbols presented in a way that does not significantly reduce the visual transparency of the window. Permanent Signage painted or printed on a background and placed in windows shall be avoided. Neon Signs may be used so long as the message it advertises relates to the business on the subject premises. Such Signs shall not be animated or flashing as stated in Section 25-7-3(h)(3).
- (d) **Billboard.** A Sign that advertises or directs attention to a business, commodity, good, product, facility, place, service, issue, activity or entertainment conducted, sold or offered elsewhere, regardless of the Sign's content with a Sign Face that is larger than thirty-two (32) square feet, except for a Freeway Sign, Monument Sign, Sponsorship Sign, or Governmental Sign, regardless of whether it is displayed on or off of the premises to which the sign relates.
- (e) **Pole Sign.** A Sign that is mounted on one (1) or more poles. A Freeway Sign shall not be considered a Pole Sign.
- (f) **Roof Sign.** A Sign that is erected or constructed wholly on or over the roof of a building, supported by the roof structure.
- (g) **Sponsorship Sign.** A Sign that is erected or constructed off-premises advertising the sponsorship of public facilities, such as parks, pavilions and fields, and publicly sponsored programs, such as youth baseball and soccer. Sponsorship Signs may be erected as Freestanding Signs or Building Signs. Sponsorship Signs shall be no larger than thirty-two (32) square feet and shall be subject to a sponsorship agreement, including maintenance requirements, with the Village and/or municipal entity who owns the public facility or runs the program.

25-11-3 GENERAL RESTRICTIONS

- (a) All Signs are prohibited in any zoning district, except as provided in this Chapter.
- (b) Signs as permitted in Section 25-11-6 are permitted to face a residential neighborhood or conservation district within one hundred (100) feet of such district boundary, except that Trail and Recreation Signs shall be allowed within and up to these districts.

- (c) No Sign may be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered in any Conservancy District, Shoreland Wetland Overlay District, or any Floodplain, unless the Sign is a Governmental Sign, Public Trail Sign, Private Trail Sign or Recreational Sign.
- (d) All Signs in shoreland areas that are readable to stream or lake users at any time of the year may not exceed sixteen (25) square feet in area on one (1) side or thirty-two (32) square feet in area on all sides for any one (1) premises; the Sign may not exceed a height of ten (10) feet, may not be located closer than twenty-five (25) feet to any side lot lines, and may not be located closer than seventy-five (75) feet to the ordinary high water mark of any navigable water body, unless the Sign is a Governmental Sign, Public Trail Sign, Private Trail Sign or Recreational Sign. All Signs placed in a shoreland area shall comply with applicable Wisconsin Department of Natural Resources regulations.
- (e) Signage shall be integrated into and designed to be consistent with the building façade and site design. Similar materials, colors, and styles should be used to ensure the Signage is consistent with the building design.
- (f) No Sign may be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a Zoning Permit as required under this Chapter, except for normal maintenance and repair as allowed under Sec. 25-11-4.
- (g) Number of Signs shall be limited as follows:
 - (1) The total of all signs that require permits that are erected or placed on any one (1) premises may not exceed twelve hundred (1,200) square feet in total display area, except for multi-tenant shopping centers, which will be allowed an additional five hundred (500) square feet of display area for each anchor store beyond the first one, under subsection (3) below.
 - (2) All Other Uses: Total signs are limited to two (2) signs per street frontage and no use shall have both a Pole Sign and a Monument Sign on one street frontage.
 - (3) SHOPPING CENTERS AND MULTI-TENANT BUILDINGS: May provide one (1) monument sign per street frontage. Shopping centers and multi-tenant buildings shall not install Pole Signs. Such facilities may also install one (1) Wall Sign, Awning or Canopy Sign, or Projecting Sign for each business in the building.
 - (4) GASOLINE STATIONS (Also service stations, convenience stores with pumps, or any combination thereof): May provide a maximum of two (2) Monument Signs unless otherwise allowed under a conditional use permit or planned unit development by the Village Board as set forth in Section 25-11-9(a)(5). Building Signs may also be provided subject to requirements under Section 25-11-9(e). Signs advertising incidental products for sale that are located on the gasoline pumps, and are not readable from the street right-of-way, will not require permits or be regulated in number.
 - (5) As an alternative to limitations in subsections (1) through (4) above, the parcel owner may submit a master sign plan to the Zoning Administrator for review and approval by the Village Plan Commission and Board. This master sign plan must indicate the type, construction, location, and height of each proposed sign on the site. Approval of the master sign plan may modify the limitations so long as the total plan is consistent with the intent and goals identified in this chapter and the Design Guidelines Manual and such approval is required before issuance of the first sign permit for the property. After approval of a master sign plan,

no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this chapter. In cases of any conflict between the provision of such a plan and any other provision of this chapter, the chapter shall control.

- (h) The following items are prohibited:
- (1) Beacons, streamers, pennants, pinwheels, strings of lights not permanently mounted to a rigid background, and inflatable Signs and tethered balloons, unless specifically permitted as a Temporary Sign but not to exceed 30 days of use in each calendar year.
 - (2) Signs affixed to a cart, trailer or other rolling mechanism are prohibited, unless specifically permitted as a Temporary Sign but not to exceed 30 days of use in each calendar year. This provision shall not prohibit Signs attached to a vehicle, trailer, farm wagon, or equipment if the Sign is incidental to the primary use of the vehicle, trailer, farm wagon, or equipment and the vehicle, trailer, farm wagon or equipment as a mode of transportation and are not parked for the purpose of advertising a product or directing people to a business or activity such that the Sign is readable from the street right-of-way; nor shall this provision prohibit any official Signs in the street right-of-way regulated by the federal, state, county, or local government.
 - (3) Signs that revolve, are animated, or have moving parts, or Signs that contain, include, or are illuminated by flashing or moving lights, have a display that may appear to grow, melt, x-ray, up- or down-scroll, write-on, travel, inverse, roll, twinkle, snow, or present pictorials or other animation, or are externally illuminated other than by white lights. This Section shall not prohibit changeable copy light emitting diode Signs and time and temperature Signs (collectively "LED Sign(s)") on Monument Signs, Pole Signs and Freeway Signs as further regulated in this Section. LED signs shall not be allowed on other types of Signs. LED Signs and Digital signage shall not be placed in a manner that interferes with a traffic control signal as determined by the Zoning Administrator and the Village Engineer.
 - (4) Signs that resemble, imitate, or approximate the shape, size, form, location, or color of railroad or traffic Signs, Signals, or devices.
 - (5) Signs that interfere with the effectiveness of railroad or traffic Signs, Signals, or devices, or that obstruct or interfere with traffic visibility by blocking sight lines for streets, sidewalks, or driveways, or are lighted in such a way as to cause glare or impair driver visibility upon public ways.
 - (6) Signs that prevent free ingress to or egress from any door or window, or any other way required by the local building or fire codes.
 - (7) Signs that contain characters, cartoons, statements, works or pictures of an obscene nature that are deemed to be obscene material as described in W.S.A. §944.21(2)(c).
 - (8) Billboards, Pole Signs where the bottom of the Sign is more than eleven (11) feet above grade and Roof Signs.
 - (9) Signs that are located in a vision corner or Vision Clearance Triangle unless allowed as part of a conditional use permit or planned unit development by the Village Board, after review and recommendation by the Village Engineer and Village Plan Commission/Board.

25-11-4 EXISTING SIGNS.

- (a) Signs lawfully existing at the time of the adoption or amendment of this Section may be continued, although the use, size, height, or location does not conform to the provisions of this Chapter. However, these Signs are deemed a nonconforming use or structure and the provisions of Article 8 of this Ordinance applies.
- (b) A Sign loses its legal nonconforming status if the size, design, or structure of the Sign is altered in

any way that makes the Sign less in compliance with requirements of this Chapter than it was before alteration.

- (c) Notwithstanding subsection 25-11-3(f), a Zoning Permit will be required for any structural alteration, addition, or repair to a legal nonconforming Sign.

25-11-5 OBSOLETE SIGNS

Upon vacating a commercial, industrial, agricultural, or institutional establishment, obsolete Signs must be removed within thirty (30) days, or for painted signs, may be painted out to match the building's exterior color, by the owner, agent, or person having the beneficial use of the property, building, or structure upon which such Signs may be found. A Sign is obsolete for purposes of this Section when the advertised use, place or thing no longer exists at the site to which the Sign relates.

25-11-6 ADMINISTRATION

- (a) **Administrator.** This Chapter shall be administrated by the Village's Zoning Administrator, in consultation with the Village Engineer as indicated. Approval shall be by the Zoning Administrator unless otherwise specified. Sign administration in the Village of Raymond is intended to provide clear instruction on the type of Signs in each zoning district and land use classifications, and whether specific Sign types are (a) allowed, (b) require a permit, or (c) do not require a permit. Detailed regulations regarding the size and style of Signs are set forth in Sections 25-11-7 through 25-11-9.
- (b) **Signs for which no permit is required.** A permit shall not be required for the following Signs:
 - (1) Nameplates not over two (2) square feet in area, provided the same is limited to one (1) for each premises, tenant, or family and the same is located at least five (5) feet from the outer limits of the street right-of-way and lot lines;
 - (2) Real Estate Signs meeting the requirements of Section 25-11-9(d)(5);
 - (3) Private Property Signs meeting the requirements of 25-11-9(a)(7);
 - (4) Property address markers assigned by the Village and of a design approved by the Village;
 - (5) Tablets, grave markers, headstones, statuary, or monuments of persons or events that are noncommercial in nature;
 - (6) Temporary Signs meeting the requirements of Section 25-11-9(d)(2, 3 and 4); and
 - (7) On-Premises Directional Signs that meet the requirements of Sec. 25-11-9(a)(2). The number of signs on one (1) premises shall be limited to the number necessary to safely direct traffic into the specific site as determined by the Zoning Administrator.
- (c) **Design Guidelines Manual.** The applicant shall also follow the Design Guidelines Manual, where applicable, as published and revised by the Village from time-to-time. Among other features, these guidelines address the standards delineated under this Chapter and provide examples of Signs that meet the requirements of this Chapter. These guidelines are available from the Village Clerk.
- (d) **Sign Permit Application.** A Zoning Permit application for a Sign must be submitted to the Village Zoning Administrator on forms provided by the Zoning Administrator for review and approval. The Zoning Permit application must contain or have attached thereto at least the following information:
 - (1) Applicant's name, address, and telephone number.
 - (2) Location of building, structure, or lot to which or upon which the Sign is to be located.

- (3) Type of Sign applicant wishes to erect.
- (4) Zoning district in which the Sign will be erected.
- (5) Name of person, firm, corporation, or association erecting the Sign.
- (6) Written consent of the owner or lessee of the building, structure, or land to or upon which the Sign is to be located. Owner or lessee's Signature on the Zoning Permit application is considered written consent. The Signature of an owner's representative or agent is acceptable provided a letter of agency is on file with the Village.
- (7) A drawing of such Sign indicating the materials to be used, the type of illumination, if any, and the method of construction and attachment. Said drawing must be drawn at a scale no smaller than one-tenth (1/10) inch equals one (1) foot or dimensions must be shown on the drawing.
- (8) A drawing indicating the location and position of such Sign in relation to parcel boundary lines, nearby buildings and structures. Said drawing must include the Sign's height above finished yard grade. Said drawing must be at a scale no smaller than one (1) inch equals fifty (50) feet or dimensions must be shown on the drawing.
- (9) A landscape plan for landscaping surrounding the base of applicable ground level signs as required by the Zoning Administrator.
- (10) Signs requiring state or federal approval must provide a copy of such approval with the Sign permit application.
- (11) Additional information as may be required by the Zoning Administrator.
- (12) For all Signs in excess of thirty-two (32) square feet, a photograph with the proposed Sign included in a digital representation that shows the Sign from a distance of 150 to 300 feet.
- (13) All Submittals for a master sign plan shall also include the type, construction, location and height of each proposed sign. Approval of the master sign plan is required before issuance of the first sign permit for the property. After approval of a master sign plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this Chapter.

25-11-7 CONSTRUCTION AND MAINTENANCE STANDARDS

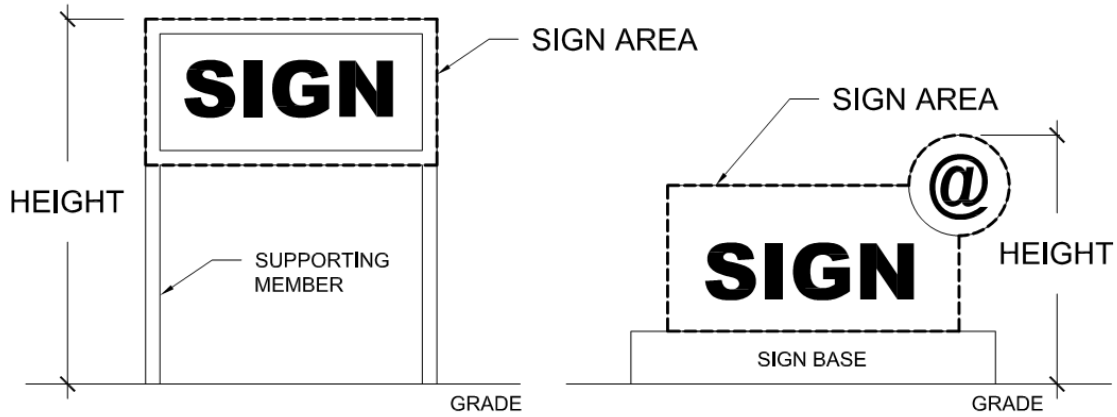
- (a) All Signs must be designed and constructed to withstand wind pressure of not less than forty (40) pounds per square foot of area and must be constructed to receive dead loads as required by the Village.
- (b) The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration, or maintenance of a Sign is permitted subject to the approval of the jurisdictional authority, provided that the space occupied is roped off, fenced off, or otherwise isolated as directed by said authority.
- (c) The owner of any Sign must keep it in good maintenance and repair which includes restoring, repainting, or replacing a worn or damaged Sign to its original condition; and must maintain the immediate premises on which the Sign is erected in a clean sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds, and grass.
- (d) No Sign or any part thereof or Sign anchor, brace, or guide rod may be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe and no such Sign or any part of any

such Sign or any anchor, brace, or guide rod may be erected, put up, relocated, or maintained so as to hinder or prevent ingress or egress through such door, doorway, fire escape, window, or opening designated by the local fire department, or so as to hinder or prevent the raising or placing of ladders against such building by the local fire department as necessity may require.

- (e) Upon request of the Zoning Administrator, it is the responsibility of the applicant to establish by competent evidence that the Sign meets any above stated standards or requirement.

25-11-8 MEASURING SIGNS

- (a) In calculating the area of a Sign to determine whether it meets the requirements of this chapter, the Zoning Administrator must include the Sign copy and any border or frame surrounding that copy. Customary supporting members of a Sign will be excluded from the area calculation. The area of irregularly shaped Signs or of Signs containing two (2) or more detached elements will be determined by the area of the smallest circle, square, triangle, rectangle, or combination thereof, that will encompass all elements of the Sign. Where individual letters, words, emblems, symbols, etc. are affixed to a building, a rectangle around the entire phrase or sentence will be measured to compute Sign area. Where the Sign background is made a different color from the building such as by painting, the area of different color will be measured. Back-to-back, side-by-side, bottom-on-top, and V-shaped Signs constitute one (1) Sign within the meaning of this Section.
- (b) The Sign height shall be computed as the distance from the base of the Sign or structure to which it is attached at normal grade to the top of the highest attached component of the Sign. Normal grade shall be construed to be the lower of: (1) Existing grade prior to construction; or (2) The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of elevating the Sign. In cases in which the normal grade cannot reasonably be determined, Sign height shall be computed on the assumption that the elevation of the normal grade at the base of the Sign is equal to the elevation of the nearest point of the crown of a street or the grade of the principal pedestrian entrance to the principal structure on the site, whichever is lower.
- (c) For Monument Signs, the structural elements and artistic elements without any advertising language or identification on them shall not exceed one hundred (100) square feet in area for each Sign face and are excluded from the square footage calculation for the Monument Sign. Such structural and artistic elements may exceed one hundred (100) square feet if approved through a site plan review by the Village Plan Commission and Board. Alternatively, such elements in excess of one hundred (100) square feet may be included as part of the total base of such Monument Signs, thereby reducing the available area.
- (d) Spherical, free-form, sculptural, or other non-planar Sign area is fifty (50) percent of the sum of the areas using only the four (4) vertical sides of the smallest four-sided polyhedron that will encompass the Sign structure. Signs with more than four (4) faces are prohibited.



25-11-9 REQUIREMENTS

The following requirements apply based on type of Sign and may be modified only by approval of the Village Board under a master sign plan upon review and recommendation by the Zoning Administrator, the Village Engineer and the Village Plan Commission/Board. A submittal for a master sign plan shall include the additional information specified under this code.

Sign Type	Zoning District Allowed	SF Allowed I	SF Allowed II	Height Max	Min. Setback	Notes
Freestanding Signs:						
Agricultural Signs	"A" & Lands with the primary use as agricultural	24 (one side)	48 (two sides)	6'	1'	
Freeway Signs*	"B", "M" & "BP" Districts	Primary Sign: 196 Secondary Sign: 84	Primary Sign: 392 Secondary Sign: 168	30'-35'	5'	Masonry Base 3' Min./6' Max.; 28" Lettering Height Maximum
Monument Signs*	"B", "M", "BP", "I", & "C" Districts	48 (one side)	96 (two sides)	8'	1'	Base must be equal to width of sign or greater
Pole Signs*	"B", "M", & "BP" Districts	32 (one side)	64 (two sides)	15'	1'-15'	One (1) per Premises Allowed
Home Occupation Signs	"A", "R" and "RM" Districts	4 SF Max. (All Sides)	~	~	5'	
Directional Signs	All Districts Except "R", RM-1 and RM-2	12 (one side)	24 (two sides)	5'	1'	
Off-Premise Signs	See Code	32 (one side)	64 (two sides)	8'	1'-15'	
Building Signs:						
Awning & Canopy	"B", "M", "BP", "I" & "C" Districts	No Max.	~	~	~	One (1) per tenant; no extension beyond 1-foot from curb line.
Projecting	"B", "M", "BP", "I" & "C" Districts	100	~	20'	~	Must be 10' above sidewalk and 15' above driveway/alley; No extension more than 6 feet from structure; one per tenant (2 for corner tenant)
Wall	"B", "M", "BP", "I" & "C" Districts	32	~	~	~	Cannot extend more than 12" from building.
Window	"B", "M", "BP", "I" & "C" Districts	20% of window area OR 100 SF (whichever is less)	~	~	~	Window neon signs shall not be greater than 8 SF.

*Subject to landscape plan for base

*Light Emitting Diode Signs (LED) allowed on Monument Signs, Pole Signs and Freeway Signs only; can't be larger than 30% of sign copy area.

Note 1: The total of all signs erected or placed on any one (1) premises may not exceed twelve hundred (1,200) square feet in total display area, except for multi-tenant shopping centers per this code.

Note 2: Total signs are limited to two (2) signs per street frontage and no use shall have both a Pole Sign and a Monument Signs on one street frontage.

(a) Freestanding Signs.

- (1) **Agricultural Signs.** Signs may not exceed twenty-four (24) square feet on one side and forty-eight (48) square feet on all sides. Agriculture Signs are limited to one Sign

for any one farm. Such Signs may be located within one (1) foot of the property line except Public Trail Signs and Private Trail Signs, if the location does not interfere with vision clearance triangles or pedestrian amenities (i.e. sidewalks) and in such case the placement of the sign shall be in a manner that does not create an obstacle for the right-of-way and does not interfere with drainage ways, plowing and snow plowing.

- (2) **Directional Signs.** Directional Signs, including internal Public Trail Signs and Private Trail Signs, may not exceed twelve (12) square feet on one side and twenty-four (24) square feet on all sides, nor may such Signs be greater than five (5) feet in height. Directional Signs may be located within one (1) foot of the property line except Public Trail Signs and Private Trail Signs, if the location does not interfere with vision clearance triangles or pedestrian amenities (i.e. sidewalks) and in such case the placement of the sign shall be in a manner that does not create an obstacle for the right-of-way and does not interfere with drainage ways, plowing and snow plowing.
- (3) **Freeway Signs.** Freeway Signs may be erected in those areas within one-hundred fifty (150) feet of the State of Wisconsin Interstate 94 right-of-way with a permit. Freeway Signs shall not be erected in any other part of the Village. Freeway Signs designed, intended or located in such a manner as to be visible to the traveling public on a freeway or expressway shall be limited to a height between thirty (30) and thirty-five (35) feet. Such height shall be measured from the centerline street grade of such freeway adjacent to where the freeway Sign is oriented or ground level at the freeway Sign location, whichever is higher. All freeway Signs shall have a masonry base with a minimum overall height of three (3) feet and a maximum of six (6) feet. No primary Sign area is to exceed one-hundred ninety-six (196) square feet on one side and three-hundred ninety-two (392) square feet on all sides. No secondary Sign area is to exceed eighty-four (84) square feet on one side and one-hundred sixty-eight (258) square feet on all sides. All lettering shall be a maximum of twenty-eight (28) inches in height. The road side edge of such Sign should be located as close to the interstate right-of-way as feasible, but shall maintain a minimum of five (5) feet from the public right-of-way. Illuminated freeway Signs shall be erected or maintained so that the beams or rays of light are effectively shielded so as not to cause glare or impair the vision of the driver of any motor vehicle and shall contain no flashing, intermittent or moving lights. Freeway Signs which are not designed, intended or located in a manner so as to be visible to the traveling public on freeways and expressways are prohibited. The owner of any freeway Sign shall keep it in sound condition, well-maintained, and in good appearance and repair which includes restoring, repainting, or replacement of a worn or damaged legally existing Freeway Sign to its original condition, and shall maintain the premises on which the freeway Sign is erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, refuse, debris and weeds. To the extent possible, signage for businesses within a Business Campus shall consolidate signage to the Freeway Sign. The use of LED and Digital Signage on Freeway Signs is as regulated under this code.
- (4) **Home Occupation Signs.** Home Occupation Signs shall not exceed four (4) square feet on all sides. Signs affixed to a yard light post or Signpost must be set back a minimum of five (5) feet from the street right-of-way line. Such Signs may include the name, address and type of home occupation.
- (5) **Monument Signs.** Monument type Signage should be consistent with the materials, colors and style of the building it advertises. The base of a monument Sign should be at least as wide as the rest of the Sign. Only individual letters and symbols should be internally illuminated. Monument Signs should not exceed eight (8) feet in height,

and shall not exceed forty-eight (48) square feet on one side and ninety-six (96) square feet on all sides. External point source lighting may be used on non-illuminated Signage. Time and/or temperature devices may be erected on Monument Signs. Shopping centers and multi-tenant buildings may provide one (1) Monument Sign for each street frontage. Gasoline stations, service stations, convenience stores with pumps, or any combination thereof may provide a maximum of two (2) Monument Signs unless otherwise allowed under a conditional use permit or planned unit development by the Village Board upon review and recommendation by the Zoning Administrator and the Village Plan Commission/Board. All others are limited to one monument unless otherwise approved under a Master Site Plan for a conditional use or a planned unit development. Monument Signs may be located within one (1) foot of the property line if the location does not interfere with vision clearance triangles or pedestrian amenities (i.e. sidewalks) and in such case the placement of the sign shall be in a manner that does not create an obstacle for the right-of-way and does not interfere with drainage ways, plowing and snow plowing. Governmental Signs shall not count toward the maximum number of allowable Signs on any one site. The use of LED and Digital Signage on Monument Signs is as regulated under this code.

- (6) **Off-Premises Signs.** Off-Premises Signs are only allowed in public or private recreational properties to promote sponsorship needs and require Plan Commission approval. Signs shall not to exceed thirty-two (32) square feet in area on one side and sixty-four (64) square feet in area on all sides. Such Signs shall be located at least fifteen (15) feet from the outer limits of the street right-of-way or a side or rear lot line. Except for Recreational, Public Trail and Private Trail Signs, each entity erecting such a Sign is limited to three (3) in number under this Section. Such Signs are limited to a maximum height of eight (8) feet except that Sponsorship Signs may be higher upon approval of the Village. Off-Premise Signs may be located within one (1) foot of the property line, subject to Plan Commission approval, if the location does not interfere with vision clearance triangles or pedestrian amenities (i.e. sidewalks) and in such case the placement of the sign shall be in a manner that does not create an obstacle for the right-of-way and does not interfere with drainage ways, plowing and snow plowing. Governmental Signs shall not count toward the maximum number of allowable Signs on any one site.
- (7) **Pole Signs.** Pole Signs may not exceed a height of fifteen (15) feet, except that Sponsorship Signs may be higher upon approval of the Village. The bottom of the Pole Sign face may not be more than eleven (11) feet above grade. The Pole Sign may not exceed thirty-two (32) square feet on one-side and may not exceed sixty-four (64) square feet on all sides. Only one (1) Pole Sign is allowed per premises. If the premises is part of a conditional use or planned unit development, signage shall be consolidated pursuant to a Master Sign Plan. Such Signs shall be located at least fifteen (15) feet from the outer limits of the street right-of-way or a side or rear lot line. Pole Signs may be located within one (1) foot of the property line, subject to Plan Commission approval, if the location does not interfere with vision clearance triangles or pedestrian amenities (i.e. sidewalks) and in such case the placement of the sign shall be in a manner that does not create an obstacle for the right-of-way and does not interfere with drainage ways, plowing and snow plowing. Governmental Signs shall not count toward the maximum number of allowable Signs on any one site. The use of LED Signs on Pole Signs is as regulated under this code.
- (8) **Private Property Signs.** Private Property Signs may not encroach upon any street right-of-way and may not be greater than two (2) square feet on one side.
- (9) **Street Banner Signs.** Street Banner Signage is permitted on light poles provided that the Signage does not block illumination from the streetlight. Street banner Signs shall

be no larger than eight (8) square feet on one side and sixteen (25) square feet on all sides.

- (10) **Subdivision Signs.** Subdivision Signs not to exceed forty-eight (48) square feet in area on one (1) side and ninety-six (96) square feet in area on all sides, that are located at entrances to subdivisions or developments or along abutting streets or highways, identifying residential complexes or displaying the property addresses. Said Signs shall be located on an outlot, permanent easement, or other common area and they shall not be located closer than fifteen (15) feet to any street right-of-way, nor closer than ten (10) feet to any side or rear lot line, unless otherwise allowed by the Village Engineer to be located on a median island within a gateway entry to a subdivision. Such Signs may not exceed twelve (12) feet in height and the design shall be approved by the Village Engineer. No more than two (2) such Signs are permitted for any one (1) subdivision or development.
- (11) **Recreational Signs.** Recreational Signs shall not exceed two (2) in number and not exceed twelve (12) square feet in display area on one (1) side and twenty-four (24) square feet on all sides, five (5) feet in height and no closer than (10) feet to any right-of-way or property line. Recreational Signs may be located within one (1) foot of the property line if the location does not interfere with vision clearance triangles or pedestrian amenities (i.e. sidewalks) and in such case the placement of the sign shall be in a manner that does not create an obstacle for the right-of-way and does not interfere with drainage ways, plowing and snow plowing. Governmental Signs shall not count toward the maximum number of allowable Signs on any one site.
- (12) **Public Trail Signs.** Public Trail Signs shall be uniform in color in a style determined by the Village to create uniform notice to trails that are open to the public. Public Trail Signs shall be placed no closer than (10) feet to any right-of-way or property line unless otherwise approved by the Village Administrator or Engineer if visibility of the Sign is frustrated by this requirement and in such case the placement of the Sign shall be in a manner that does not create an obstacle for the right-of-way and does not interfere with drainage ways and/or mowing and snowplowing. Public Trail Signs may be located within one (1) foot of the property line if the location does not interfere with vision clearance triangles or pedestrian amenities (i.e. sidewalks) and in such case the placement of the sign shall be in a manner that does not create an obstacle for the right-of-way and does not interfere with drainage ways, plowing and snow plowing. Governmental Signs shall not count toward the maximum number of allowable Signs on any one site. The Village shall not be responsible for damage to any Sign placed closer than ten (10) feet to any right-of-way.
- (13) **Private Trail Signs.** Private Trail Signs shall not be in the same color or style as the Village's Public Trail Sign. Private Trail Signs shall be placed no closer than (10) feet to any right-of-way or property line unless otherwise approved by the Village Administrator or Engineer if visibility of the Sign is frustrated by this requirement and in such case the placement of the Sign shall be in a manner that does not create an obstacle for the right-of-way and does not interfere with drainage ways and/or mowing and snowplowing. Private Trail Signs may be located within one (1) foot of the property line if the location does not interfere with vision clearance triangles or pedestrian amenities (i.e. sidewalks) and in such case the placement of the sign shall be in a manner that does not create an obstacle for the right-of-way and does not interfere with drainage ways, plowing and snow plowing. Governmental Signs shall not count toward the maximum number of allowable Signs on any one site. The Village shall not be responsible for damage to any Sign placed closer than ten (10) feet to any right-of-way.

(b) **Building Signs.**

- (1) **Awning and Canopy.** Awning Signage may consist of letters or symbols applied to the top as well as the front. Both the lettering and the awning should be made of an opaque material. Canopy Signage may consist of individually mounted lettering or symbols applied to a background and mounted to a canopy. Awning and canopy Signs are permitted provided that the Signs do not extend vertically or horizontally beyond the limits of such awning or canopy. An awning or canopy for a shopping center may not extend beyond a point one (1) foot back from the vertical plane formed by the curbline in the shopping center. No awning or canopy may project into a required street yard, side yard, or rear yard, unless such structure already exists as an existing legal nonconforming structure or was approved by variance by the board of appeals and such Sign does not increase the dimensional nonconformity. Awnings shall not be lit from within; however, down cast lighting mounted beneath the awning to light a walkway below is allowed. Canopy lettering may be internally illuminated. External point source lighting may be used to light both awning and canopy Signage. Shopping centers and multi-tenant buildings may provide one (1) canopy Sign for each business in the building.
 - (2) **Projecting.** Projecting Signs fastened to, suspended from, or supported by structures may not extend more than six (6) feet from said structure; may not exceed a height of twenty (20) feet; and the bottom of the Sign may not be less than ten (10) feet above the sidewalk or fifteen (15) feet above a driveway or an alley. Total area of all projecting Signs may not exceed one hundred (100) square feet in area for any one (1) premises, regardless of the number of projecting Signs on the site. One projecting Sign is permitted per tenant. Corner tenants are permitted one Sign per street frontage.
 - (3) **Wall.** Wall Signs placed against the exterior walls of buildings may not extend more than twelve (12) inches outside of a building's wall surface and shall fit within a rectangular perimeter no greater than thirty-two (32) square feet in size. The wall Signs should be composed of individual letters or symbols mounted directly on background material acceptable to the Village. The letters/symbols may be internally illuminated but the background, if any, must be an opaque material. External point source lighting may be used on non-illuminated Signage.
 - (4) **Window.** Window Signage should consist of painted or placed lettering or symbols directly on the window and presented in a way that does not significantly reduce the visual transparency of the window. Neon Signs may be used so long as the message it advertises relates to the business on the subject premises. Any neon Sign shall consist only of letters, numbers and symbols and fit within a rectangular perimeter no greater than eight (8) square feet in size. Window Signs may not occupy more than twenty (20) percent of the total window area or one hundred (100) square feet, whichever is less.
- (c) **Light Emitting Diode Signs**
- (1) Light emitting diode Signs and time and temperature Signs (collectively "LED Sign(s)") are allowed on Monument Signs, Pole Signs and Freeway Signs only. LED Signs and Digital signage shall not be placed in a manner that interferes with a traffic control signal as determined by the Zoning Administrator and the Village Engineer. LED Sign displays must be steady in nature and each message lasts no less than five (5) seconds. No more than 30% of the Sign Copy Area shall be of an LED nature if such LED Sign is otherwise allowed with an intermittent change of display.
- (d) **Temporary Signs.**
- (1) **Construction.** Temporary Construction Signs for the purpose of designating a new building or development or for promotion of a subdivision may be permitted for a period up to two (2) years, and extensions may be granted for a period not to exceed

five (5) years total. Signs may not exceed forty-eight (48) square feet in area on one (1) side and ninety-six (96) square feet in area on all sides; may not exceed eight (8) feet in height, and must be located not closer than fifteen (15) feet from any street right-of-way, nor closer than ten (10) feet to any side or rear lot line. Only one (1) such Sign is permitted per street frontage.

- (2) **Events.** Temporary Event Signs for events sponsored by non-profit organizations or for a non-profit charitable event shall not exceed four (4) square feet in area and not more than five (5) feet in height. Such Signs must be located at least one (1) foot from the outer limits of the street right-of-way and one (1) foot from a side or rear lot line and outside of any Vision Clearance Triangle. Such Signs may be erected thirty (30) days prior to the event, and must be removed within three (3) days after the event.
- (3) **Political.** Temporary Political Signs that promote a particular candidate or candidates for a particular election may be erected during an election campaign period if in compliance with Section 12.04. Wis. Stats. The person or organization responsible for the erection or distribution of any such Signs, or the owner or owner's agent of the property upon which such Signs may be located, shall be responsible for the proper erection or removal of said Signs. Such Signs must be located behind the outer limits of the street right-of-way line. Such Signs shall not exceed thirty-two (32) square feet in Sign area on one (1) side and sixty-four (64) square feet in area on all sides. A maximum of four (4) such Signs may be placed on a lot.
- (4) **Private Sale.** Temporary Private Sale Signs advertising occasional noncommercial sales of personal property such as "house sales", "garage sales", "rummage sales", and the like.
- (5) **Real Estate.** Temporary Real Estate Signs that advertise the sale, lease, or rental of the structure(s) and/or property upon which said Signs are temporarily located are permitted on all properties advertised for sale, lease, or rent. Such real estate Signs are not to exceed nine (9) square feet in area on one (1) side and eighteen (18) square feet in area on all sides. These Signs shall be removed within thirty (30) days following sale, lease, or occupancy. Real estate Signs may be located not closer than ten (10) feet to any street right-of-way, nor closer than ten (10) feet to a side or rear lot line. Only one (1) such Sign is permitted per street frontage. Signs advertising the sale, lease, or rental of residential real estate may not exceed a height of six (6) feet. Signs advertising the sale, lease, or rental of commercial real estate may not exceed fifteen (15) feet in height.

Article 12
Off Street Parking

[Back to Table of Contents](#)

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
25-12-1	Off Street Parking		

25-12-1 OFF STREET PARKING

- (a) **OFF STREET PARKING REQUIRED:** Off-street vehicle parking space shall be provided for buildings and uses as hereinafter specified. Such parking shall be reasonably adjacent to the use or building served; be intended specifically to serve the residents, patrons, or employees of said use or building; and the required number of spaces must be demonstrably usable and accessible for such purpose.
- (b) **APPLICATION TO EXISTING USES:** The provision of parking space shall not be required for legally existing uses as of the date of this ordinance, but shall be required for any expansion for such use by the addition of new primary floor area or other spatial expansion of building or use generating new parking demand.
- (c) **DETERMINATION OF NEED:** The number of parking areas required shall be based upon the anticipated parking demand of individual uses and shall be as follows or as may be designated hereinafter for specific uses or situations as per Plan Commission/Board approval. In any case of structures or uses not mentioned, the provision for a use which is similar shall apply:

<u>Use</u>	<u>Parking Requirements</u>
Single Family Dwelling and Mobile Homes	2 spaces per dwelling unit
Two-Family and Multi-Family Dwellings	2 spaces per dwelling unit
Hotels and Motels	1 space for each guest room plus 1 stall for each 3 employees
Colleges, Secondary, and Elementary Schools	1 stall for each 2 employees plus a reasonable number of stalls for student and other parking
Hospitals, Clubs, Lodges, Sororities, Dormitories, Lodginghouses, and Boardinghouses	1 stall for each 2 beds plus 1 stall for each 3 employees
Rest Homes, Nursing Homes, Sanitariums, and Institutions	1 stall for each 5 beds plus 1 stall for each 3 employees
Medical and Dental Clinics	3 stall for doctor plus 1 stall for each employee
Churches, Theatres, Auditoriums, Community Centers, Vocational and Night Schools, and Other Places of Public Assembly	1 stall for each 5 seats

Restaurants, Bars, Places of Entertainment, Repair Shops, Retail and Service Stores	1 stall for each 150 square feet of floor area
Manufacturing and Processing Plants, Laboratories and Warehouses	1 stall for each 2 employees during any 12-hour period
Financial Institutions, Business, Governmental and Professional Offices	1 stall for each 300 square feet of floor area
Funeral Homes	1 stall for each 4 seats
Bowling Alleys	5 stalls for each alley

(d) **STANDARD DIMENSIONS:**

- (1) Parking stalls shall be no less than nine (9) feet in width and not less than 180 square feet in area exclusive of the space required for ingress and egress.
- (2) Drive aisles shall be a minimum of 24 feet in width for two-way traffic and 12-feet in width for one-way traffic on sites. Fire Code requirements may apply above these stated drive aisle requirements in some cases.

(e) **AMERICAN DISABILITIES ACT:** Adequate parking stalls shall be made available for disabled persons per federal and state requirements.

(f) **LOCATION:** Location of parking areas shall be on the same lot as the principal use and not over four hundred (400) feet from the principal use.

(g) **SURFACING:** Any driveway or off-street parking area (other than that provided for a residence) shall be hard surfaced or maintained in a reasonably dustless condition by dust-proofing applications. The method of surfacing shall be approved by the Plan Commission/Board.

(h) **CURBS:** Curbs or barriers shall be installed so as to prevent parked vehicles from extending over any lot lines. The extent of curbing need on a given parking lot shall be approved by the Plan Commission/Board.

(i) **SCREENING:** Any off-street parking area, other than that provided for a residence, which abuts or faces a residence district shall provide a planting screen, landscaped fence, or wall, at least four (4) feet in height along the side abutting or fronting on a residence district (Subject to Planning Commission discretion for unique situations). Plans for such screen shall be submitted to the Plan Commission/Board for approval prior to installation.

(j) **PARKING SETBACKS:**

- (1) In any residential district no vehicle shall be allowed to park closer nor shall any drive be permitted closer than five (5) feet to the abutting residential lot line and the parking of a vehicle must be on a hard surface of compacted gravel or concrete/asphalt.

District	Setback from Right-of-Way	Setback from Side & Rear Property Lines
Residential	0 ft	5 ft

- (2) In any off-street parking area for a commercial use, no vehicle shall be allowed to park closer nor shall any drive be permitted closer than fifteen (15) feet to an abutting residential district (Subject to Planning Commission discretion for unique situations and approved screening methods).

(k) **DRIVEWAY ACCESS:**

- (1) Adequate access to a public street shall be provided for each parking area, and driveways shall be at least ten (10) feet wide for one- and two-family dwellings and a minimum of twenty-four (24) feet for all other uses.
- (2) No direct access shall be permitted to the existing or proposed rights-of-way of expressways, freeways or interstate highways, nor to any other road, street or highway, without permission of the authority maintaining the facility.
- (3) Vehicle entrances and exits to drive-in theaters, banks, and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages; or public parking lots shall be not less than two hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter or place of public assembly.
- (4) Adjacent residential uses may agree to establish a common driveway. In such cases, the driveway midpoint should be the property line between the two (2) parcels; however, the precise location of such driveway will be determined by the jurisdictional authority. The driveway must meet standard specifications and the landowner(s) shall record cross access agreements to ensure continued use, upkeep and maintenance of the combined access points.
- (5) Cross access to and between neighboring properties shall be implemented wherever possible. The goal in this requirement is to remove as much incidental, site-to-site traffic from adjacent roads as practical thus reducing the possibility of traffic conflicts and accidents. Cross access may be achieved by the interconnection of parking lots or the construction of a separate drive. Sharing of access to state and county trunk highways by commercial or industrial land uses may also be permitted. Such shared access shall have the approval of the county highway department or state department of transportation, depending upon jurisdiction. A cross access agreement shall be recorded by all landowners utilizing such shared access. Such shared access must meet standard specifications.
- (6) Access drives to principal structures which traverse wooded, steep, or open fields shall be constructed and maintained to a width and base material depth sufficient to support access by emergency vehicles. All driveways shall have a minimum width of twelve (12) feet with road strength capable of supporting emergency and fire vehicles, in compliance with any Village standards.

(l) **RESIDENTIAL & COMMERCIAL PARKING RESTRICTIONS:**

- (1) Parking of vehicles accessory to a residential use shall be limited to those actually used by the residents or for temporary parking for guests. Vans or pickup trucks used for private and recreational use, or a motor home (recreational vehicle), or a van or pickup truck used in a business or trade and commercial vehicle per subsection (b) used for transportation to and from a place of employment or workplace of the occupant may be parked on a residential property.
- (2) One (1) commercial vehicle of not over one-ton rated capacity may be parked per residential dwelling unit, providing all of the following conditions are met: vehicle is registered and licensed; used by a resident of the premises; gross vehicle weight does

not exceed ten thousand (10,000) pounds, including any load; height does not exceed nine (9) feet as measured from ground level, excluding antennas, air vents, and roof-mounted air conditioning units, but including any load, bed, or box; and total vehicle length does not exceed twenty-six (26) feet, including attachments thereto (such as plows, trailers, etc.).

- (3) Recreational vehicles shall be parked in the rear or side yards only or in compliance with same setbacks allowed for accessory structures. Recreational vehicles must maintain a minimum of a five-foot setback from the rear and side lot lines but are not restricted to a minimum setback to the principal structure. For the purpose of this Section, recreational vehicles shall include boats and trailers, snowmobiles and their trailers, minibikes or trailbikes and their trailers, and unoccupied tent campers and travel trailers, all-terrain vehicles and personal watercraft and their trailers.
 - (4) Recreational vehicles shall be parked either within an enclosed attached garage or detached accessory structure or on an improved surface such as: asphalt; concrete; or compacted gravel.
 - (5) Recreational vehicles may be parked in a front yard driveway area for the sole purpose of loading and unloading for a duration not to exceed two twenty-four-hour nonconsecutive days in a seven-day period.
 - (6) No other vehicular equipment of a commercial or industrial nature, except as stated above, shall be parked or stored for more than two (2) consecutive hours and four (4) accumulated hours during any twenty-four-hour period on any lot in any zoning district except business and industrial districts or as permitted by an approved conditional use in the A-1 district.
 - (7) Outdoor parking of semi-tractors/trailers on commercial property (B-districts), that is not a principal use (e.g., truck sales), an accessory use (e.g., delivery vehicles), or which has not been approved through the conditional use or site plan review process is prohibited.
 - (8) Agricultural equipment (such as farm tractors, plows, farm plows, seeders, combines, cultivators, trucks owned and used by the farmer in the operation of the farm, etc.) used in a farm operation are permitted in all agricultural districts.
- (m) **OCCUPATION OF PARKED VEHICLES PROHIBITED:** No Camping Trailer or Recreational Vehicle shall be used for the purpose of habitation in the Village.
- (n) **USES NOT ENUMERATED:** In any case where there is question as to the parking requirements for a use or where such requirements are not specifically enumerated, such case shall be brought before the Plan Commission/Board, which shall have the authority to determine the appropriate application of the parking requirements to the specific situation.
- (o) **STREET SERVICING PROHIBITED:** No building for commercial or industrial purposes shall hereafter be erected or placed on a lot in a manner requiring servicing directly from the abutting public street.
- (p) **Abandoned, unlicensed, inoperative, discarded or junked vehicles:** The outside storage of abandoned, unlicensed, inoperative, discarded or junked vehicles on privately owned properties within the Village of Raymond is a source of annoyance to members of the public and to owners and occupants of adjacent land. The outdoor storage of such vehicles on private property is unsightly and constitutes an attractive nuisance to children and peril to their safety.

This subsection is intended hereby to protect public health, safety and to curb the deterioration of the community environment

- (1) No property shall be used for the outside storage of abandoned, unlicensed, inoperative, dismantled, partially dismantled, discarded or junked vehicles, except as may be otherwise permitted in this chapter.
- (2) No dismantled, partially dismantled or parts of vehicles shall be stored outside on any property within the county, except as otherwise permitted within this chapter.
- (3) No person shall abandon any vehicle within the Village of Raymond and no person shall leave any vehicle at any place within the Village for such time and under such circumstance as to reasonably cause such vehicle to appear to have been abandoned.
- (4) As used in this section, an abandoned, unlicensed, inoperative, discarded, or junked vehicles is:
 - a. Any vehicle that:
 1. Without a current license;
 2. Being held or used for the purpose of resale of used parts therefrom or for the purpose of reclaiming for use some of the materials therein for the purpose of disposing of the same;
 3. Wrecked, discarded or dismantled;
 4. In such a condition as to cost more to repair and place in operating condition than its reasonable market value after such repair; or
 5. Left unattended for more than forty-eight (48) hours on property of another, if left without permission of the property owner.
 - b. With respect to any vehicle not required to be licensed or not usually used on the public streets, the fact that such vehicle has remained unused for more than six (6) months and is not in condition to be removed under its own power shall be presumptive evidence that such vehicle is an abandoned, junked and/or inoperative vehicle.
- (5) The provisions of this section do not apply to vehicles kept by collectors or hobbyists pursuant to W.S.A., 341.266(4) or 341.268(4).

Article 13
Wind Energy Facilities

[Back to Table of Contents](#)

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
25-13-1	Purpose		
25-13-2	Applicability		
25-13-3	Location		
25-13-4	Principal or Accessory Use		
25-13-5	Small Wind Energy Facility		
25-13-6	Commercial-Scale Wind Energy Facility		
25-13-7	Commercial-Scale Wind Energy Facility Conditional Use		
25-13-8	Technical Review		
25-13-9	Abandonment		
25-13-10	Continued Compliance		
25-13-11	Indemnification		

25-13-1 PURPOSE

It is intended that conditional use permits shall be issued under this article to promote the effective and efficient use of wind energy and to regulate the placement of wind energy facilities so that the public health and safety will not be jeopardized.

It is in the public's interest and contributes to the protection of the public health, safety, and welfare to plan for and regulate commercial-scale wind energy facilities because the PSCW concluded in AP7 (December 1995) that it is important to site wind energy facilities carefully due to the fact that improperly sited wind energy facilities can cause adverse impacts. Wisconsin state statutes preserve local authority regarding zoning related to commercial-scale wind energy facilities and allow reasonable restrictions thereto. The Village of Raymond has considered and evaluated all of the relevant facts and circumstances and considered its duty to protect the public health and safety of its citizens in promulgating the policies, standards, and procedures that are set forth in this ordinance.

It is recognized that conflict is likely to occur if wind energy facility development occurs in the vicinity of existing and/or planned residential or commercial development and certain sensitive or high value environmental areas, and therefore it is in the public interest to limit development in the vicinity of these existing or planned land uses.

Commercial-scale wind turbines are industrial machines that have moving blades that can be eighty-five (85) feet or more in length atop towers that can be two hundred fifty (250) feet or more in height and that such moving blades atop very tall structures constitutes a public health and safety hazard for citizens of the Village of Raymond and therefore, it is the duty of the elected officials to protect the citizens by enacting appropriate regulations.

25-13-2 APPLICABILITY

The requirements of this article shall apply to all wind energy facilities proposed after the effective date of this article. Wind energy facilities for which a required permit has been properly issued prior to the effective

date of this article shall not be required to meet the requirements of this article provided, however, that any such preexisting wind energy facility that does not provide energy for a continuous period of twelve (12) months must meet the requirements of this article before re-commencing energy production. However, no modification or alteration to an existing wind energy facility shall be allowed without full compliance with this article.

25-13-3 LOCATION

Wind energy facilities shall not be located in any residential zoning district, shoreland, wetland, floodplain, or primary environmental corridor.

25-13-4 PRINCIPAL OR ACCESSORY USE

Wind energy facilities may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of a wind energy facility or a part of such facility on such lot. Wind energy facilities that are constructed and installed in accordance with the provisions of this article shall not be deemed to constitute the expansion of a non-conforming use or structure.

25-13-5 SMALL WIND ENERGY FACILITY

Small wind energy facilities shall be allowed after site plan review in all non-residential zoning classifications, where structures are allowed, subject to certain requirements as set forth below:

- (a) *Tower height:* For property sizes between one-half (½) acre and one (1) acre, the tower height shall be limited to eighty (80) feet. For property sizes of one (1) acre or more, there is no limitation on tower height, except as imposed by Federal Aviation Administration (FAA) regulations.
- (b) *Setback:* No part of any small wind energy facility may extend closer than the total height of the wind energy facility to the property boundaries on the installation site. Guy wire anchors may be located within ten (10) feet of the property boundaries.
- (c) *Noise:* For wind speeds in the range of zero to twenty-five (25) miles per hour, small wind turbines shall not cause a sound pressure level in excess of sixty (60) dB (A) or in excess of five (5) dB (A) above the background noise, whichever is greater, as measured at the closest neighboring inhabited dwelling at the time of application. This level, however, may be exceeded during short-term events such as utility outages and severe wind storms.
- (d) *Approved wind turbines:* Small wind turbines must have been approved under the Emerging Renewables Program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association. Written evidence of such approval must be submitted as part of the project application.
- (e) *Compliance with Uniform Building Code:* Permit applications for small wind energy facilities must be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the Uniform Building Code and certified by a licensed professional engineer must also be submitted. This analysis is frequently supplied by the manufacturer. Original stamps shall not be required.
- (f) *Compliance with FAA regulations:* Small wind energy facilities must comply with applicable FAA regulations, including any necessary approvals for installations close to airports. Copies of such approvals must be submitted as part of the application.
- (g) *Compliance with National Electric Code:* Permit applications for small wind energy facilities must be accompanied by written certification that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.

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- (h) *Utility notification:* No small wind energy facility shall be installed until written evidence has been given that the utility company has been informed of the customer's intent to install an inter-connected customer-owned generator. Off-grid systems shall be exempt from this requirement.

25-13-6 COMMERCIAL-SCALE WIND ENERGY FACILITY

Commercial-scale wind energy facilities are conditional uses in any agricultural district in conformance with the following requirements: In the A-1 district, must meet W.S.A., §§ 91.46(4) or 91.44(1)(f).

- (a) *Visual appearance, lighting, power lines:*
- (1) Wind turbines shall be painted a non-reflective, unobtrusive color, such as gray or white.
 - (2) Building and related structure designs at wind energy facility sites shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend the wind energy facility into the natural setting and the then-existing environment.
 - (3) Wind energy facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
 - (4) Wind turbines shall not be used to display any advertising, except for reasonable identification of the manufacturer or wind energy facility operator.
 - (5) Electrical controls and control wiring and power lines shall be wireless or not above ground except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.
- (b) *Setback:* The following setbacks and separation requirements shall apply to all wind turbines, provided, however, that the committee may reduce the standard setbacks and separation requirements if the intent of this article would be better served thereby.
- (1) *Inhabited structures:* Each wind turbine, at the time of application, must be set back from the nearest residence, school, hospital, church, or public library a distance no less than the greater of:
 - a. Two (2) times its total height; or
 - b. One thousand (1,000) feet.
 - (2) *Property lines:* Each wind turbine must be set back from the nearest property line a distance no less than 1.1 times its total height unless appropriate easements are secured from adjacent property owners or the committee approves other acceptable mitigation.
 - (3) *Public roads:* Each wind turbine must be set back from the nearest public road a distance no less than 1.1 times its total height, determined at the nearest boundary of the underlying right-of-way for such public road.
 - (4) *Communication and electrical lines:* Each wind turbine must be set back from the nearest existing above-ground public electric power line or telephone line a distance no less than one and one-tenth (1.1) times its total height.
- (c) *Noise:*
- (1) Audible noise due to wind energy facility operations shall not exceed fifty (50) dB (A) for any period of time when measured at any residence, school, hospital, church, public park or recreation area, campground, historic site, or public library existing on the wind energy facility siting permit approval date. This level, however, may be exceeded during short-term events such as utility outages and severe wind storms.
 - (2) In the event audible noise due to wind energy facility operations contains a steady pure tone, such as a whine, screech, or hum, the standards for audible noise set forth in subsection (3)a. above shall be reduced by five (5) dB (A).

A pure tone is defined to exist if the one-third ($\frac{1}{3}$) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third ($\frac{1}{3}$) octave bands by five (5) dB (A) for center frequencies of five hundred (500) Hz and above; by eight (8) dB (A) for center frequencies between one hundred sixty (160) Hz and four hundred (400) Hz; or by fifteen (15) dB (A) for center frequencies less than or equal to one hundred twenty-five (125) Hz.

- (3) In the event the ambient noise level (excluding the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dB (A) that is succeeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches, and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind-generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operation, provided that the wind velocity does not exceed thirty (30) miles per hour at the ambient noise measurement location.
 - (4) Any noise level falling between two (2) whole decibels shall be the lower of the two (2).
 - (5) The committee may grant a waiver in the event wind energy facility noise levels exceed the criteria listed above, if the following has been accomplished:
 - a. Written consent from the affected property owners has been obtained, stating that they are aware of the wind energy facility and the noise limitations imposed by this article, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and
 - b. If the applicant wishes the waiver to apply to succeeding property owners, a permanent noise impact easement must be recorded in the county register of deeds office that describes the benefited and the burdened properties and advises all subsequent owners of the burdened property that noise levels in excess of those permitted by this article may exist on or at the burdened property.
 - (6) The applicant/facility operator is responsible for taking such measurements that the committee may require from time to time and for all reasonable costs and expenses associated with taking such measurements.
- (d) *Minimum ground clearance:* The blade tip of any wind turbine shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.
- (e) *Signal interference:* The applicant must minimize or mitigate any interference with electromagnetic communications such as radio, telephone, or television signals caused by any wind energy facility. If the applicant is a public utility, PSC 113.0707 also applies.
- (f) *Safety:*
- (1) All wiring between wind turbines and the wind energy facility substation must be underground.
 - (2) Wind turbine towers shall not be climbable up to fifteen (15) feet above ground level.
 - (3) All access doors to wind turbine towers and to electrical equipment must be lockable.
 - (4) Appropriate warning signs must be placed on wind turbine towers, electrical equipment, and wind energy facility entrances.

25-13-7 COMMERCIAL-SCALE WIND ENERGY FACILITY CONDITIONAL USE

- (a) Every conditional use permit application must be made in writing to the development services department on the forms provided by the department and accompanied by the required filing fee. The application must include the following information:
- (1) Applicant name and address;
 - (2) Evidence that the applicant is the property owner or that the applicant has the property owner's written permission to make such an application;
 - (3) A plot plan and a development plan drawn in sufficient detail to clearly describe:
 - a. Property lines and the physical dimensions of the proposed site;
 - b. Locations, approximate dimensions, and types of major existing structures and uses of the site;
 - c. Location and elevation of proposed wind energy facility;
 - d. Locations of all above-ground utility lines and other wind energy facilities on-site or within one (1) radius of the proposed wind energy facility's total height, including the furthest vertical extension of the rotor assembly;
 - e. Locations and sizes of structures or trees that are above thirty-five (35) feet and within a five hundred-foot radius of the proposed wind energy facility. Electrical transmission and distribution lines, antennas, and slender or open-lattice towers are not considered structures for purposes of this requirement.
 - f. Locations of all transmission facilities proposed for installation;
 - g. Locations of all road and other service structures proposed as part of the installation; and
 - h. Written evidence that the applicant has informed local airport owners and operators about any application for a wind energy facility permit above two hundred (200) feet in total height or any wind energy facility within a three-mile radius of any existing public or private airport, including all landing strips.
- (b) *Public hearing:* A public hearing shall be held on wind energy facility conditional use permit applications in accordance with the conditional use procedures established in this Ordinance. All procedural requirements and appeals rights as set forth therein shall govern the hearing.
- (c) *Findings:* The committee shall approve the conditional use permit if it finds that the proposed use is not detrimental to public health and safety.
- (d) *Conditions:* In approving a conditional use petition, the committee may require certain conditions under which the proposed use may be allowed that may provide suitable safeguards to the public health and safety.

25-13-8 TECHNICAL REVIEW

In the event the committee determines that it is necessary to consult with a third party in considering a permit, all reasonable costs and expenses associated with such consultation shall be borne by the applicant. Failure to pay such costs and expenses or provide information requested by the committee shall be grounds for denial or revocation of a conditional use permit. The applicant may provide to the committee the names of consultants that the applicant believes are qualified to assist in resolving the issues before the committee.

25-13-9 ABANDONMENT

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- (a) Any wind energy facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. In such circumstances, the owner of such facility or owner(s) of the property where the facility is located shall remove said facility including all supporting equipment, buildings, and foundations to a depth of five (5) feet and shall restore the location to its natural condition, except that any landscaping and grading may remain in the after-condition as determined by the zoning administrator, within ninety (90) days of receipt of notice from the zoning administrator. If removal and restoration to the satisfaction of the zoning administrator does not occur within the said ninety (90) days, the zoning administrator may remove and salvage said facility and all supporting equipment and buildings and restore the site at the facility owner's or property owner's expense.
 - (b) The applicant shall submit a copy of a signed agreement, which may be the lease agreement, between the property owner and the facility owner detailing abandonment requirements and subsequent removal based on the provisions of subsection (a) above. Said agreement shall also identify that the agreement shall be binding on future property owners and future facility owners.
 - (c) The facility and foundation shall be recorded in the county register of deeds office, and a copy of the recorded deed shall be filed with county development services.

25-13-10 CONTINUED COMPLIANCE

Upon written inquiry by the committee, the permit holder under this section shall have the burden of presenting credible evidence establishing to a reasonable degree of certainty the continued compliance with all conditions placed upon the conditional use permit. Failure to establish compliance with all conditions placed upon the conditional use permit shall be grounds for the revocation of the permit. All reasonable costs and expenses associated with such consultation shall be borne by the holder of the permit. Failure to pay such costs and expenses or provide information requested by the committee shall be grounds for revocation of the permit. The permit holder may provide to the committee the names of consultants that the permit holder believes are qualified to assist in resolving the issues before the committee.

25-13-11 INDEMNIFICATION

The Village of Raymond does not warrant any wind energy facility against design or structural failure. The Village does not certify that the design is adequate for any wind energy facility and the Village hereby accepts no liability through issuance of a conditional use permit or zoning permit. By acceptance of a conditional use permit or by issuance of a zoning permit under this article, the applicant agrees to indemnify the county against each and every claim, demand, or cause of action that may arise or be made against the Village by reason or in any way arising out of any defect or imperfection in the wind energy facility or any failure to repair the same, and also against every claim, demand, or cause of action against the county by reason of any liability that is or may be imposed on the Village, on account of any such defect, imperfection, or any failure to repair the same.

Article 14
Solar Energy Facilities

[Back to Table of Contents](#)

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
25-14-1	Definitions		
25-14-2	Purpose		
25-14-3	Permits		
25-14-4	Accessory Use		
25-14-5	Lot Coverage Regulations		
25-14-6	Plan Approval Process		
25-14-7	Permit Requirements		
25-14-8	Community-Scale System Standards		
25-14-9	Large-Scale System Standards		

25-14-1 DEFINITIONS

(a) Definitions

Agrivoltaics — A solar energy system co-located on the same parcel of land as agricultural production, including crop production, grazing, apiaries, or other agricultural products or services.

Building-integrated Solar Energy Systems — A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

Community-Scale Solar Energy System — A commercial solar energy system that converts sunlight into electricity for the primary purpose of serving electric demands off-site from the facility, either retail or wholesale. Community-scale systems are principal uses and projects typically cover less than 1 acres.

Community Solar Garden – A solar energy system that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system. Also referred to as shared solar.

Grid-intertie Solar Energy System — A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

Ground-mount – A solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be either accessory or principal uses.

Large-Scale Solar Energy System – A commercial solar energy system that converts sunlight into electricity for the primary purpose of wholesale sales of generated electricity. A large-scale solar energy system will have a project size greater than 1 acre and is the principal land use for the parcel(s) on which it is located.

Off-grid Solar Energy System — A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Passive Solar Energy System — A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Photovoltaic System – A solar energy system that converts solar energy directly into electricity.

Renewable Energy Easement, Solar Energy Easement — An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land, consistent with Wis. Statutes 700.35.

Roof-mount – A solar energy system mounted on a rack that is fastened to or ballasted on a structure roof. Roof-mount systems are accessory to the principal use.

Roof Pitch — The final exterior slope of a roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

Solar Access — Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

Solar Carport – A solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities.

Solar Collector — A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy. The collector does not include frames, supports, or mounting hardware.

Solar Daylighting – Capturing and directing the visible light spectrum for use in illuminating interior building spaces in lieu of artificial lighting, usually by adding a device or design element to the building envelope.

Solar Energy — Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System — A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

Solar Hot Air System — (also referred to as Solar Air Heat or Solar Furnace) – A solar energy system that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance includes a solar collector to preheat air or supplement building space heating, typically using a vertically mounted collector on a south-facing wall.

Solar Hot Water System — A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

Solar Mounting Devices — Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

Solar Resource — A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on all days of the year, and can be measured in annual watts per square meter.

Viewshed – a natural or historic environment that is visible from more or more viewing point.

25-14-2 PURPOSE

- (a) The purpose of this Section is to regulate by Zoning Permit, site plan review, or conditional use the siting and construction of any new solar energy system structures and/or facilities.

25-14-3 PERMITS

- (a) *Solar Systems.* The following permits are required for installation of any Solar Systems:
 - (1) A building permit is required for all solar energy systems. A zoning permit is also required for all solar energy systems. The owner must provide a site plan, any applicable fees, and any information specified in the Village zoning ordinance with permit applications.
 - (2) A conditional use permit is required for all large-scale solar systems. A conditional use permit application must be on a form approved or provided the Village and follow the regulations of the Village ordinance.

25-14-4 ACCESSORY USE SYSTEMS

- (a) *Solar Energy System – Accessory Use.* Solar energy systems which are not a principal use are a permitted accessory use in all zoning districts where structures of any sort are allowed, subject to certain requirements as set forth below. Solar carports and associated electric vehicle charging equipment are a permitted accessory use on surface parking lots in all

districts regardless of the existence of another building. Solar energy systems that do not meet the following design standards will require a conditional use permit.

- (1) Height – Solar energy systems must meet the following height requirements:
 - a. Building or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.
 - b. Ground or pole-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.
- (2) Setback. Solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located, except as allowed below.
- (3) Roof or Building-Mounted Solar Energy Systems. The collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side- yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.
- (4) Ground-mounted Solar Energy Systems – Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.
- (5) Visibility. Solar energy systems in residential districts shall be designed to minimize visual impacts from the public right-of-way to the extent that doing so does not affect the cost or efficacy of the system, consistent with Wis. Statute §66.0401.
- (6) Building Integrated Photovoltaic Systems - Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setbacks, land use, or performance standards for the district in which the building is located.
- (7) Aesthetic restrictions — Roof-mount or ground-mount solar energy systems shall not be restricted for aesthetic reasons if the system is not visible from the closest edge of any public right-of-way, or if the system meets the following standards:
 - a. Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than ten inches above the roof.
 - b. Roof-mount systems on flat roofs that are visible from the nearest edge of the front right-of-way shall not be more than five feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.

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- (8) Reflectors. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties.

25-14-5 LOT COVERAGE REGULATIONS

- (a) *Lot Coverage.* Ground-mount systems total collector area shall not exceed half the building footprint of the principal structure if applicable.
- (b) Ground-mount systems shall be exempt from lot coverage or impervious surface standards if the soil under the collector is maintained in vegetation and not compacted and the system area is less than one acre in size.
- (c) Ground-mounted systems shall not count toward accessory structure limitations.
- (d) Solar carports in non-residential districts are exempt from lot coverage limitations.

25-14-6 PLAN APPROVAL PROCESS

- (a) *Plan Approval Required.* All applications for solar energy systems requiring a building permit, zoning permit or other permits shall include a site plan for review.
- (b) *Plan Approval:* All solar energy systems shall require a building permit and zoning permit. The applicant shall submit a detailed site plan for both existing and proposed conditions, showing locations of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by the Village. The site plan should show all zoning districts and overlay districts.
- (c) Plan Applications — Plan applications for solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.
- (d) Plan Approvals — Applications that meet the design requirements of this ordinance shall be granted administrative approval by the zoning official and shall not require review by the Plan Commission/Board. Plan approval does not indicate compliance with Building Code or Electric Code.

25-14-7 PERMIT REQUIREMENTS

- (a) *Approved Solar Components.* Electric solar energy system components must have a UL or equivalent listing and solar hot water systems must have an SRCC rating.
- (b) *Compliance with Building Code.* All solar energy systems shall meet approval of the building inspector, consistent with the State of Wisconsin Building Code and solar thermal systems shall comply with HVAC related requirements of the Energy Code.

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- (c) *Compliance with State Electric Code.* All photovoltaic systems shall comply with the Wisconsin State Electric Code.
 - (d) *Compliance with State Plumbing Code.* Solar thermal systems shall comply with applicable Wisconsin State Plumbing Code requirements.
 - (e) *Utility Notification.* All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.
 - (f) *Rooftop Gardens.* Rooftop community systems are a permitted accessory use in all districts where buildings are permitted.
 - (g) *Solar Energy System Principal Use.* The development of commercial or utility scale solar energy systems are encouraged where such systems present few land conflicts with current and future development patterns. Solar energy systems that are the principal use of the development lot or lots are conditional uses.
 - (1) Principal Use General Standards.
 - a. Site Design:
 - 1. Height: Ground or pole-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.
 - 2. Setbacks: Community and large-scale solar energy systems must meet the following setbacks:
 - i. Property line setback for buildings or structures in the district in which the system is located.
 - ii. Roadway setback of 150 feet from the Right-of-Way centerline of State and County Highways, 100 feet for other roads.
 - iii. Housing unit setback of 150 feet from any existing dwelling unit or more if set forth in the individual zoning ordinances.
 - iv. Setback distance should be measured from the edge of the solar energy system array, excluding security fencing, screening, or berm.
 - 3. Screening: Community and large-scale solar shall be screened from existing residential dwellings.
 - i. A Screening Plan shall be submitted that identifies the type and extent of screening.

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- ii. Screening shall not be required along property lines within the same zoning district, except where the adjoining lot has an existing residential use.
 - iii. The Village may require screening where it determines there is a clear community interest in maintaining a viewshed.
 - b. Ground cover and buffer areas: the following provisions shall apply to the clearing of existing vegetation and establishment of vegetated ground cover; Additional site-specific conditions may apply as required by Village Board.
 - c. Large-scale removal of mature trees on the site is discouraged.
 - d. The applicant shall submit a vegetative management plan prepared by a qualified professional or reviewed and approved by a natural resource agency or authority, such as the Wisconsin Department of Natural Resources, County Land Conservation Department, or Natural Resource Conservation Service. The plan shall identify:
 - 1. The natural resource professionals consulted or responsible for the plan.
 - 2. The conservation, habitat, eco-system, or agricultural goals, which may include providing habitat for pollinators such as bees and monarch butterflies, providing habitat for wildlife such as upland nesting birds and other wildlife, establishing vegetation for livestock grazing, reducing on-site soil erosion, and improving or protecting surface or ground-water quality.
 - 3. The intended mix of vegetation upon establishment.
 - 4. The management methods and schedules for how the vegetation will be managed on an annual basis, with particular attention given to the establishment period of approximately three years.
 - e. Soils shall be planted and maintained in perennial vegetation for the full operational life of the project, to prevent erosion, manage run off and build soil.
 - f. Vegetative cover should include a mix of perennial grasses and wildflowers that will preferably result in a short stature prairie with a diversity of forbs or flowering plants that bloom throughout the growing season. Blooming shrubs may be used in buffer areas as appropriate for visual screening. Perennial vegetation (grasses and forbs) is preferably native to Wisconsin, but where appropriate to the vegetative management plan goals, may also include other naturalized and non-invasive species which provide habitat for pollinators and wildlife and/or other ecosystem services (i.e., clovers).

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- g. Plant material must not have been treated with systemic insecticides, particularly neonicotinoids.
 - h. Foundations: A qualified engineer shall certify that the foundation and design of the solar panel racking and support is within accepted professional standards, given local soil and climate conditions.
 - i. Power and communication lines: Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the Village Board in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible.
 - j. Fencing: Perimeter fencing for the site shall not include barbed wire or woven wire designs and shall preferably use wildlife-friendly fencing standards that include clearance at the bottom. The applicant may request an exception to this standard if information is provided that confirms another regulator entity requires barbed or woven wire fence. Alternative fencing can be used if the site is incorporating agrivoltaics.
 - k. Stormwater and NPDES: Solar farms are subject to the Village Stormwater Management and Erosion Control Ordinance and National Pollutant Discharge Elimination System (NPDES) permit requirements.
 - l. All solar energy systems shall be in compliance with all applicable local, state and federal regulatory codes, including the State of Wisconsin Uniform Building Code, as amended; and the National Electric Code, as amended.
 - m. Aviation Protection: For solar farms located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of a glare analysis through a qualitative analysis of potential impact, field test demonstration, or geometric analysis of ocular impact in consultation with the Federal Aviation Administration (FAA) Office of Airports, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
 - n. Drain Tile: Community and large-scale solar systems shall submit a Drain Tile Management Plan to the Village Engineer for approval prior to issuance of a Zoning Permit. The Drain Tile Management Plan shall include a drain tile survey prepared by an experienced and qualified regional drain tile contractor. Ground-mount systems shall be designed to avoid damage to known drain tiles. The Drain Tile Management Plan shall include provisions for complaint resolution for any negative impacts to drainage to adjacent properties resulting from construction of the solar system project. Any drain tiles that are damaged during construction shall be promptly repaired or replaced at the Project Owner's expense.

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- o. Agricultural Protection: Solar farms must comply with site assessment or soil identification standards that are intended to identify agricultural soils. The Village Board may require mitigation for use of prime soils for solar array placement, including the following:
 - 1. Demonstrating co-location of agricultural uses (agrivoltaics) on the project site.
 - 2. The site shall be restored to agriculture at the end of life of the solar installation.
 - 3. Placing agricultural conservation easements on an equivalent number of prime soil acres adjacent to or surrounding the project site.
 - 4. Locating the project in a wellhead protection area for the purpose of removing agricultural uses from high-risk recharge areas.

 - p. Decommissioning: A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life.
 - 1. Decommissioning of the system must occur in the event the project is not in use for 12 consecutive months.
 - 2. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and assurances that financial resources will be available to fully decommission the site.
 - 3. The Village Board may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

25-14-8 COMMUNITY SCALE SOLAR ENERGY SYSTEM STANDARDS

- (a) Community-scale uses — Ground-mount community solar energy systems must cover no more than 1 acres (project boundaries) and are a conditional use in all districts. Ground-mount solar developments covering more than 1 acres shall be considered large-scale solar.
 - (1) Dimensional standards — All structures must comply with setback and height, standards for the district in which the system is located.
 - (2) Other standards — Ground-mount systems must comply with all required standards for structures in the district in which the system is located.

25-14-9 LARGE SCALE SOLAR ENERGY SYSTEM STANDARDS

- (a) *Large-Scale Solar*: Ground-mount solar energy arrays that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market, are permitted under the following standards:
 - (1) Conditional use permit – large scale solar energy systems are conditional uses in agricultural districts, industrial districts, shoreland and floodplain overlay districts only, subject to all applicable provisions of this chapter.

Article 15
Mobile Tower Siting

[Back to Table of Contents](#)

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
25-15-1	Definitions.		
25-15-2	Purpose.		
25-15-3	Amateur and Citizen Band Towers.		
25-15-4	Application Submittal Requirements – New Mobile Service Support Structures.		
25-15-5	Application Process – New Mobile Service Support Structures.		
25-15-6	Technical Review.		
25-15-7	Abandonment.		
25-15-8	Security for Removal.		
25-15-9	Continued Compliance.		
25-15-10	Use of Existing Structures.		
25-15-11	Application Submittal Requirements – Class 1 Collocations.		
25-15-12	Application Process – Class 1 Collocation.		
25-15-13	Application Submittal Requirements – Class 2 Collocation.		
25-15-14	Application Process – Class 2 Collocation.		
25-15-15	Application Process – Liability.		
25-15-25	Site Specifics.		
25-15-17	Severability.		
25-15-18	Fees.		

25-15-1 DEFINITIONS.

- (a) In addition to the definitions adopted by the Village of Raymond pursuant to Section 25-19-1, the following definitions shall apply to this Chapter:
- (1) **Class 1 Collocation** means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free-standing support structure for the facility but does need to engage in substantial modification.
 - (2) **Class 2 Collocation** means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free-standing support structure for the facility but does not need to engage in substantial modification.
 - (3) **Mobile Service Facility** means the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.
 - (4) **Mobile Service Provider** means a person who provides mobile service as defined by federal law.

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- (5) **Support Structure** means an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.
 - (6) **Utility Pole** means a structure owned or operated by an alternative telecommunications utility, public utility, telecommunications utility, county, municipality, or cooperative associate, all as defined under current law or under the proposal, and that is specifically for and used to carry lines, cables, or wires for telecommunications service, video service, or for electricity or to provide light.
 - (7) **Antenna** means communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.
 - (8) **Mobile Service Support Structure** means free-standing structure that is designed to support a mobile service facility.
 - (9) **Search Ring** means shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and demographics of the service area.
 - (10) **Substantial Modification** means the modification of a mobile service support structure, including the mounting of an antenna on such a structure that does any of the following:
 - a. for structures with an overall height of two hundred (200) feet or less, increases the overall height of the structure by more than twenty (20) feet;
 - b. for structures with an overall height of more than two hundred (200) feet, increases the overall height of the structure by 10% or more;
 - c. measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by more than twenty (20) feet or more, unless a larger area is needed for collocation;
 - (11) **Equipment Compound** means an area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.
 - (12) **Existing Structure** means a support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with a county or municipality.
 - (13) **Fall Zone** means the area over which a mobile support structure is designed to collapse.

25-15-2 PURPOSE

- (b) The purpose of this Section is to regulate by Zoning Permit, site plan review, or conditional use the siting and construction of any new mobile service support structures and/or facilities.
- (c) Mobile service support structures or other supporting buildings or structures that are used to elevate an antenna, or which act as an antenna, and are intended for wireless telecommunications, are subject to the regulations and site development standards set forth in this Chapter.

25-15-3 AMATEUR AND CITIZEN BAND TOWERS

- (a) Amateur and citizen band towers and antennas where the structure is fifty (50) feet or more in height are exempt from the provisions of this Chapter except for the following:
 - (1) The installation or construction of such structure must require a site plan review and approval in accordance with the procedure adopted by the Village of Raymond. The Plan Commission may request a hearing following a site plan review if it is determined that such a hearing is in the public interest.

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- (2) Such structures must be considered an accessory structure and may only be permitted in the side yard and rear yard. A minimum ten (10) foot side-yard and rear-yard setback must be maintained.

25-15-4 APPLICATION SUBMITTAL REQUIREMENTS – NEW MOBILE SERVICE SUPPORT STRUCTURES

- (a) The siting and construction of any new mobile service support structures will require a conditional use permit. All structures should be camouflaged to the greatest extent possible, including compatible building materials, colors, and screening. Per Wisconsin State Statutes 66.0404(4)(g), an application may not be denied based solely on aesthetics concerns. A Zoning Permit application must be completed by the applicant and submitted to the Village. The application must contain the following information:
- (1) Applicant name, business address, and phone number of all known occupants of the proposed mobile service support structure, including contact individual(s) for the applicant(s). The proposed structure must be designed structurally, electronically, and in all respects to accommodate collocation of both the applicant's antennas and antennas for at least two (2) additional users. The equipment compound must also be able to accommodate multiple users.
 - (2) The location of the proposed mobile service support facility.
 - (3) If the applicant does not own the site or the tower, the applicant must provide a lease agreement or binding lease memorandum which shows on its face:
 - a. that it does not preclude the site owner from entering into leases on the site with other provider(s);
 - b. that it does not preclude the tower owner from entering into leases on the tower with other provider(s);
 - c. the legal descriptions and amount of property leased;
 - d. in the event of abandonment, the Village reserves the right to remove the tower at the property owner's expense.
 - (4) A scaled site plan which shows property lines, location of mobile service support structure, setback distances, mobile service facility, and fencing.
 - (5) A sketch, concept, or rendition of the site as proposed.
 - (6) An explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who is responsible over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is not technically feasible; or is economically burdensome to the mobile service provider.
 - (7) A construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 - (8) A tabular and/or map inventory of all of the applicant's existing towers and antennas which are located within the county. The inventory must specify the location, antennae height, and structure type of each of the applicant's existing mobile service support facilities. The inventory must also specify whether such towers are currently in operation and indicate the ability of the existing structures to accommodate additional collocation antennas.
 - (9) A report by a structural engineer licensed by the State of Wisconsin certifying the structural design and its ability to accommodate additional antennas.

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- (10) Evidence that the applicant has informed local airport owners and operators about any permit application for structures above two hundred (200) feet tall or within a three-mile radius of any existing public or private airport, including all landing strips.

25-15-5 APPLICATION PROCESS – NEW MOBILE SERVICE SUPPORT STRUCTURES

- (a) If an applicant submits to the Village an application to engage in an activity described in this Section, which contains all of the information required under this Chapter, the Village must consider the application complete. If the Village does not believe that the application is complete, the Village must notify the applicant in writing, within ten (10) days of receiving the application, that the application is not complete. The written notification must specify in detail the required information that was incomplete. The applicant may resubmit an application as often as necessary until it is complete.
- (b) Within ninety (90) days of its receipt of a completed application, the Village must complete all of the following or the applicant may consider the application approved, except that the applicant and the Village may agree in writing to an extension of the ninety (90) day period:
 - (1) Review the application to determine whether it complies with all applicable aspects of the zoning ordinance and limitations of this Chapter;
 - (2) The Village Board must make a final decision whether to approve or deny the application, after receiving a recommendation of the Plan Commission;
 - (3) The Village must notify the applicant in writing of the final decision;
 - (4) If the application is approved, the Zoning Administrator will issue the applicant a Zoning Permit;
 - (5) If the decision is to deny the application, the Village must include with the written notification substantial evidence which supports that decision.
- (c) The Village may deny an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and does not provide the sworn statement described in Section 25-25-4(a)6.
- (d) If an applicant provides the Village with an engineering certification showing that the proposed mobile service support structure is designed to collapse within a smaller area than the setback or fall zone area required in the specified zoning district, that zoning setback does not apply to the proposed structure unless the Village provides the applicant with substantial evidence that the engineering certification is flawed.

25-15-6 TECHNICAL REVIEW

In the event the Plan Commission determines that it is necessary to consult with a third party in considering a permit, all reasonable costs and expenses, excluding travel expenses, associated with such consultation shall be borne by the applicant. Failure to pay such costs and expenses or to provide information requested by the Plan Commission shall be grounds for denial or revocation of a conditional use permit. The applicant may provide to the Plan Commission the names of consultants believed by the applicant to be qualified to assist in resolving the issues before the Plan Commission.

25-15-7 ABANDONMENT

- (a) Any mobile service support structure and facilities not in operation for a continuous period of twelve (12) months shall be considered abandoned. In such circumstances, the owner of the mobile service support structure and facility of the property where the structure and facility are located must remove the support structure and all supporting equipment, buildings, and

foundations to a depth of five (5) feet, and must restore the location to its natural condition (except any grading may remain in the after-condition as determined by the zoning administrator) within ninety (90) days of receipt of notice from the zoning administrator. If removal and restoration to the satisfaction of the zoning administrator does not occur within the said ninety (90) days, the zoning administrator may remove and salvage said mobile service support structure and facility and restore the site at the expense of the mobile service provider or property owner.

- (b) The applicant must submit a copy of a signed agreement, which may be the lease agreement, between the property owner and the owner of the mobile service facility detailing requirements for abandonment and subsequent removal based on the provisions of Section 25-9-7(a). Said agreement must also identify that the agreement must be binding on future property owner(s) and future owner(s) of the mobile service support structure and facility.
- (c) The mobile service support structure and facility must be recorded in the Register of Deed's Office and a copy of the deed must be filed with the Zoning Administrator.

25-15-8 SECURITY FOR REMOVAL

The applicant shall provide to the Village, prior to the issuance of the permit, a performance bond in the amount of twenty thousand dollars (\$20,000.00) to guarantee that the tower and all supporting equipment, buildings and foundations will be removed when no longer in operation. The Village must be named as obligee in the bond, and it must approve the bonding company. The face of the bond must reflect that the Village will be given notice if the bonding company cancels the bond. If, prior to the removal of the tower, tower removal rates exceed twenty thousand dollars (\$20,000.00), the Village reserves the right to require a corresponding increase in the bond amount.

25-15-9 CONTINUED COMPLIANCE

Upon written inquiry by the Plan Commission, the permit holder under this Section shall have the burden of presenting credible evidence establishing to a reasonable degree of certainty the continued compliance with all conditions placed upon the conditional use permits. Failure to establish compliance with all conditions placed upon the conditional use will be grounds for revocation of the permit.

25-15-10 USE OF EXISTING STRUCTURES

A mobile service facility may locate on alternative support structures, such as clock towers, steeples, silos, light poles, buildings, water towers or similar structures, provided that the placement of the antenna will not extend more than six (6) feet from the structure. Mobile service facilities located on roofs must not occupy more than fifty (50) percent of the roof surface of a building and must be secured from the remaining area to prevent unauthorized access. The mobile service facility must be painted or otherwise treated to match the exterior of the structure. Such mobile service facility installation will be classified as either a class 1 or class 2 collocation and will require a site plan review.

25-15-11 APPLICATION SUBMITTAL REQUIREMENTS – CLASS 1 COLLOCATIONS

- (a) A collocation will be classified as a class 1 collocation if the following substantial modifications are added to the exiting mobile service support structure:

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- (1) an increase in the overall height of the structure by more than twenty (20) feet, for structures with an overall height of two hundred (200) feet or less;
 - (2) an increase in the overall height of the structure by 10% or more, for structures with an overall height of more than two hundred (200) feet;
 - (3) an increase in width of the support structure by twenty (20) feet or more, measured at the level of the appurtenance added to the structure as a result of the modification;
 - (4) an increase in the square footage of an existing equipment compound to a total area of more than 2,500 square feet.
- (b) A zoning application must be completed by the applicant and submitted to the Village. In addition to the requirements for Zoning Permits adopted by the this Zoning Title, the application must contain the following information:
- (1) Applicant name, business address, and phone number of the contact individual(s) for the applicant(s).
 - (2) The location of the existing mobile service support structure, including legal description, amount of property leased, and the height of the proposed and existing mounted antennas and/or equipment.
 - (3) A construction plan which describes the proposed modifications to the mobile support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - (4) A report by a structural engineer licensed by the State of Wisconsin certifying the structural design and its ability to accommodate additional antennas.

25-15-12 APPLICATION PROCESS – CLASS 1 COLLOCATION

- (a) If an applicant submits to the Village an application to engage in an activity described in this Section, which contains all of the information required under this Chapter, the Village must consider the application complete. If the Village does not believe that the application is complete, the Village must notify the applicant in writing, within ten (10) days of receiving the application, that the application is not complete. The written notification must specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (b) Within ninety (90) days of its receipt of a completed application, the Village must complete all of the following or the applicant may consider the application approved, except that the applicant and the Village may agree in writing to an extension of the ninety (90) day period:
- (1) Review the application to determine whether it complies with all applicable aspects of the zoning ordinance and limitations of this Chapter;
 - (2) The Village Board must make a final decision whether to approve or deny the application, after recommendation of the Plan Commission;
 - (3) Notify the applicant in writing of the Village Board's final decision;
 - (4) If the application is approved, issue the applicant a Zoning Permit;
 - (5) If the decision is to deny the application, include with the written notification substantial evidence which supports that decision.

25-15-13 APPLICATION SUBMITTAL REQUIREMENTS – CLASS 2 COLLOCATION

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- (a) A collocation will be classified as a class 2 collocation if the substantial modifications described in Section 25-25-11 are not required for service. A zoning application must be completed by the applicant and submitted to the Zoning Administrator with the application must contain the following information:
- (1) Applicant name, business address, and phone number of the contact individual(s) for the applicant(s);
 - (2) The location of the existing support structure; including legal description, amount of property leased, and the height of the proposed and existing mounted antennas and/or equipment;
 - (3) A report by a structural engineer licensed by the State of Wisconsin certifying the structural design and its ability to accommodate additional antennas.

25-15-14 APPLICATION PROCESS – CLASS 2 COLLOCATION

- (a) If an applicant submits to the Village an application to engage in an activity described in this Section, which contains all of the information required under this Chapter, the Village must consider the application complete. If the Village does not believe that the application is complete, the Village must notify the applicant in writing, within five (5) days of receiving the application, that the application is not complete. The written notification must specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (b) Within forty-five (45) days of its receipt of a completed application, the Village must complete all of the following or the applicant may consider the application approved, except that the applicant and the Village may agree in writing to an extension of the forty-five (45) day period:
- (1) Review the application to determine whether it complies with all applicable aspects of the zoning ordinance and limitations of this Chapter;
 - (2) The Village Board must make a final decision whether to approve or deny the application, after recommendation of the Plan Commission;
 - (3) Notify the applicant in writing of the Village Board's final decision;
 - (4) If the application is approved, issue the applicant a Zoning Permit;
 - (5) If the decision is to deny the application, include with the written notification substantial evidence which supports that decision.

25-15-15 APPLICATION PROCESS – LIABILITY

The Village does not warrant any mobile service support structure against design or structural failure. The Village does not certify that the design is adequate for any tower and the Village hereby accepts no liability through the issuance of a conditional use permit or Zoning Permit.

25-15-16 SITE SPECIFICS

- (a) As with commercial-scale wind energy facilities, mobile service support structures setbacks must not be less than the height of the tower above grade between the base of the tower and property line. The setback may be reduced if the requirements of Section 25-9-4(i) are met.
- (b) When more than one (1) tower is placed on a site, all setback and design requirements must be met by each tower.

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- (c) A site with a guyed mobile support structure must provide:
- (1) A setback of at least twenty-five (25) feet between a guy anchor and any property line abutting a residential district, public property, or street; and
 - (2) A setback equal to or exceeding the rear setback required for the adjoining property where the adjoining property is not a public property or street, nor in a residential district.
 - (3) A guy anchor may be located on an adjoining property when:
 - a. Written authorization from the adjoining property owner is provided at the time of application for conditional use approval; and
 - b. The guy anchor meets the requirement of subsections (1) and (2) above, as to all other adjoining property lines.
- (d) Mobile service facility accessory structures must be limited to fifteen (15) feet in height.
- (e) Mobile service support structures must not be illuminated except as required by the Wisconsin Division of Aeronautics or the Federal Aviation Administration.

25-15-17 SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

25-15-18 FEES

Application fees for new mobile service support structures, and class 1 and 2 collocations, shall be in accordance with a fee schedule set by resolution of the Village Board from time-to-time.

Article 16
First Amendment Protected Adult Oriented Establishments

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
25-16-1	Findings of Fact		
25-16-2	Locational Restrictions		

25-16-1 FINDINGS OF FACT

- (a) The Village Board finds that Adult-Oriented Establishments, as defined and otherwise regulated by the Village in its Adult-Oriented Licensing and Regulation Ordinance, require special zoning in order to protect and preserve the health, safety, and welfare of the Village.
- (b) Based on its review of studies conducted in Phoenix AZ, Garden Grove CA, Los Angeles CA, Whittier CA, Indianapolis IN, Minneapolis MN, St. Paul MN, Cleveland OH, Oklahoma City OK, Amarillo TX, Austin TX, Beaumont TX, Houston TX, Seattle WA, and the findings incorporated in *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986), *Coleman A. Young v. American Mini-Theaters, Inc.*, 427 U.S. 50 (1976), the Village Board finds that there is convincing evidence that the secondary effects of Adult-Oriented Establishments include an increased risk of prostitution, high-risk sexual behavior, crime, and other deleterious effects upon existing businesses and surrounding residential areas, and decreased property values.
- (c) The Village Board intends to control the impact of these secondary effects in order to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and areas.
- (d) It is not the intent of the Village Board to suppress any speech activities protected by the First Amendment, but to enact a content-neutral ordinance which addresses the secondary effects of Adult-Oriented Establishments while providing an outlet for First Amendment protected activities.
- (e) In order to minimize and control the secondary effects of Adult-Oriented Establishments upon the Village, it is the intent of the Village Board to prevent the concentration of Adult-Oriented Establishments within a certain distance of each other and within a certain distance of other specified locations, which are incompatible with and would suffer from the secondary effects of Adult-Oriented Establishments.
- (f) Based upon its review of materials linking alcohol consumption and high-risk sexual behavior and materials linking alcohol consumption and crimes such as sexual assault, the Village Board finds that a geographic separation of Adult-Oriented Establishments from alcohol beverage licensed premises is warranted.

25-16-2 LOCATIONAL RESTRICTIONS

- (a) The First Amendment and other provisions of the United States Constitution, as interpreted by the United States Supreme Court and other courts, require that Adult-Oriented

Establishments, as defined and otherwise regulated by the Village, are entitled to certain protections, including the opportunity to locate in the Village. Therefore, if an Adult-Oriented Establishment License has been granted by the Village, and if all the requirements of this Section of the Zoning Code are met, an Adult-Oriented Establishment shall be an allowed conditional use in the M-2 zoning district and shall be a prohibited use in any other zoning district. No other requirements of the Zoning Code need be satisfied, but for those required in order to obtain an Adult-Oriented Entertainment License from the Village.

- (b) Adult-Oriented Establishments shall be located at least 1,000 feet from
 - (1) Any residential district line, playground lot line, or public park lot line;
 - (2) Any structure used as a residence, place of religious worship, public or private school, or Youth Facility as defined in the Village's Adult-Oriented Establishment Licensing and Regulation Ordinance;
 - (3) Any other structure housing an Adult-Oriented Establishment;
 - (4) Any structure housing an establishment which holds an alcohol beverage license.
- (c) Distance requirements are to be measured in a straight line in any direction regardless of intervening structures, from the structure housing the Adult-Oriented Establishment to the above residential district boundary lines, to the lot line of any lot used for a park, playground, or the lot line of any structure.
- (d) The measurements from a structure shall be taken from the farthest point a structure extends in the direction of the measurement, including overhanging roofs or similar projections.
- (e) For Adult-Oriented Establishments located in conjunction with other buildings and clearly separate from other establishments such as in a shopping center, measurements shall be taken from the boundaries of the space occupied by the Adult-Oriented Establishment.
- (f) For any Adult-Oriented Establishment located above ground level in a multi-story structure and clearly separate from other establishments within the structure, the distance measurements shall be taken from the ground floor public entrance/exit nearest the Adult-Oriented Establishment (excluding emergency exits).

Article 17
Changes and Amendments

[Back to Table of Contents](#)

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
25-17-1	Authority		
25-17-2	General Amendment Procedure		
25-17-3	Amendments in Shoreland mapping & Text		

25-17-1 AUTHORITY

- (a) Pursuant to the provisions of Section 62.23 (7) of the Wisconsin Statutes the Village Board may, after first submitting the proposal to the Plan Commission for report and recommendation and after notice and public hearing as hereinafter provided, amend the regulations of this ordinance or change the district boundaries.

25-17-2 GENERAL AMENDMENT PROCEDURE

- (a) INITIATION
- (1) A proposal to amend the text or change the district mapping of this ordinance may be initiated by the Village Board on its own motion, by recommendation of the Plan Commission, or by petition of one or more property owners.
- (b) FILING OF PETITION
- (1) A petition for change or amendment submitted by a private property owner shall be prepared on printed forms provided for the purpose and filed with the Village and shall be accompanied by a fee, as from time to time established by the Village Board, to defray the cost of giving notice, investigation and other administrative processing.
- (c) DATA REQUIRED
- (1) In addition to all information required on the petition form, the petitioner shall supply the following:
- a. A plot map drawn to a scale no smaller than 100 feet to the inch for tracts of less than ten (10) acres and no smaller than 200 feet to the inch for tracts of ten (10) acres or more, showing the land in question, its location, the length and direction of each boundary thereof, the location and the existing use of all buildings on such land and the principal use of all properties within 500 feet of such land.
 - b. The names and addresses of the owners of all properties within 500 feet of any part of the land included in the proposed change.
 - c. Any further information which may be required by the Plan Commission to facilitate the making of a comprehensive report to the Village Board.
- (d) OFFICIAL HEARING & PLAN COMMISSION REVIEW/RECOMMENDATION
- (1) The Zoning Administrator shall transmit without delay one copy of such petition to the Village Board and Plan Commission. The Village Board shall hold a public hearing upon each proposed change or amendment, giving notice of the time and

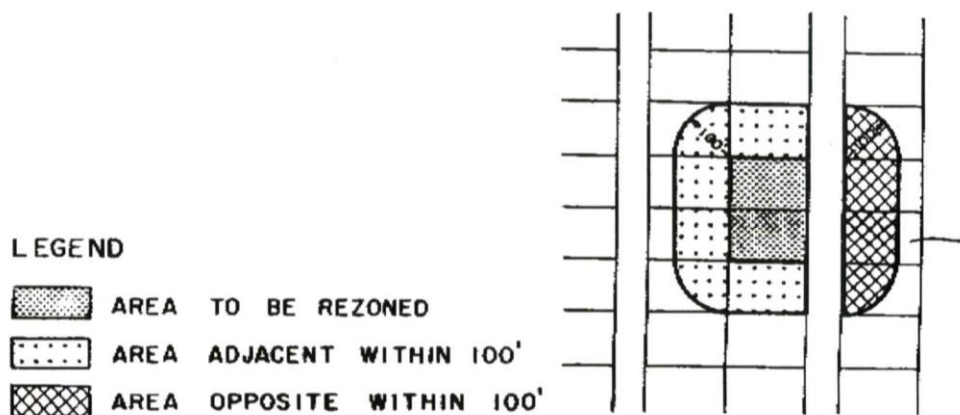
place of such hearing including a description of the property affected by any change or amendment by publication in the Village recognized newspaper of a class 2 notice, under Ch. 985 of the Wisconsin Statutes and indicating that a map may be obtained from the Village Clerk. The Village Zoning Administrator, or designee, shall give notice of the public hearing by first-class mail to the owners of all lands within 500 feet of any part of the land included in such rezoning at least 10 days before such public hearing. A copy of each such notice shall be sent to the clerk of contiguous municipalities as required by Sec. 62.23, Wis. Stat. The Village Plan Commission, after the public hearing, shall make a recommendation on the change or amendment to grant as requested, modify or deny to the Village Board on each proposed change or amendment after the public hearing is held and prior to action by the Village Board. If the Plan Commission determines that the services of a professional planning consultant are required to determine the feasibility of a zoning change, the fees incurred for such study shall be the responsibility of the petitioner.

(e) ACTION

- (1) As soon as possible after such public hearing, and Plan Commission recommendation, the Village Board shall act to approve, modify and approve, or disapprove the proposed change or amendments.
- (2) The Village Board shall not take action without first having Plan Commission review the proposed change or amendments.
- (3) An approved change shall be by appropriate ordinance, and necessary changes in the Zoning Map or text shall thereafter be made by the Village in a timely manner.

(f) PROTEST

- (1) In case of protest against a change duly signed and acknowledged by the owners of 20 percent or more either of the area of land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent and extending 100 feet therefrom or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, an amendment shall not become effective except by the favorable vote of $\frac{3}{4}$ of the majority of the members present of the Village Board.



(g) MATERIAL DEFECT

- (1) When it is determined by the Village Plan Commission, in consultation with the Zoning Administrator and/or Village Attorney, that there is a material defect in the rezoning petition, or when the Plan Commission determines that insufficient/inadequate notice was provided for a public hearing, the Plan Commission reserves the right to require a new public hearing. Such determination

must be made within ninety (90) days of the initial hearing. Costs for the second hearing are the responsibility of the petitioner.

25-17-3 AMENDMENTS IN SHORELAND WETLAND MAPPING & TEXT

- (a) Written notice of the public hearing to be held on a proposed shoreland or shoreland-wetland amendment shall be sent to the Wisconsin Department of Natural Resources (“DNR”) district office at least ten (10) days prior to the hearing. A copy of the Village Board’s decision on each proposed amendment shall be forwarded to the DNR district office within ten (10) days after the decision is issued.

Article 18
Definitions

[Back to Table of Contents](#)

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
25-18-1	Definitions		

25-18-1 DEFINITIONS

- (a) Unless specifically defined, words and phrases in this chapter shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory.

Accessory structure or use shall mean a facility, structure, building or use which is accessory to or incidental to the principle use of a property, structure, or building.

Adult establishments shall mean and include but are not limited to adult bookstores, adult motion picture theaters (indoor or outdoor), adult mini-motion picture theaters, adult video stores, adult bath houses, adult motels, adult theatres, adult novelty shops, adult massage parlors, adult modeling studios, adult body painting studios, and adult cabarets.

Adult family home shall mean A place licensed by the state under s. 50.033(1m), Wis. Stats.

Agricultural structure shall mean a structure designed to house farm implements, hay, grain, poultry, livestock or other agricultural products. For the purpose of this definition, this structure shall not contain habitable space or a place of employment where agricultural products are processed or treated or packaged; nor shall it be a place used by the public.

Alteration shall mean an enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

Animated sign shall mean any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

Antenna means communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

Arterial street shall mean a public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.

Banner shall mean any sign of lightweight fabric, plastic, coated paper, or similar material not enclosed in a rigid frame that is mounted to a pole or a structure at one (1) or more edges. Flags or pennants are not considered banners.

Basement shall mean any enclosed area of a building having its floor sub-grade (i.e., below ground level, on all sides).

Berm shall mean a mound or embankment of earth typically installed to provide screening or for aesthetic effect.

Billboard shall mean a sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Brewpub shall mean a place where fermented malt beverages are manufactured and those beverages, along with other beverages and food, are offered for retail sale and on-site consumption.

Bufferyard shall mean a linear strip of undeveloped land, along with landscaping and/or a fence, that is located between two different zoning districts that have potentially incompatible characteristics. Bufferyards are intended to create separation between incompatible land uses and eliminate or lessen the impacts (e.g., noise, dust, glare of lights, outdoor activities) of the more intrusive land use on the other.

Building shall mean a structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.

Building area shall mean the total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways and unfinished attics.

Building height shall mean the vertical height of a building from the mean elevation of the finished grade along the front of the building to the highest point of all roofs. Depending on the context, the term may refer to the height of an existing, proposed, or permitted building.

Canopy sign (awning sign) shall mean any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover. A marquee is not a canopy. The overhead protective cover used for fuel pumps is considered a canopy.

Cargo container shall mean standardized reusable vessels that were:

- (2) Originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or
- (3) Originally designed for or capable of being mounted or moved by rail, truck, or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms “freight containers” and “shipping containers”.

Certificate of compliance shall mean a certification that the construction and the use of land or a building is in compliance with all of the provisions of this Section.

Changeable copy sign shall mean a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign not more than once every eight (8) seconds or the minimum standards set by the Federal Highway Administration, whichever is longer. Each change of message shall be accomplished in one second or less. A sign on which the only copy that changes is an electronic or mechanical indication of time, date, or temperature is considered a "time and temperature" portion of a sign and not a changeable copy sign or traveling message sign.

Channel shall mean a natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

Clear cutting shall mean the removal of an entire stand or area of trees or shrubs.

Cluster development shall mean a development design technique that concentrates buildings in specific areas on a site to allow remaining lands to be used for recreation, common open space, or the preservation of historically, agriculturally or environmentally sensitive features. The size of individual lots may be reduced to gain such common open space.

Community Living Arrangement, 8 or Fewer Residents shall mean any one of the following with 8 or fewer residents (1) a residential care center for children and youth as defined in s. 48.02(15d), Wis. Stats., operated by a child welfare agency licensed under s. 48.60, Wis. Stats.; (2) a group home for children as defined in s. 48.02(7), Wis. Stats.; and (3) a community-based residential facility as defined in s. 50.01(lg), Wis. Stats. The term does not include adult family homes, as defined in s. 50.01, Wis. Stats.

Community Living Arrangement, 9 to 15 Residents shall mean any one of the following with more than 8 but fewer than 16 residents (1) a residential care center for children and youth as defined in s. 48.02(15d), Wis. Stats., operated by a child welfare agency licensed under s. 48.60, Wis. Stats.; (2) a group home for children as defined in s. 48.02(7), Wis. Stats.; and (3) a community-based residential facility as defined in s. 50.01(lg), Wis. Stats. The term does not include adult family homes, as defined in s. 50.01, Wis. Stats.

Community Living Arrangement, More Than 15 Residents shall mean any one of the following with 16 or more residents (1) a residential care center for children and youth as

defined in s. 48.02(15d), Wis. Stats., operated by a child welfare agency licensed under s. 48.60, Wis. Stats.; (2) a group home for children as defined in s. 48.02(7), Wis. Stats.; and (3) a community-based residential facility as defined in s. 50.01(lg), Wis. Stats. The term does not include adult family homes, as defined in s. 50.01, Wis. Stats.

Community-Scale Solar Energy System shall mean a commercial solar energy system that converts sunlight into electricity for the primary purpose of serving electric demands off-site from the facility, either retail or wholesale. Community-scale systems are principal uses and projects typically cover less than 1 acre.

Deck shall mean an unenclosed exterior structure that has no roof or sides but has a permeable floor which allows the infiltration of precipitation.

Development shall mean any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Directional sign shall mean any auxiliary sign that is limited to directional messages principally for assisting in the flow of pedestrian or vehicular traffic, such as enter, exit, and one way. Directory sign shall mean a sign listing the tenants or occupants of a building or group of buildings and that may indicate their respective professions or business activities.

District, basic use, shall mean a part or parts of the Village for which the regulations of this chapter governing the use and location and land and buildings are uniform (such as the residential, business, industrial, or farming district classifications).

District, overlay, shall provide for the possibility of superimposing certain additional requirements upon a basic use zoning district without disturbing the requirements of the basic use district. In the instance of conflicting requirements, the more strict of the conflicting requirement shall apply.

Dwelling shall mean a detached building designed or used exclusively as a residence or sleeping place, but does not include boardinghouses or lodging houses, motels, hotels, tenements, cabins or mobile homes.

Elevation shall mean the height in feet above National Geodetic Datum of 1929, also known as mean sea level datum.

Essential services shall mean services provided by public and private services, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage and communication systems and accessories thereto, such as poles, tower, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings used or intended to be used for human habitation.

Expressway shall mean a divided arterial street or highway with full or partial control of access and with or without grade separated intersections.

Fall zone means the area over which a mobile support structure is designed to collapse.

Flag shall mean any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, school, or to indicate membership in a non-profit organization.

Flashing sign shall mean any directly or indirectly illuminated sign on which the natural or artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. This definition includes parts that move while the light remains constant, giving the impression of changing or flashing lights. Intermittent signs only providing

information such as time, date, and temperature and changeable copy signs as defined herein are not considered "flashing signs."

required to carry the regional flood discharge.

Foster Home and Treatment Foster Home shall mean A place licensed by the state for the care of foster children and which is operated by a corporation, child welfare agency, church, or other such entity. Note: See s. 48.62, Wis. Stats. A foster home and treatment foster home can either be a principal use or an accessory use. If the operator lives in the residence with the children, it is considered an accessory use.

Freeway shall mean an expressway with full control of access and with fully grade separated intersections.

Frontage shall mean the portion of a lot abutting a public street measured along the street line. On corner lots, this shall be interpreted as the portion of the public street by which the structure is addressed.

Ground sign (monument sign) shall mean any permanent free-standing sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and which does not exceed fifteen (15) feet in height.

Habitable structure shall mean any structure or portion thereof used or designed for human habitation.

Highest adjacent grade shall mean the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Home occupation shall mean any gainful occupation or profession engaged in by an occupant of a dwelling unit.

In-law suite shall mean a physical arrangement of a dwelling unit in such a fashion that a separate living quarters is created within a dwelling unit for the sole purpose of allowing related persons to live in the secondary living area while that owner and his or her family resides in the principal living area. The secondary living area may contain a bedroom, bathroom and kitchenette which permit a limited degree of independence but does not create a separate housekeeping entity.

Interchange shall mean a grade separated intersection with one (1) or more turning lanes for travel between intersection legs.

Landscaped buffer shall mean an area of landscaping separating two (2) distinct land uses, or a land use and a public right-of-way or private road, and acts to soften or mitigate the effects of one (1) land use on the other.

Large-Scale Solar Energy System shall mean a commercial solar energy system that converts sunlight into electricity for the primary purpose of wholesale sales of generated electricity. A large- scale solar energy system will have a project size greater than 1 acre and is the principal land use for the parcel(s) on which it is located.

Light manufacturing shall mean the manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing and custom manufacturing, provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the building.

Loading area shall mean a completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

Lot shall mean a parcel of land having frontage on a public street, or other means of access that was in existence prior to the original adoption of this zoning ordinance and which has been approved by the Village, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, lot yard, parking area, and other open space provisions of this chapter.

Lot lines and area shall mean the peripheral boundaries of a parcel of land and the total area lying within such boundaries exclusive of any highway right-of-way or road easement.

Lot width shall mean the width of a parcel of land measured at the front of the specified street yard. Depending on the context, the term can refer to the required width of a lot, actual width of a lot, or proposed width. Lot width is measured along an imaginary line generally parallel to the front lot line at the street yard building setback line. Such measurement may not be interrupted by any feature, as in the case of a lot with two areas on the same street.

Lowest adjacent grade shall mean the elevation of the lowest ground surface that touches any of the exterior walls of a building.

Marquee shall mean any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather. Marquee sign shall mean any sign attached to, in any manner, or made a part of a marquee.

Minor structures shall mean any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment and arbors.

Municipality or *municipal* shall mean the county, city, or village governmental units enacting, administering, and enforcing this zoning ordinance.

Nonconforming uses or structures shall mean any structure, land or water lawfully used, occupied or erected at the time of the effective date of this chapter or amendments thereto which does not conform to the regulations of this chapter or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

Normal maintenance and repair shall mean cleaning, painting, replacing broken and vandalized non-structural parts; replacing light bulbs; and other like minor routine repairs in a manner that does not change or alter the basic copy area, design, or structure of the sign.

Nuisance shall mean a public nuisance as defined in Chapter 38 – Public Nuisances of the Raymond Code of Ordinances.

Obsolete sign shall mean any sign that no longer correctly directs or exhorts any person or advertises a business, service, product, tenant, or activity no longer conducted, available, or in existence on the premises where such sign is displayed.

Off-road vehicle shall mean a motorized vehicle designed for use on a variety of non-improved surfaces including but not limited to, dune buggies, four-wheel drive vehicles, snowmobiles, all-terrain vehicles (ATVs), dirt bikes, minibikes, motor bikes, mopeds and trail bikes. Agricultural equipment (such as farm tractors, seeders, combines, cultivators, etc.) used in the operation of a farm, garden tractors and riding lawnmowers are not a type of off-road vehicle.

Pennant shall mean any lightweight plastic, fabric, or other material, whether or not it contains a message of any kind, suspended from a rope, wire, or string, usually in series that typically streams in the wind.

Pergola shall mean a structure of parallel colonnades supporting an open roof of crossing rafters or trelliswork.

Pond shall mean a natural or artificial (manmade) body of standing water smaller than a lake which generally retains water year-round.

Pole sign (freestanding sign, self-supporting sign) shall mean any sign that is mounted on one (1) or more poles.

Principal structure shall mean a structure used or intended to be used for the principal use as permitted on such lot by the regulations of the district in which it is located.

Private sewage system shall mean a sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also shall mean an alternative sewage system approved by the department of commerce, including a substitute for the septic tank or soil absorption field, a holding tank,

a system serving more than one structure or a system located on a different parcel than the structure.

Projecting sign shall mean any sign that is wholly or partly dependent upon a building for support and which projects more than twelve (12) inches from the side(s) of such building.

Rear yard shall mean a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearer point of the principal structure. This yard shall be opposite the street yard or one (1) of the street yards on a corner lot.

Recreational vehicle shall mean a vehicular unit designed as temporary living quarters for recreational, camping, or travel use which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, or motor home.

Roadside stand shall mean an accessory structure having a ground area of not more than three hundred (300) square feet, not closer than twenty-five (25) feet to any street right-of-way line, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premises (or adjoining premises).

Roof sign shall mean any sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above any point of a building with a flat roof, the deck line of a building with a mansard roof, or the eave line of a building with a gambrel, gable, dome or hip roof.

Screening shall mean a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Self-service storage facility shall mean any structure designed and used for the purpose of renting or leasing individual storage spaces to tenants who are to have access to such space for the purpose of storing and removing personal property; also known as a mini warehouse.

Setback shall mean the minimum required distance between a building and one or more lot lines, the actual distance, or the proposed distance.

Shore yards shall mean a yard extending across the full width or depth of a lot, the depth of which shall be the minimum horizontal distance between a line intersecting both side lot lines at the same angle and containing the ordinary highwater mark of a lake, pond, flowage, river, stream or wetland nearest the principal structure and a line parallel thereto containing the point of the principal structure nearest the ordinary highwater mark.

Shorelands shall mean those lands within the following distances from the ordinary highwater mark of navigable waters: one thousand (1,000) feet from a lake, pond, or flowage, and three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

Shorelines shall mean the intersection of the land surfaces abutting lakes, ponds, rivers, streams, flowages, and wetland with the ordinary highwater mark.

Side yard shall mean a yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

Sign shall mean any object, device, display, or structure, or part thereof, situated outdoors or indoors, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

Solar Energy System – Accessory Use shall mean solar energy systems which are not a principal use are a permitted accessory use in all zoning districts where structures of any sort are allowed, subject to certain requirements as set forth in Section 25-14-4 (a). Solar carports and associated electric vehicle charging equipment are a permitted accessory use on surface parking lots in all districts regardless of the existence of another building. Solar

energy systems that do not meet the design standards in Section 25-14-4 (a) will require a conditional use permit.

Street shall mean a public or private right-of-way providing primary access to abutting properties.

Street yard shall mean a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) such yards.

Structural alterations shall mean any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.

Structure shall mean any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

Substantial improvement shall mean any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. The term does not however, include either: (a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (b) any alteration of a designated historical structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places provided the alteration will not preclude the structure's continued designation as an historical structure. Ordinary maintenance repairs are not considered structural repairs, modifications, or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components. "Substantial improvement" begins when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

Substantial work shall mean a considerable amount of work done towards completing the project that received approval, that may include obtaining necessary plot plans, surveys, engineering data, easements, deed restrictions, approvals, permits, and physically starting the project. For typical building construction projects, the site work must progress beyond grading and completion of structural foundations, and construction must be occurring above grade to be considered substantial work.

Temporary sign shall mean any sign intended for a limited or intermittent period of display.

Total height shall mean, when referring to a wind turbine, the distance measured from ground level to the blade extended at its highest point.

Traveling message sign shall mean any characters, letters, or illustrations (see changeable copy sign) that appear to move, change, or flash on a sign more than once every eight (8) seconds, excluding a "time and temperature" portion of a sign.

Unnecessary hardship shall mean that circumstance where special conditions, which are not self-created, affect a particular property and make strict conformity with the restrictions governing dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building height) unnecessarily burdensome or unreasonable in light of the purpose of the ordinance.

Services shall mean public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

Telecommunication Collocation (Class 1) shall mean the placement of a new mobile service facility on an existing support structure which constitutes a substantial modification. Note: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.

Telecommunication Collocation (Class 2) shall mean the placement of a new mobile service facility on an existing support structure which does not constitute a substantial modification.

Telecommunication Tower shall mean a free-standing tower with or without an equipment compound that is intended for the placement of one or more mobile service facilities. Note: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.

Utility pole means a structure owned or operated by an alternative telecommunications utility, public utility, telecommunications utility, county, municipality, or cooperative associate, all as defined under current law or under the proposal, and that is specifically for and used to carry lines, cables, or wires for telecommunications service, video service, or for electricity or to provide light.

Variance shall mean an authorization granted by the zoning board of appeals to construct, alter, or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.

Wall sign shall mean any sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project more than twelve (12) inches from such building or structure.

Watershed shall mean the entire region contributing runoff or surface water to a watercourse or body of water.

Well shall mean an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

Wetlands shall mean those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

Window sign shall mean any sign that is placed inside a window or upon the windowpanes or glass and is readable from the street or highway.

Yard shall mean the area of a lot that is required to be unoccupied and unobstructed from the ground upward, except by trees, shrubbery, or as otherwise provided in this chapter. The street and rear yards extend the full width of the lot.

Zoning administrator shall mean a person recommended by the Village to administer and enforce this chapter.