

TITLE 16

Zoning and the Village Board of Appeals

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CHAPTER 1

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
16-1-1	Adoption of Racine County Zoning	2005-21 2006-11 2008-08	12-06-05 11-21-06 11-18-08
16-1-2	Title	2005-21 2006-11	12-06-05 11-21-06
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SEC. 16-1-1 ADOPTION OF RACINE COUNTY ZONING.

- (a) Pursuant to Sections 66.0213(2)(a) and 66.0216(8)(a), Wis. Stats., Chapter 20 of the Racine County Code of Ordinances (“Ch. 20 of the RCCO”), as such was in effect at the time of the Village’s incorporation, shall continue in force in the Village, to the extent not inconsistent with Wis. Stats. Ch. 61 and except as otherwise altered by the Village Code of Ordinances as provided in subsection 16-1-1(c) below and within Title 16 generally. Any amendments to Ch. 20 of the RCCO by Racine County shall not apply to the Village unless such changes are specifically adopted by the Village as required by Wisconsin Statutes. To the

extent any provision of this Title or any other ordinance of the Village conflicts with a provision of Ch. 20 of RCCO, the more restrictive provision shall apply.

- (b) Pursuant to Sections 66.0213(2)(b) and 66.0216(8)(b), Wis. Stats., any county shoreland zoning ordinance enacted under Section 59.692, Wis. Stats., that is in force in any part of the Village shall continue in force until altered under Section 59.692(7)(ad), Wis. Stats.
- (c) **Sex Offender Residency Uses.**

(1) **Findings of Fact.**

- (a) The Board finds that sex offender residency uses require special zoning in order to protect and preserve the health, safety, and welfare of the Village residents and the children living or congregating within its borders and the Board places a high priority on maintaining public safety through highly skilled and trained law enforcement as well as dependency upon laws that deter and punish criminal behavior.
- (b) Based on its review of the Wisconsin Statutes which provide for the punishment, treatment and supervision of persons convicted or otherwise responsible for crimes against children, including their release into the community including Chapter 980 of the Wisconsin Statutes which provides for the civil commitment of sexually violent persons, a more dangerous type of sex offender, and specifically, at §980.08, Wis. Stats., following such commitment, under certain conditions, provides for the supervised release of such persons into the community; a 1998 report by the U.S. Department of Justice report that found that sex offenders are the least likely to be cured and the most likely to reoffend and prey on the most innocent members of our society; and more than two-thirds of the victims of rape and sexual assault are under the age of 18 and sex offenders have a dramatically higher recidivism rate for their crimes than any other type of violent felon; and various case law addressing residency restrictions and sex offender recidivism including the recent decision in the Milwaukee County Circuit Court case, City of Franklin v. Steven Hanke, Case No. 07-CV-9978 dated July 2, 2008, the Board finds that sex offenders have very high recidivism rates.
- (c) The Board intends to control the residency of sex offenders in furtherance of the protection of the safety of its citizens and for the proposition that municipalities be responsible for, as well as to, their own citizens, the requirement that no sexually violent person may be placed on supervised release in a residence in the Village of Caledonia unless that individual is from the Village of Caledonia; and such residency can be controlled by zoning

regulations pertaining to the definition of "family", generally in application to the administration and regulation of single-family, two-family and multi-family residential zoning districts; and the more specific regulation of Chapter 980 Stats., supervised release and certain crimes against children sex offender uses, will serve to protect the health, safety and welfare of the Community, protect the citizens from increased crime; preserve the quality of life; and preserve the property values and character of surrounding neighborhoods and areas.

- (d) In order to minimize and control the residency of sex offenders, it is the board's intent to prevent the concentration of sex offender residency within certain zoning districts and within a certain distance of specified locations and zoning districts around which children congregate.
- (2) **Purpose and Intent.** This ordinance is a regulatory measure aimed at protecting the health and safety of children in the Village from the risk that convicted sex offenders may reoffend in locations close to their residences. The Village finds and declares that sex offenders are a serious threat to public safety. When convicted sex offenders reenter society, they are much more likely than any other type of offender to be re-arrested for a new rape or sexual assault. Given the high rate of recidivism for sex offenders and that reducing opportunity and temptation is important to minimizing the risk of reoffense, there is a need to protect children where they congregate or play in public places in addition to the protections afforded by state law near schools, day-care centers and other places children frequent. The Village finds and declares that in addition to schools and day-care centers, children congregate or play at public parks.
- (3) **Definitions.** For purposes of this section, the following definitions shall be used. 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 and directory.
- (a) **Sex Offender Residency Use.** An occupancy use of a dwelling unit or a residential use unit pursuant to a plan of the Department of Health and Family Services, a Court order, or as may otherwise result from or be provided for under Chapter 980 of the Wisconsin Statutes, which occupancy use is the supervised release of a sexually violent person (a person having committed a sexually violent offense as those terms are defined in § 980.01(6), Wis. Stats.) and/or a "crimes against children sex offender use" as herein defined, or a residential use with or without supervision, by a person now, then or previously a sexually violent person and/or a crimes against children sex offender including any person who is

or was required to register under Section 301.45, Wisconsin Statutes, for any sexual offense against a child, or any person who is or was required to register under Section 301.45, Wisconsin Statutes, and who has been designated a Special Bulletin (SBN) sex offender pursuant to Sections 301.46(2) and (2m), Wisconsin Statutes. A "crimes against children sex offender use" is an occupancy use by an individual, who has been convicted of or has been found delinquent of or has been found not guilty by reason of disease or mental defect of, any of the following offenses set forth within the Wisconsin Statutes, as amended, or the laws of this or any other state or the federal government, having like elements necessary for conviction, respectively:

§944.225(1) First Degree Sexual Assault;
§940.225(2) Second Degree Sexual Assault;
§940.225(3) Third Degree Sexual Assault;
§940.22(2) Sexual Exploitation by Therapist;
§940.30 False Imprisonment-victim was minor and not the offender's child;
§940.31 Kidnapping-victim was minor and not the offender's child;
§944.01 Rape (prior statute);
§944.06 Incest;
§944.10 Sexual Intercourse with a Child (prior statute);
§944.11 Indecent Behavior with a Child (prior statute);
§944.12 Enticing Child for Immoral Purposes (prior statute);
§948.02(1) First Degree Sexual Assault of a Child;
§948.02(2) Second Degree Sexual Assault of a Child;
§948.025 Engaging in Repeated Acts of Sexual Assault of the Same Child;
§948.05 Sexual Exploitation of a Child;
§948.055 Causing a Child to View or Listen to Sexual Activity;
§948.06 Incest with a Child;
§948.07 Child Enticement;
§948.075 Use of a Computer to Facilitate a Child Sex Crime;
§948.08 Soliciting a Child for Prostitution;
§948.095 Sexual Assault of a Student by School Instructional Staff;
§948.11(2)(a) or (am) Exposing Child to Harmful Material-felony sections;
§948.12 Possession of Child Pornography;
§948.13 Convicted Child Sex Offender Working with Children;
§948.30 Abduction of Another's Child;
§971.17 Not Guilty by Reason of Mental Disease-of an included offense; and
§975.06 Sex Crimes Law Commitment.

- (b) **Family.** A family may consist of a person living alone or any of the following groups living together in a dwelling unit and sharing common living, sleeping, cooking and eating facilities:
1. Any number of people related by blood, marriage, adoption, guardianship or other duly authorized custodial relationships;
 2. Four unrelated people; or
 3. Two unrelated people and any children related to either of them.

A family does not include:

1. Any society club, fraternity, sorority, association, lodge, combine, federation or other like organization;
 2. Two or more individuals whose association to each other is temporary and/or seasonal in nature; or
 3. More than one person determined to be a sexually violent person under Chapter 980, Wisconsin Statutes and/or a Crimes Against Children Sex Offender Use as defined within this Ordinance or determined to be a person who is or was required to register under Section 301.45, Wisconsin Statutes, for any sexual offense against a child, or any person who is or was required to register under Section 301.45, Wisconsin Statutes, and who has been designated a Special Bulletin (SBN) sex offender pursuant to Sections 301.46(2) and (2m), Wisconsin Statutes.
- (c) **Prohibited Location.** Any school property (public or private), licensed daycare center, park, trail, playground, athletic fields used by children, place of worship, or any other place designated by the Village as a place where children are known to congregate.
- (d) **Permanent Residence.** A place where the Designated Offender lodges or resides for fourteen (14) or more consecutive days.
- (e) **Temporary Residence.** Either (a) a place where the person abides, lodges or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address; or, (b) a place where the person routinely abides, lodges or resides for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not the person's Permanent Residence.
- (f) **Child or Children.** A person(s) under the age of sixteen (16) years for purposes of this Ordinance.

- (g) **Minor.** A person under the age of seventeen (17) years.
- (4) **Uses.** A Sex Offender Residency Use, whether a Permanent Residence or Temporary Residence, shall be permitted in all zoning districts if such use meets the definition of a Family and the requirements of this section are met except that such use is prohibited in the P-1 Institutional Park District, P-2 Recreational Park District, and C-1 Resource Conservation District, and no foster family home, community living arrangement, housing for farm laborers or multiple-family residential housing for older persons shall include a Sex Offender Residency Use in any district.
- (5) **Requirements for uses under this Section.**
 - (a) Use Distance Restriction.
 1. A Sex Offender Residency Use, not placed pursuant to Department of Corrections (DOC) guidelines (whereby sex offenders are returned to their home community), shall not occur or be established within two thousand five hundred (2,500') feet of a Prohibited Location or a boundary line of a P-1 Institutional Park District, P-2 Recreational Park District, C-1 Resource Conservation District or the City of Racine H.F. Johnson Memorial Park.
 2. A Sex Offender Residency Use, placed in compliance with Department of Corrections (DOC) guidelines (whereby sex offenders are returned to their home community) shall not occur or be established within one thousand (1,000') feet of a Prohibited Location or a boundary line of a P-1 Institutional Park District, P-2 Recreational Park District, C-1 Resource Conservation District or the City of Racine H.F. Johnson Memorial Park.
 3. A Sex Offender Residency Use shall not occur or be established within a six (6) block radius of an existing Sex Offender Residency Use.
 - (b) Determination of Minimum Distance Separation. For purposes of determining the minimum distance separation, the requirements under subsection (a) above shall be measured by following a straight line from the outer property line of the parcel of land comprising the Permanent Residence or Temporary Residence of a Sex Offender Residency Use to the nearest outer property line of a parcel of land containing a Prohibited Location or boundary line of prohibited zoning district or H.F. Johnson Memorial Park.
 - (c) Maps. A map depicting the above enumerated uses and the resulting use distance restriction from Prohibited Locations, district and park boundaries shall be adopted by Resolution of the Village

Board, and which map may be amended from time-to-time, is on file in the Office of the Village Clerk for public inspection.

- (d) **Original Domicile Restriction.** In addition to and notwithstanding the foregoing prohibitions, but subject to subsection (e) below, no use that would fall within the definition of a Sex Offender Residency Use, and no individual who has been convicted of a sexually violent offense and/or a Crime Against Children as a sex offense as that term is defined under Sec. 301.45(1d)(b), Wis. Stats., shall be permitted to occur or reside, either permanent or temporarily, in the Village of Caledonia, unless such person was legally domiciled in the Village of Caledonia at the time of the offense resulting in the person's most recent conviction for committing the sexually violent offense and/or crime against children.
- (e) **Exceptions.** A use occurring or a person residing within an area prohibited or restricted by this ordinance shall not be in violation of this Ordinance if any of the following apply:
1. The use occurred, was established, reported and registered pursuant to Section 301.45, Wisconsin Statutes, before the effective date of this Ordinance.
 2. The person conducting the use is a Minor and is not required to register under Sections 301.45 and 301.46, Wisconsin Statutes.
 3. The Prohibited Location situated within two thousand five hundred/one thousand (2,500'/1,000') feet of the person's Permanent Residence was opened or established after the person conducting the use established the Permanent Residence or Temporary Residence and reported and registered the residence pursuant to Section 301.45, Wisconsin Statutes.
 4. The residence is also the primary residence of the person's parents, grandparents, siblings, spouse or children, provided that such parent, grandparent, sibling, spouse or child established the residence at least two (2) years before the person established residence at the location.
- (6) **Severability.** Should any section, paragraph, sentence, clause or phrase of this Section be declared unconstitutional or invalid, or be repealed, it shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be invalid or repealed and the remaining terms and provisions shall remain in full force and effect.
- (7) **Penalties.** Any person who violates any provision of this Section shall, upon conviction thereof, be subject to a forfeiture not to exceed Five

Hundred (\$500.00) Dollars, together with the costs of prosecution, and in default of payment thereof, shall be committed to the County Jail for a period not to exceed ninety (90) days. Each violation and each day such violation continues shall be considered a separate offense. Nothing contained herein shall prohibit the Village from seeking injunctive and other relief in a court of law to enforce its ordinances.

SEC. 16-1-2 TITLE.

These regulations shall officially be known, cited and referred to as the Zoning Code of the Village of Caledonia, Wisconsin.

SEC. 16-1-3 INTENT AND PURPOSE.

The intent and purpose of this Title 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 Title 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, Land Use Plan, Neighborhood Plans, the surrounding area and the overall community.

SEC. 16-1-4 DEFINITIONS.

The following definitions shall be observed and applied in Title 16, except when the context clearly indicates otherwise. Words used in the present tense shall include the future tense. Words used in the singular form shall include the plural form. Words used in the plural form shall include the singular form. The word “shall” is mandatory and the word “may” is permissive. The word “should” is intended to mean a guideline that is expected to be met by the applicants in a manner that is subject to interpretation and application by the professional staff of the Village (and/or an Architectural Review Board if one is created by ordinance) subject to recommendation by the Village Plan Commission and approval by the Village Board. In such cases, the Village staff (or Architectural Review Board), not the applicant, shall make specific recommendations regarding the acceptable interpretation of each guideline.

- (a) **High Impact Use.** Any use of property that meets any of the characteristics described under Sec. 16-5-2 of this Title.
- (b) **Moderate Impact Use.** Any use of a property that meets any of the characteristics described under Sec. 16-4-2 of this Title.
- (c) **Permitted Use.** A use of property that is specifically designated as permitted under a zoning district.

SEC. 16-1-5 VILLAGE BOARD OF APPEALS.

- (a) **Creation and membership.** There is hereby created for the Village a Board of Appeals. Notwithstanding the incorporation of County Zoning, the Board of Appeals shall operate in lieu of, the Racine County Board of Adjustment. The Board of Appeals shall consist of five members and two alternate members appointed by the President and subject to confirmation by the Village Board. Such appointments and members shall be governed by Wis. Stats. § 62.23(7)(e)2. The terms of the members shall be set by resolution and shall be staggered three-year periods, except that of those appointed, one shall serve for one year, two for two years, and two for three years. There shall be no compensation received by the members for their service on the Board.
- (b) **Jurisdiction.** The Board of Appeals shall have the following powers granted in Wis. Stats. § 62.23(7)(e)7:
 - (1) To hear and decide appeals from any order, requirement, decision, or determination made by the zoning administrator under this Title except for requirements for municipal sewer and water pursuant to Section 16-2-1.
 - (2) To hear and pass upon applications for special exceptions or variances from the terms of this Title except for requirements for municipal sewer and water pursuant to Section 16-2-1.
 - (3) To hear and decide all matters referred to it or upon which it is required to pass under this Title except for requirements for municipal sewer and water service pursuant to Section 16-2-1.
- (c) **Officers.** The Board of Appeals shall choose its own chairperson, vice chairperson, and secretary.
- (d) **Meetings and rules.** The Board of Appeals shall adopt rules and regulations for its own government, not inconsistent with law or with the provisions of this Title and of any other ordinance of the Village. 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 absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.
- (e) **Hearings; records; quorum; actions.** Hearings of the Board of Appeals shall be public. 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. The presence of a majority of Board members, or of Board members and alternates, shall constitute a quorum.
- (f) **Assistance from other Village departments.** The Board of Appeals may call on other Village departments for assistance in the performance of its duties and it shall be the duty of such other departments to render such assistance to the Board as may be reasonably required.
- (g) **Powers and Procedures of review.** The Board of Appeals shall review any order requiring decision or determination made pursuant to the provisions of this Title except for the requirements for municipal sewer and water service pursuant to

Section 16-2-1. The provisions of Sections 20-35 through 20-43 of the Racine County Code of Ordinances are incorporated herein by reference and are hereby made applicable to proceedings of the Board of Appeals except that the Board of Appeals shall not have the authority to grant conditional uses under Section 20-35(a)(7).

- (h) **Determinations.** The concurring vote of a majority of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass, or to effect any variation under this Title. The Board of Appeals shall make the reasoning underlying its decisions clear, either by issuing a written decision or by including adequate detail in the meeting minutes.
- (i) **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.

CHAPTER 2

Municipal Sewer and Water Service Required

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
16-2-1	Sewer and Water Service	2006-11	11-21-06

SEC. 16-2-1 SEWER AND WATER SERVICE.

(a) **Definitions.**

- (1) **District.** Caledonia Sewer Utility District No. 1, and/or Caledonia Water Utility District No. 1.
- (2) **Urban Service Area.** The boundaries of the Sanitary Sewer Service Area for the City of Racine and Environs as set forth by the Southeast Wisconsin Regional Planning Commission in the most recent edition of Community Assistance Planning Report No. 147, and approved or requested amendments thereto,

(b) **Municipal Sewer and Water Service Required.** All new buildings for proposed uses within the District's Urban Service Area shall be served by sewer and water facilities owned and operated by the District.

(c) **Modifications or Waivers.** Any request for modification or waiver of the above provisions shall be made and considered in accordance with Section 14-3-1(k) of the Village's Code of Ordinances. In considering a modification or waiver request, the Plan Commission and Village Board shall also consider the criteria set forth by Resolution of the Village Board.

CHAPTER 3

Design Standards for Business, Commercial, Industrial, Recreational and Institutional Uses

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
16-3-1	Applicability	2006-11 2008-04	11-21-06 07-01-08
16-3-2	Uniform Standards for Architectural Design	2006-11	11-21-06
16-3-3	Uniform Standards for Site Design and Landscape	2006-11	11-21-06
16-3-4	Additional Design Standards Based on Type of Development Use	2006-11	11-21-06
16-3-5	Signs	2006-11 2008-04	11-21-06 07-01-08
16-3-6	Parking	2006-11	11-21-06
16-3-7	Impermeable Surface	2006-11	11-21-06

SEC. 16-3-1 APPLICABILITY.

- (a) **Required.** All persons, firms, entities, or associations seeking to use property for Business, Commercial, Industrial, Institutional, or Recreational uses whether by zoning permit for a permitted use, conditional use, planned unit development, or any other way, shall file an application pursuant to this Title and Ch. 20 of the RCCO and shall comply with the requirements of this Title and Ch. 20 of the RCCO. To the extent any provision of this Title or any other ordinance of the Village conflicts with a provision of Ch. 20 of the RCCO, the more restrictive provision shall apply.
- (b) **Exceptions.** Proposed accessory cold storage buildings located on existing commercially-zoned sites (whether or not a conditional use permit governs operations on the rest of the site) and located outside of Urban Service Area, as that term is defined under Sec. 16-2-1, and/or outside of the Village Centers as identified in the adopted land use plan and neighborhood plans where the proposed structure is obscured from the highway frontage shall be exempt from the provisions of this Chapter.
- (c) **Additions.** Additions to existing buildings and structures shall comply with this Chapter when:
- (1) The addition is approved after the adoption of this Ordinance and the use of the property meets the criteria of either Chapters 4 or 5 of this Title regulating Moderate and High Impact Uses; or

- (2) Buildings and structures within three hundred feet (300') of the subject building or structure have complied with this Chapter.

SEC. 16-3-2 UNIFORM STANDARDS FOR ARCHITECTURAL DESIGN.

- (a) **Required.** These standards are applicable to all new applications after adoption of this ordinance for all permitted uses in any zoning district in which they are allowed, any conditional use or as part of a planned unit development. Design, placement and orientation of buildings shall facilitate appropriate land use integration and appropriate vehicular and pedestrian flow to adjoining areas and neighborhoods, and shall forward community character objectives as described in the Village's Comprehensive Plan, if applicable, and the Village's Land Use Plan.
- (b) **Design Guidelines Manual.** The applicant shall follow the Design Guidelines Manual, as published and revised by the Village from time-to-time for all permitted Business, Commercial, Industrial, Recreational and Institutional uses, all conditional uses and all planned unit developments. These guidelines are available from the Village Clerk. Among other features, these guidelines address the standards delineated under Sec. 16-3-2(c) as well as lighting, signs and mixed-use development.
- (c) **General Standards.** These standards shall apply in all uses and may be supplemented by a special design standard, if applicable, under Section 16-3-4.
 - (1) **Future Uses and Redevelopment.** Building locations and design shall be planned to facilitate a variety of future uses and redevelopment potential. This includes circulation and parking arrangements, street and lot arrangements, and building orientations that lend themselves to future changes if, and when, initial uses are terminated.
 - (2) **Building placement.** Buildings shall be parallel to the right-of-way (or parallel to the tangent to curve taken at the midpoint) and located within the build-to zone established by Village neighborhood plans and the Village Land Use Plan, unless otherwise allowed under a conditional use permit or planned unit development. If the build-to zone has not been established, the build-to zone is within ten (10) feet of the minimum setback line unless otherwise allowed by the Village.
 - (3) **Building facades, composition and articulation.** Buildings shall be comprised of a visually distinct base, middle and top. Buildings shall not exceed two (2) stories except as noted in the standards for specific types of places or as may be allowed for by a conditional use or in a planned unit development. This provides a flexible method of relating the building to the pedestrian (base), to the surrounding architecture (middle), and the opportunity for unique identity where the building meets the sky (top). Expression of the elements should be handled through changes in plane and material, horizontal bands, cornices, and/or varied window openings. Large buildings should be comprised of a series of masses and forms to give the building hierarchy, scale and visual richness. Building massing

- and components should demonstrate consistent proportional harmonies as indicated in the guideline illustrations.
- (4) **Building Materials.** The primary facade and sides of the building visible from the public space, public parking, walkways, and rights-of-way shall be clad in finish grade materials unless otherwise allowed under a conditional use or planned unit development. Glass, brick, stone, wood, and decorative block are examples of finish grade materials that are appropriate for use on visible facades. The rear or side of the building shall use the same materials.
 - (5) **Additional Facade Features.** Awnings and canopies are encouraged on commercial development. They should correspond with window and door placement and should be used to give prominence to openings. Awnings should be composed of straight planar surfaces and opaque material and shall not be lit from within.
 - (6) **Glazing.** Windows should be configured to maximize facade transparency along publicly accessible/visible areas. Clear glass shall occupy a minimum of 40% of the building frontage along sidewalks and walkways intended for pedestrian circulation.
 - (7) **Entrances and Entry Features.** The major public entry shall be a prominent visual feature of a building. Users should be able to discern the entry of a building from a distance to facilitate movement to the building. This entry should be oriented toward a public space such as the parking area or street right-of-way. The entry should be easily distinguishable from the rest of the building and given prominence through recess/projection, canopy or awning, change in material, height, added detail or other methods. If multiple retail tenants occupy the ground floor of a building, each should have their own separate and distinct entry. If the ground floor is occupied by office uses, a shared entrance is appropriate. Upper floors of office or residential buildings may be serviced by a single ground floor entry. Service entries and garage doors should be located in the rear or on the side of the building and screened by landscaping pursuant to subsection 16-3-2(c)(8) below.
 - (8) **Design and Screening of Garage Doors, Loading Areas, Service Entries and Areas, and Mechanical Equipment.** Garage doors, loading areas, service entries and areas, and mechanical equipment shall be screened or designed with a high degree of visual appeal. This treatment can minimize the negative visual impact such necessary functions have and can help enhance and define adjacent spaces. Various techniques should be used to completely screen views into these areas. Densely planted trees, shrubs, opaque fencing, and/or garden walls should be used to screen service areas, loading areas, trash receptacles and ground-floor mechanicals. These elements should be at least seven (7) feet high (plant material should be at least seven (7) feet within 2 years of planting). A high degree of visual appeal can be attained through the use of ornamental fencing, ornamental canopies, pedestrian scale lighting, high grade finish materials, and additional design detail.

- (9) **Vehicular Entries.** Vehicular entries that allow motor vehicles to cross sidewalks and other pedestrian walkways shall be designed to slow vehicular traffic and minimize interruption to pedestrian movements. Such areas should not be more than twenty feet (20') wide for two lanes of traffic and ten feet (10') wide for one lane. Paving for such area should be distinct from abutting drive areas and should match the materials for pedestrian movement. Bollards or similar devices shall be used to calm traffic and give pedestrians a greater sense of security as they walk across drive lanes.
- (10) **Other.** Additional standards may be applied by the Village based on site conditions and the Village Comprehensive Plan, Land Use Plan, Neighborhood Plans or Subarea Plans.

SEC. 16-3-3 UNIFORM STANDARDS FOR SITE DESIGN AND LANDSCAPE.

- (a) **Design Guidelines Manual.** The applicant shall follow the Design Guidelines Manual, as published and revised by the Village from time-to-time for all permitted Business, Commercial, Industrial, Recreational and Institutional uses, all conditional uses and all planned unit developments. These guidelines are available from the Village Clerk. Among other features these guidelines address the requirements delineated under Sec. 16-3-3(b) as well as lighting and mixed-use development.
- (b) **Required.** These requirements are applicable to new applications for all permitted uses in any zoning district in which they are allowed, any conditional use or as part of a planned unit development. Design shall forward community character objectives as described in the Village's Comprehensive Plan, Land Use Plan and Neighborhood Plans.
 - (1) **Street Edge Landscaping.** Street edge landscaping, unless specifically excluded, shall include a rhythmic planting of trees no more than 50' on center of the tree trunk. Rhythmic planting shall mean the inclusion of 2 to 3 different species of trees planted in an alternating fashion. Trees shall be planted parallel to the right-of-way. Trees shall be canopy, deciduous trees from the Village Street Tree List. Trees bordering a parcel shall be of the same species in order to provide visual continuity along the street edge. In addition to rhythmic planting of trees, a secondary landscape layer located behind the tree line should be created using ornamental fences and continuous evergreen hedges that block views of parking areas. Unless otherwise noted these should have a minimum height of 4' above the elevation at the right-of-way. Berms should not be used as a device for visual screening unless specific approval is given by the Village Board. When berms are approved for use, they shall have a minimal slope in contrast to the surrounding landscape. When a berm is intended to screen a building from a public right-of-way, the berm must be configured so that the building is screened at all visual angles from the public right-of-way. Trees, fences, and hedges may be eliminated when there is a planned view of an open landscaped area included as part of a long-term open space

- management plan in a planned unit development or as provided by the standards for pedestrian main streets.
- (2) **Entry Features.** Each use shall include an entry feature at the curb cut. This visual feature can be combined with signage in compliance with the applicable ordinance. The entry feature should be visually integrated with the landscaping features.
 - (3) **Shared Cross-Easements.** Vehicular access between adjacent sites shall occur when possible, eliminating the need to return to the public street when traveling between multiple adjacent sites. Site access from arterial and local streets shall be shared between sites whenever possible.
 - (4) **New Access Drives.** New access drives should be located directly across the street from existing drives, if possible. Access drives, where they cross public walks and at property edges, should not exceed 24 feet, except when landscaped median features are incorporated.
 - (5) **Traffic Calming.** Internal local streets shall include features for traffic-calming.
 - (6) **Landscape Features in Large Surface Parking Lots.** For large surface parking lots with more than fifty (50) parking spaces, landscaped islands shall be located along the edges of large parking lots and along the likely pedestrian routes. For every twenty (20) parking spaces, three hundred (300) square feet of landscaped area should be provided. For the purposes of this paragraph, landscape features shall be defined as canopy trees (where the canopy is intended to be at least eight (8) feet above grade) and hedges or bushes with an intended height of four (4) feet or greater. The pattern and geometry of the landscape should follow the geometry of the buildings and circulation system. It should not appear as a series of isolated plantings unrelated to the visual character of the spaces created by the buildings and lots. Where feasible, trees and landscape features should be combined to create larger public spaces/greens within or adjacent to buildings and active uses.
 - (7) **Pedestrians and Bicycles.** Street cross-sections shall include either sidewalks or pathways for pedestrian movement (collectively referred to as "Walkways"). These may be combined with off-road bicycle trails and circulation. Pedestrian Walkways should be incorporated into all site plans along the public edges of parcels, between parking areas and buildings, as connections between adjacent sites, and within large parking areas. Pedestrian crosswalks should receive special paving treatments that are intended to calm traffic and provide a visually attractive pavement pattern for both drivers and pedestrians.
 - (8) **Pedestrian Movement in Surface Parking Lots.** Pedestrian Walkways provide a safe and attractive means of passage for pedestrians to and from their vehicles. Walkways should be located on rows that terminate at the building entrance and buffered from driving lanes and parking stalls with landscaping. Walkways should be pronounced with decorative paving, brick or other similar material, and pedestrian-scaled lighting. Pedestrian crossings should be provided to access the Walkways from other locations

- within the lot. Any material used shall be conducive with crossing motor vehicle traffic to avoid the creation of a hazard.
- (9) **Open Space and Natural Resource Protection.** Site design should accommodate open space and existing environmental features identified in the Village's Land Use Plan and neighborhood plan with a stewardship plan for its management.
 - (10) **Linkages to Trails, Environmental Features and Public Places.** Pedestrian linkages shall be provided to abutting trail systems and pedestrian Walkways. The internal trails and Walkways shall be connected in a pedestrian-friendly manner to the commercial uses on the site, building entries, and parking access.
 - (11) **Outdoor Activities, Displays, and Public Art.** Outdoor activities and displays of goods should be encouraged, especially when they will increase the presence of pedestrian activity. Use of public art should be encouraged, especially for site gateways, building entrances, and public places.
 - (12) **Multiple Uses for Outdoor Areas.** Multiple uses of outdoor areas should be encouraged and incorporated into the overall site design and plans. For example, portions of a surface parking lot could be used on some occasions for displays of goods.
 - (13) **Outdoor Lighting.** All lighting fixtures should be selected to avoid negative impacts on neighboring properties. Lighting shall be directional and utilize full cutoff luminaries. Storefronts should be illuminated allowing light to spill onto adjacent walkways and spaces. Wall-mounted light fixtures have the ability to highlight architectural elements and enliven facades while illuminating public areas adjacent to the building. Outdoor seating areas should be illuminated using pedestrian level lighting at comfortable illumination levels. Utilizing pole-mounted fixtures and lit bollards to illuminate Walkways is also an effective approach to defining the pedestrian zone and surrounding areas. Lighting fixtures should conceal the light source and provide diffused or soft reflected light.
 - (14) **Other Standards.** Additional standards may be applied by the Village based on site conditions, the Village Comprehensive Plan, Land Use Plan, Neighborhood Plans or Subarea Plans.

SEC. 16-3-4 ADDITIONAL DESIGN STANDARDS BASED ON TYPE OF DEVELOPMENT USE.

- (a) **Village Center Streets.** Village Centers are the properties within the Village Centers as designated by the Village's Land Use Plan. A Village Center street is a linear paved pedestrian place bordering active commercial uses or mixed uses intended for informal gatherings, sidewalk cafes, seating and similar activities. In Village Center Streets, the following design standards shall supplement Sections 16-3-2 and 16-3-3 as indicated below:
 - (1) **Building Placement.** Buildings' front façade shall parallel right-of-way (or be tangent to curves) and be located within the build-to zone (a

distance 0 to 10' from the right-of-way boundary). This build-to zone may be extended to 20' for high-traffic arterials as part of a planned unit development. Buildings shall fully occupy the corners of corner lots and of 50% of the length of the build-to-zone along the street edge. The building facades should align parallel to the edge and create a continuous street edge along a predetermined build-to line. Side setbacks along buildings are not desired. Zero-lot line developments and common wall structures are permitted and should be encouraged.

- (2) **Additional Facade Features.** Upper level balconies and terraces overlooking the main street should be included.
- (3) **Glazing.** Windows should be configured to maximize transparency from publicly accessible/visible areas. Clear glass shall occupy a minimum of 65% of the building frontage between the heights of three feet and eight feet on the ground floor. Reductions in the 65%, down to 25%, are permitted on facades that are not considered highly visible to the general public and for which alternative pedestrian friendly features add an appropriate pedestrian scale to the building façade. The glazing should allow visibility for at least 10' into an interior area which is typically accessible to the general public during regular business hours. Interior building layouts should be adjusted to locate active spaces, such as shopping areas, product displays and office spaces, abutting the windows to further enhance the visual connection and activity outside of the building.
- (4) **Entrances and Entry Features.** Along front facades and facades facing surface parking lots, there shall be at least one building entry located every 100'. For single commercial uses, only one entry must be a general public entry -- use of secondary entries may be determined by the occupant.
- (5) **Future Uses and Redevelopment.** Proposals for Village center areas shall include examples of how future uses, other than the initially proposed use, can be accommodated effectively. An example of this would be demonstrating that a lower level office use could be used for retail or that an upper level commercial use could be converted to residential development.
- (6) **Street Edge Landscaping.** In addition to the uniform standards for street edge landscaping, streets should consider use of trees set into gratings included in paved areas and any trees selected shall be from the approved Village Street Tree List. Berms are not allowed. Street trees are not required when a Village Center street is part of a planned unit development and the distance across the street, from building face to building face, is less than 100'.
- (7) **Traffic Calming.** Where possible, streets should be linked to local streets that incorporate major traffic calming devices integrated with pedestrian movement.
- (8) **Pedestrians/Sidepaths.** Pedestrian sidepaths along streets shall be sufficiently large to accommodate sidewalk seating (at least 15' of paved area) which may include trees in grates.

- (9) **Pedestrian Movement in Surface Parking Lots.** Pedestrian walkways should lead directly to the street.
 - (10) **Outdoor Activities, Displays, and Public Art.** Outdoor activities, displays, and public art should occur on the street.
 - (11) **Multiple Uses for Outdoor Areas.** The creation of public plazas and other public places should have direct links to the street area. Overly large plazas and public spaces should be avoided.
 - (12) **Outdoor Lighting.** Outdoor lighting should also be used to illuminate building facades on the street.
- (b) **Mixed Use Arterials.** A mixed use arterial comprises the real property abutting and adjacent to an arterial highway within the Village area designated as a Mixed-Use Arterial by the Village's Land Use Plan. Along these arterials, the following design standards are applicable and shall supplement Sections 16-3-2 and 16-3-3 as indicated below:
- (1) **Building Placement.** Buildings' front façade shall parallel right-of-way (or be tangent to curves) and be located within the build-to zone (a distance 0 to 10' from the right-of-way boundary). This build-to zone may be extended to 20' as part of a conditional use permit or planned unit development.
 - (2) **Future Uses and Redevelopment.** Proposals for arterial corridors shall include examples of how future uses, other than the initially proposed use, can be accommodated effectively. An example of this would be demonstrating that a lower level office use could be used for retail or that an upper level commercial use could be converted to residential development.
 - (3) **Street Edge Landscaping.** The view of large surface parking areas from the arterial shall be diminished through the use of the uniform standards for street-edge landscaping under Sec. 16-3-3(b)(1). This standard should not be used to diminish views of the architecture of the buildings or the signage for businesses. Any trees selected shall be from the approved Village Street Tree List.
- (c) **Parkways, Not Including Abutting Business Development.** The parkway is the corridor, designated as Parkways by the Village's Land Use Plan. For parkways, the following design standards are applicable and shall supplement Sections 16-3-2 and 16-3-3 as indicated below:
- (1) **Building Placement.** Buildings should be set back behind the street edge landscaping. Set backs further from the street may be allowed by conditional use permit or planned unit development. The area between the building and the arterial shall not include parking.
 - (2) **Future Uses and Redevelopment.** Proposals for parkways shall include examples of how future uses, other than the initially proposed use, can be accommodated effectively.
 - (3) **Street Edge Landscaping.** Parkways shall include a double row of canopy shade trees planted in a rhythmic pattern with a walkway or bicycle path located between the rows. The edge of the parkway along the private property line shall include an ornamental fence or continuous

coniferous hedge at least 4' high. The parkway or edge shall not include berms. Any trees selected shall be from the approved Village Street Tree List.

- (d) **Business and Industrial Campuses.** Business and Industrial Campuses are planned unit developments designated as Business and Industrial Campus by the Village's Land Use Plan. In such areas, the following design standards shall be applicable and supplement Sections 16-3-2 and 16-3-3 as indicated below:
- (1) **Building Placement.** Building placements shall be determined by a planned unit development. The buildings shall be organized such that they create a clear hierarchy of major and minor campus places. Individual buildings shall conform to a set of internal build-to-zones and regulating lines that create a harmonious composition of all buildings and dominate the degree to which each building stands out as an individual architectural object.
 - (2) **Building Facades, Composition and Articulation.** Buildings taller than three (3) stories are allowed only by planned unit development. Additional specifications may be required by the Village upon recommendation from the Village Engineer and/or the Fire Chief.
 - (3) **Vehicular Entries.** Vehicular entries shall be established by the planned unit development and shall follow the regulations for Village center main streets and arterial business and mixed use corridors.
 - (4) **Street Edge Landscaping.** When buildings are set back from the arterial the landscape shall follow the standards for the arterial parkway under Sec. 16-3-4(c). Any trees selected shall be from the approved Village Street Tree List.
 - (5) **Entry Features.** There should be a significant landmark feature marking the gateway or entrance. This feature could be part of the architecture of a signature building, a work of public art, or major environmental feature in addition to, or instead of, gateway posts or fence walls.
 - (6) **Pedestrians and Bicycles.** There shall be an internal system of pedestrian and bicycle trails that are linked to surrounding trails and provide an inviting system for internal campus movement.
 - (7) **Multiple Uses for Outdoor Areas.** Business and industrial campuses shall include at least one large common open space that serves as a central park and environmental feature for the campus. Campuses should be linked to Village Centers or other areas of pedestrian activity that provide an amenity for business users and employees. This might include modest retail uses for dining, shared business uses, recreational facilities, or similar activities.

SEC. 16-3-5 SIGNS.

All signs within the Village shall comply with and meet the requirements of Chapter 7 of Title 16.

SEC. 16-3-6 PARKING.

- (a) **Parking Ratios, Maximums and Areas.** Parking ratios shall not exceed 3.5 parking spaces for every 1000 gross square feet of business, commercial, industrial, recreational or institutional use unless specially allowed as part of a planned unit development. Surface parking lots shall be located in the rear or sides of buildings. In larger commercial developments, exceeding 30,000 gross square feet of new uses, parking areas shall be shared by adjacent users. Uses that generate their peak traffic at different times of the day are prime candidates for shared parking.
- (b) **Design of Surface Parking Lots.** Surface lots should be organized as simple geometric shapes with strong edges of landscaping, decorative fences/garden walls, lighting and/or buildings to reinforce the space as well as provide screening from adjacent rights-of-way and public spaces. If large parking areas are required, they should be organized into patterns that approximate streets and blocks in order to facilitate future redevelopment of the site.

SEC. 16-3-7 IMPERMEABLE SURFACE.

A site plan for an undeveloped site or site that is to be redeveloped shall not contain more than 60% of impermeable surface, including but not limited to buildings, pavement or other covering material that are impervious to surface water absorption. A site that contains existing structures, impermeable surfaces or is located in a Village center, may contain more than 60% of impermeable surface if allowed by the Village, or in the discretion of the Village if alternative filtration systems are planned and implemented.

CHAPTER 4

Additional Designated Conditional Uses

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
16-4-1	Moderate Impact Uses	2006-11	11-21-06
16-4-2	Moderate Impact Use Criteria	2006-11 2008-04	11-21-06 07-01-08
16-4-3	Additional Submittal Required for Moderate Impact Uses	2006-11	11-21-06

SEC. 16-4-1 MODERATE IMPACT USES.

Moderate Impact Uses meeting the criteria under Sec. 16-4-2 of this Chapter shall be considered conditional uses of property in the applicable zoning district regardless of the designation under Ch. 20 of the RCCO and shall make application for a conditional use permit as provided for in this Title and the RCCO. These conditional uses are in addition to any other use designated as a conditional use under Ch. 20 of the RCCO.

SEC. 16-4-2 MODERATE IMPACT USE CRITERIA.

Any use that exhibits one or more of the following characteristics shall be considered a Moderate Impact Use and thus a conditional use:

- (a) Any building or a combination of buildings totaling between two thousand (2,000) gross square feet and seventy thousand (70,000) gross square feet, except cold storage accessory buildings on commercially-zoned sites that are not principal structures and are not used for offices or other tenants and if located outside of Urban Service Area, as that term is defined under Sec. 16-2-1, and/or outside of the Village Centers as identified in the adopted land use plan and neighborhood plans;
- (b) Hours of operation greater than twelve (12) hours per day or uses that need/require hours of operation between 6:00 p.m. and 6:00 a.m.;
- (c) Any buildings with a height greater than 2 stories or twenty-five (25) feet high;
- (d) Uses that will generate greater than 100 motor vehicle trips per day;
- (e) Uses that need or require outside or overnight storage of equipment related to the business on the site; such uses would include landscaping yards and contractor's yards;
- (f) Uses that require a liquor license;
- (g) Uses that have truck delivery traffic generating greater than ten (10) truck trips per day (not including private or public mail delivery traffic); and
- (h) Any use designated as a conditional use under Ch. 20 of the RCCO.

SEC. 16-4-3 ADDITIONAL SUBMITTAL REQUIRED FOR MODERATE IMPACT USES.

In addition to all submittal requirements as set forth in Chapter 20 of the RCCO, the Applicant shall submit a written report demonstrating that the proposed use and overall development of the property is compatible with the Village's Comprehensive Plan, Neighborhood Plans, Land Use Plan, and any Detailed Subarea Plans for the area (the "Compatibility and Impact Report"). The precise format, content, and submission procedures for the Compatibility and Impact Report are available from the Village Clerk. Among other elements, the Compatibility and Impact Report shall include:

- (1) A description of how the proposed development is compatible with adopted Village Plans, including the Comprehensive Plan, Neighborhood Plans, Land Use Plans, Detailed Subarea Plans and other plans officially adopted by the Village;
- (2) An analysis of traffic impacts;
- (3) An analysis of economic and fiscal impacts, including:
 - a. Identification and assessment of the impacts of proposed project, including positive, negative, and indirect impacts;
 - b. Proposed measures to mitigate adverse impacts and/or maximize positive impacts including provision of infrastructure or public services improvements;
 - c. The market and financial feasibility of the project including the market area for the project, any plans for phased construction, and any market studies prepared for the project;
 - d. Costs arising from increased demand for and required improvements to public services and infrastructure;
 - e. Value of improvements to public services and infrastructure to be provided by the project; and
 - f. Projected tax revenues to the Village to be generated by the project.

CHAPTER 5

High Impact Use Planned Unit Development

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
16-5-1	High Impact Uses	2006-11	11-21-06
16-5-2	High Impact Use Criteria	2006-11	11-21-06
16-5-3	Additional Submittal Required for High Impact Uses	2006-11	11-21-06

SEC. 16-5-1 HIGH IMPACT USES.

All proposed High Impact Uses meeting the criteria under Sec. 16-5-2 of this Chapter may be permitted by the Village upon petition for a planned unit development, overlay district, pursuant to this Title and Ch. 20 of the RCCO. Planned unit development shall be allowed in the Urban Service Area if a planned unit development is required by this Chapter, notwithstanding the requirements of Sec. 20-975 of Ch. 20 of the RCCO.

SEC. 16-5-2 HIGH IMPACT USE CRITERIA.

Any use that exhibits one or more of the following characteristics shall be considered a High Impact Use requiring a planned unit development, overlay district, and a petition shall be made as required by this Title and Ch. 20 of the RCCO:

- (a) Any building or a combination of buildings totaling greater than 70,000 gross square feet;
- (b) Any building proposed to house more than one business, commercial, industrial, recreational or institutional use that meets the criteria for a Moderate Impact use;
- (c) Any development with a site area over 5 acres;
- (d) Any buildings greater than three (3) stories or forty (40) feet high; and
- (e) Any use allowed as a planned unit development under Ch. 20 of the RCCO.

SEC. 16-5-3 ADDITIONAL SUBMITTAL REQUIREMENT FOR HIGH IMPACT USES.

In addition to all submittal requirements for a petition for a planned unit development, as set forth in this Title and Chapter 20 of the RCCO, the Applicant shall submit a Compatibility and Impact Report as provided for under Sec. 16-4-3 and provide the following additional information for a High Impact Use:

- (a) **Subarea Plan Required.** In the absence of an existing Subarea Plan for the

subject property, the application or petition for a High Impact Use shall be accompanied or preceded by a new Village-approved Subarea Plan for all areas within a district boundary as designated by the Village. These boundaries shall follow the lines of major streets, corridors, and transitions in land use, environmental features, and other elements that define neighborhoods, districts, and commercial corridors. The precise format, content, and submission procedures for the Subarea Plans are available from the Village Clerk. Among other elements, the Subarea Plan shall address:

- (1) The integration of social and economic activities, including public plazas and similar public places;
- (2) The visual character, including critical design features and the overall arrangements and composition of buildings, signage, facades and related features. (For example, where buildings are proposed to be distant from a public street, as recommended by the Plan Commission, the overall development design should include smaller buildings paralleling and abutting the right-of-way that create a continuous street frontage.);
- (3) Circulation and infrastructure, including roads, trails, sewers, walkways, and other utilities;
- (4) Environmental features including stormwater management, topographic changes, gardens and parks, gateways and entries, landmarks and vistas;
- (5) Overall procedures for maintenance and management of the area including land stewardship plans; and
- (6) Other elements that forward the objectives of the Village's comprehensive plan, as recommended by the Plan Commission and approved by the Village Board.

CHAPTER 6

Development Agreements

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
16-6-1	Predevelopment Agreement Required	2006-11	11-21-06
16-6-2	Development Agreement Required	2006-11	11-21-06
16-6-3	Terms of Development Agreement	2006-11	11-21-06

SEC. 16-6-1 PREDEVELOPMENT AGREEMENT REQUIRED.

- (a) The Applicant shall enter into a predevelopment agreement with the Village at the time of submission of an application for a zoning permit for a Moderate Impact Use or a High Impact Use requiring the Applicant to reimburse the Village for all costs incurred by the Village for engineering, inspection, planning, legal and administrative expenses in:
- (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.
- (b) Such costs shall include the 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.
- (c) At the time of filing of the application, the Applicant shall deposit with the Village Treasurer the sum of two thousand dollars (\$2,000.00) in the form of cash. The Village shall apply such funds toward payment of the above costs. If at any time said deposit becomes insufficient to pay expenses incurred by the Village for the above costs, the Applicant shall deposit required additional amounts within fifteen (15) days of written demand by the Village Engineer.

Until the required funds are received, no additional work or review will be performed by the Village as to the plan under consideration. Within 60 days after any final action by the Village and execution of any documents by all parties, or upon abandonment of the plan, the Village shall furnish the Applicant with a statement of all such costs incurred by it with respect to such plan. Any excess funds shall be remitted to Applicant, and any costs in excess of such deposit shall be paid by the Applicant. Any interest earned on said deposit shall remain the property of the Village to partially offset administrative expenses associated with planning and development.

SEC. 16-6-2 DEVELOPMENT AGREEMENT REQUIRED.

The Applicant shall enter into a Development Agreement with the Village prior to or as a condition of any approval for a conditional use for Moderate Impact Uses and a planned unit development for High Impact Uses.

SEC. 16-6-3 TERMS OF DEVELOPMENT AGREEMENT.

The development agreement shall include the following terms and conditions:

- (a) Any necessary streets and appurtenances thereto, shall be constructed at the expense of the Applicant in accordance with the provisions of Sections 14-3-4 and 14-4-4(c)(5) of the Code of Ordinances of the Village which are in effect at the time of such construction.
- (b) Sanitary and water mains and laterals, and storm water drainage facilities, and any related off site improvements shall be paid for, constructed and installed by Applicant as required by the Village and its Code of Ordinances at applicant's expense;
- (c) Assignment of landscape maintenance responsibilities to the owner(s) of the property in accordance with the submitted landscape plan and the ability of the Village to conduct such work and charge all costs incurred by the Village as a special charge against the real estate upon owner's failure to maintain.
- (d) A prohibition of any privately imposed limits on the type or reuse of the site buildings through conditions of sale or lease, except for approved restrictions related to condominium ownership;
- (e) Applicant shall agree to reimburse the Village for all costs incurred by the Village for engineering, inspection, planning, legal and administrative expenses in:
 - (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.

Such costs shall include the cost of Village consultants including engineers, attorneys, inspectors, planners, 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.

- (f) Applicant shall agree to indemnify and hold the Village and its agents harmless from and against claims related to the performance of work at or for the site;
- (g) Applicant's principals shall be personally responsible for reimbursement of costs to the Village in the event the Applicant does not proceed with the actual installation as approved by the Village;
- (h) Applicant shall be responsible for payment of the Village's costs, disbursements and attorney's fees in the event the Village brings legal action to enforce compliance with this agreement and a final determination is made in favor of the Village;
- (i) The terms and conditions of the agreement shall extend to the heirs, administrators, successors in title and assigns of the applicant, including personal liability. However, Applicant may not assign its rights, duties and responsibilities under this Agreement to any other third party without first obtaining the prior written consent of the Village.
- (j) The Applicant shall convey all necessary easements to the Village;
- (k) As a condition precedent to the execution of the development agreement, the Applicant shall post a cash deposit or file a letter of credit with the Village guaranteeing compliance with the Village Ordinances and provisions of the Development Agreement. Such security shall be such amount as to cover 100% of the estimated costs of storm water drainage, lot grading, landscaping, and any street construction work as provided for under the Development Agreement. Such estimated costs shall be provided by the Applicant or his engineer and shall be subject to the approval of the Village; and
- (l) Other terms that the Village and Applicant shall deem appropriate.

CHAPTER 7

SIGNS

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
16-7-1	Purpose	2008-04	07/01/08
16-7-2	Definitions		
16-7-3	General Restrictions		
16-7-4	Existing Signs		
16-7-5	Obsolete Signs		
16-7-6	Administration		
16-7-7	Construction and Maintenance Standards		
16-7-8	Measuring Signs		
16-7-9	Requirements		

SEC. 16-7-1 PURPOSE.

- (a) **Applicability.** This Chapter regulates all Signs in the Village of Caledonia 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 and Article IX of Chapter 20 of the Racine County Zoning Code entitled Signs shall no longer apply in the Village.
- (b) **Intent.** The Village of Caledonia 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

Inform the public of recreational opportunities, including for trails, within the Village.

SEC. 16-7-2 DEFINITIONS.

As used in this Chapter, the following words and phrases shall have the meanings as hereinafter set forth:

(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 16-7-9(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 16-7-3(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.

SEC. 16-7-3 GENERAL RESTRICTIONS.

- (a) All Signs are prohibited in any zoning district, except as provided in this Chapter.

- (b) Signs as permitted in Section 16-7-6 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 District, 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 (16) 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. 16-7-4.
- (g) Number of Signs shall be limited as follows:
 - (1) 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.
 - (2) 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 as set forth in Section 16-7-9(a)(5). Building Signs may also be provided subject to requirements under Section 16-7-9(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.
 - (3) For 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.
 - (4) 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 (1) above.

- (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 Village 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.
 - (6) Any sign authorized in this chapter is allowed to contain non-commercial copy in lieu of any other copy.
- (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 so long as the LED Sign displays are 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 as authorized under this Chapter and as further described in the Design Guidelines Manual. LED signs shall not be allowed on other types of Signs. Digital signage with a changeable digital image may be allowed by the Village Board as a conditional use on Monument Signs and on a Freeway Sign so

long as the changeable copy is static for at least fifteen minutes at a time and no more than 30% of the Sign Copy Area consists of the changeable digital image. Digital signage 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.

SEC. 16-7-4 EXISTING SIGNS.

- (a) Signs lawfully existing at the time of the adoption or amendment of this article 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 Section 20-186 et seq. of the Racine County Code of Ordinances apply.
- (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 16-7-3(f), a zoning permit will be required for any structural alteration, addition, or repair to a legal nonconforming Sign.

SEC. 16-7-5 OBSOLETE SIGNS.

Upon vacating a commercial, industrial, agricultural, or institutional establishment, obsolete Signs must be removed within thirty (30) days 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.

SEC. 16-7-6 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 Caledonia 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 16-7-7 through 16-7-9.
- (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 16-7-9(d)(5);
 - (3) Private Property Signs meeting the requirements of 16-7-9(a)(7);
 - (4) Property address markers assigned by the Village or Racine County 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 16-7-9(d)(2, 3 and 4); and
 - (7) On-Premises Directional Signs that meet the requirements of Sec. 16-7-9(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) **Signage Charts.** The Village signage charts, incorporated herein by reference below, illustrate the permissible types of Signage in each land use classification. The charts are structured to reflect these associations and to determine the type of Signage for the planned land use classifications as specified in the Village's Land Use Plan. Zoning and the Land Use Plan classifications shall be used when reviewing and approving Signage in the Village. In all cases, consistency with the Land Use Plan classifications shall be a primary determinant of the recommendations and decisions made by the Village. However, this Chapter allows Signage for existing land uses (at the time of adoption), that match the existing zoning (at the time of adoption) even though the use may not match the land use classification for the subject parcel, unless otherwise restricted by Village Ordinance. In addition, this Chapter allows for Signage that is made nonconforming after adoption of this ordinance to be maintained in accordance with Sec. 16-7-4.

SIGNAGE CHART: FREESTANDING SIGNAGE

Sign Type	Res. Neighborhood (RN)			Village Center (VC)			Mixed Use Arterial (AR)			Institutional (IN)			Countryside (CW, CE, CC)			Conservation (PC)			Business Campus (BC)			Parkway (PW)		
	S.N.A. ¹	N.P.R. ₂	P.R. ³	S.N.A.	N.P.R.	P.R.	S.N.A.	N.P.R.	P.R.	S.N.A.	N.P.R.	P.R.	S.N.A.	N.P.R.	P.R.	S.N.A.	N.P.R.	P.R.	S.N.A.	N.P.R.	P.R.	S.N.A.	N.P.R.	P.R.
Agriculture	X			X			X			X					X			X	X					X
Directional	X				X			X			X			X			X			X		X		
Freeway	X					X ⁵	X			X			X			X					X ⁵	X		
Home Occupation			X			X			X	X					X	X			X			X		
Monument	X					X			X			X			X ⁴			X			X			X
Off-Premise	X					X			X			X			X			X			X	X		
Private Property		X			X				X			X			X			X			X		X	
Recreation			X			X			X			X			X			X			X			X

Sign Type	Res. Neighborhood (RN)			Village Center (VC)			Mixed Use Arterial (AR)			Institutional (IN)			Countryside (CW, CE, CC)			Conservation (PC)			Business Campus (BC)			Parkway (PW)		
	S.N.A. ¹	N.P.R. ₂	P.R. ³	S.N.A.	N.P.R.	P.R.	S.N.A.	N.P.R.	P.R.	S.N.A.	N.P.R.	P.R.	S.N.A.	N.P.R.	P.R.	S.N.A.	N.P.R.	P.R.	S.N.A.	N.P.R.	P.R.	S.N.A.	N.P.R.	P.R.
Street Banner	X					X			X	X					X ⁴			X			X	X		
Subdivision			X	X			X			X			X			X			X					X
Temporary (construction)			X			X			X			X			X	X					X	X		
Temporary (event, political, private sale, real estate)		X			X			X			X			X		X	X ⁶			X		X		
Trail			X			X			X			X			X			X			X			X

NOTES

¹ S.N.A. - Signage Not Allowed

² N.P.R. - No Permit Required

³ P.R. - Permit Required

⁴ Signage Only Allowed in Countryside Crossroads District

⁵ Freeway Sign allowed only in Business Campus and Village Center adjacent to I94

⁶ Events related only to the Conservancy or Park Corridor

SIGNAGE CHART: BUILDING SIGNAGE

Sign Type	Res. Neighborhood (RN)			Village Center (VC)			Mixed Use Arterial (AR)			Institutional (IN)			Countryside (CW, CE, CC)			Conservation (PC)			Business Campus (BC)			Parkway (PW)			
	S.N.A. ¹	N.P.R. ²	P.R. ³	S.N.A.	N.P.R.	P.R.	S.N.A.	N.P.R.	P.R.	S.N.A.	N.P.R.	P.R.	S.N.A.	N.P.R.	P.R.	S.N.A.	N.P.R.	P.R.	S.N.A.	N.P.R.	P.R.	S.N.A.	N.P.R.	P.R.	
Awning Canopy	X					X			X			X			X ⁴	X						X	X		
Projecting	X					X			X			X			X ⁴	X						X	X		
Wall	X					X			X			X			X ⁴	X						X	X		
Window	X					X			X			X			X ⁴	X						X	X		

NOTES

¹ S.N.A. - Signage

Not Allowed

² N.P.R - No

Permit Required

³ P.R. - Permit

Required

⁴Signage Only Allowed in

Countryside Crossroads District

- (d) **Design Guidelines Manual.** The applicant shall follow the Design Guidelines Manual, 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.
- (e) **Sign Permit Application.** In addition to the requirements of Section 20-81 of the Racine County Code of Ordinances, 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 and Land Use Classification from the Village's Land Use Plan 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) Signs requiring state or federal approval must provide a copy of such approval with the Sign permit application.
 - (10) Additional information as may be required by the Zoning Administrator, the Village Planning Commission, Village Board or the Village Board of Appeals.
 - (11) 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.
 - (12) All Submittals for a master sign plan under a conditional use or planned unit development 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.

SEC. 16-7-7 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.

16-7-8 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 article.
- (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 Board upon review and recommendation by the Village Plan Commission 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.

16-7-9 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 under a conditional use permit or planned unit development upon review and recommendation by the Zoning Administrator, the Village Engineer and the Village Plan Commission. A submittal for a master sign plan shall include the additional information specified under Section 16-7-6(d)(12).

(a) **Freestanding Signs.**

- (1) **Agricultural Signs.** Agriculture 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 must be located at least 10 feet from the outer limits of the street right-of-way, and may not exceed six (6) feet in height. If the Sign is located within the Village Center, Mixed-Use Arterial, or Business Campus, it 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).
- (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 shall not be less than ten (10) feet from any property line or outer limits of the street right-of-way except Public Trail Signs and Private Trail Signs, if approved by the Village Administrator or Village Engineer when 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, plowing and snow plowing. If the Sign is located within the Village Center, Mixed-Use Arterial, or Business Campus, it 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).

- (3) **Freeway Signs.** Freeway Signs may be erected in those areas classified as Business Campus and Village Center within one-hundred fifty (150) feet of the State of Wisconsin Interstate 94 right-of-way with a permit and subject to the conditions specified in this Section and the Design Guidelines Manual. 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 (168) 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 and Village Center as defined under the Village's Land Use Plan shall consolidate signage to the Freeway Sign. The use of LED and Digital Signage on Freeway Signs is as regulated under Sec. 16-7-3(h)(3).
- (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 Town Engineer and the Village Plan Commission. All others are limited to one monument unless otherwise approved under a Master Site Plan for a conditional use or a planned unit development. If the Sign is located within the Village Center, Mixed-Use Arterial, Countryside Crossroads, or Business Campus, it 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). 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 Sec. 16-7-3(h)(3).
- (6) **Off-Premises Signs.** Off-Premises Signs 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. If the Sign is located within the Village Center, Mixed-Use Arterial, or Business Campus, it 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).
- (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. If the sign is located within a Village Center, Mixed-Use Arterial or Business Campus, it may be located within one (1) foot of the property line if the location does not interfere within Vision Clearance Triangles or pedestrian amenities (i.e. sidewalks). The use of LED Signs on Pole Signs is as regulated under Sec. 16-7-3(h)(3).
- (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 (16) 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. If the Sign is located within the Village Center, Mixed-Use Arterial, or Business Campus, it 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).
- (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. If the Sign is located within the Village Center, Mixed-Use Arterial, or Business Campus, it 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). 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. If the Sign is located within the Village Center, Mixed-Use Arterial, or Business Campus, it 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). The Village shall not be responsible for damage to any Sign placed closer than ten (10) feet to any right-of-way.
- (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 sixteen (16) square feet in Sign area on one (1) side and thirty-two (32) square feet in area on all sides. A maximum of four (4) such Signs may be placed on a zoning 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.
- (e) **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.

CHAPTER 8

Floodplain Regulations

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
16-8-1	Floodplain Regulations		

Publisher's Note: The Village Floodplain regulations are found in two documents: Chapter 20 of the Racine County Code of Ordinances and this Section 16-8-1.

SEC. 16-8-1 FLOODPLAIN REGULATIONS.

Pursuant to Section 16-1-1, the Village adopted Chapter 20 of the Racine County Code of Ordinances ("Ch. 20 of the RCCO"), as such was in effect at the time of the Village's incorporation, and the following subsections shall modify the currently existing floodplain requirements of Ch. 20 of the RCCO to meet minimum federal and state floodplain requirements:"

- (a) **Amend Section 20-1 Definitions.** Include the following in their proper alphabetical sequence, replacing any previous definitions for such words:

Add: *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.

Replace: *Base flood* shall mean the Flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

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

Replace: *Bulkhead line* shall mean a geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s.30.11 Stats, and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this ordinance.

Add: *Campground* shall mean any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by four (4) or more camping units, or which is advertised or represented as a camping area.

Add: *Camping unit* shall mean any portable device, no more than four hundred (400) square feet in area, used as a temporary shelter, including but not limited to, a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.

Add: *Certificate of Compliance* shall mean a certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

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

Add: *Crawlways or crawlspace* shall mean an enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.

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

Replace: *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.

Add: *Existing manufactured home park or subdivision* shall mean a parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

Add: *Expansion to existing manufactured home park* shall mean the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

Add: *Flood insurance rate map (FIRM)* shall mean a map of a community on which the Federal Insurance Administration has delineated both special Flood hazard areas (the floodplain) and the risk premium zones applicable to the

community. This map can only be amended by the Federal Emergency Management Agency.

Replace: *Flood or flooding* shall mean a general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following:

- (1) the overflow or rise of inland waters;
- (2) the rapid accumulation of runoff of surface waters from any source;
- (3) the inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
- (4) the sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

Add: *Flood hazard boundary map* shall mean a map designating approximate flood hazard areas. Flood hazard areas are designated as un-numbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a flood insurance study and a Flood Insurance Rate Map.

Add: *Floodplain* shall mean land which has been or may be covered by Flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

Add: *Floodplain island* shall mean a natural geologic land formation within the Floodplain that is surrounded, but not covered, by floodwater during the regional flood.

Add: *Floodplain management* shall mean policy and procedures to ensure wise use of Floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of Floodplain regulations.

Add: *Floodplain nonconforming structure* shall mean an existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the Floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the Flood Protection Elevation, the structure is nonconforming.)

Add: *Floodplain nonconforming use* shall mean an existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the Floodplain which it occupies, such as a residence in the floodway.

Add: *Flood profile* shall mean a graph or a longitudinal profile line showing the relationship of the water surface elevation of a Flood event to locations of land surface elevations along a stream or river.

Add: *Flood protection elevation* shall mean an elevation of two (2) feet of freeboard above the water surface profile elevation designated for the regional Flood (Also see: *freeboard*)

Add: *Flood storage* shall mean those Floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

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

Add: *Land Use for floodplain management purposes* shall mean any nonstructural or improved real estate.

Add: *High flood damage potential* shall mean damage that could result from Flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

Add: *Lowest floor* shall mean the lowest floor of the lowest enclosed area (including Basement). An unfinished or Flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a Basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevator design requirements of this ordinance.

Add: *Manufactured home park or subdivision* shall mean a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Replace: *Manufactured Home* shall mean a structure, transportable in one or more sections, which is built as a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Add: *Mobile recreational vehicle* shall mean a vehicle which is built on a single chassis four hundred (400) square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of mobile recreational homes.

Add: *NGVD or National Geodetic Vertical Datum* shall mean elevations referenced to mean sea level datum, 1929 adjustment.

Add: *New construction*, for Floodplain Management purposes, shall mean structures for which the start of construction commenced on or after the effective date of Floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining Flood insurance rates, it includes any structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

Add: *Obstruction to flow* shall mean any Development which blocks the conveyance of Flood waters such that this Development alone or together with any future Development will cause an increase in regional Flood heights.

Add: *Official floodplain zoning map* shall mean that map, adopted and made part of this ordinance, as described in Sec. 20-213.5, which has been approved by the WI-DNR Department and FEMA.

Add: *Open space use for floodplain management purposes* shall mean those uses having a relatively low Flood damage potential and not involving structures.

Add: *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.

Add: *Reasonably safe from flooding* shall mean Base Flood waters will not inundate the land or damage structures to be removed from the special Flood hazard area and that any subsurface waters related to the Base Flood will not damage existing or proposed buildings.

Replace: *Regional flood* shall mean a Flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a Flood with a one percent (1%) chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

Add: *Special Flood Hazard Area* (also SFHA) shall mean the land in the floodplain within the Village subject to a one (1) percent or greater chance of Flooding in any given year.

Add: *Start of construction* shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit

date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a Basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Replace: *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. Additionally, in the APO district, a structure also includes a mobile object such as a crane, earthworks and overhead transmission lines.

Add: *Violation* shall mean the failure of a structure or other Development to be fully compliant with the Floodplain zoning ordinance. A structure or other Development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

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

Add: *Water surface profile* shall mean a graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain Flood flow. A water surface profile of the regional flood is used in regulating Floodplain areas.

Add: *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.”

(b) **Amend Section 20-2 Authority to read as follow:**

“This chapter is adopted under the authority granted by Sections 62.23, 87.30(2) and 281.31, Wis. Stats. Uncontrolled Development and use of the Floodplains and rivers of the Village of Caledonia will impair the public health, safety, convenience, general welfare, and tax base.”

(c) **Create Section 20-4(c) Intent to read as follows:**

“Sec. 20-4(c) Intent.

This chapter is intended to regulate Floodplain Development to:

- (1) protect life, health, and property;
- (2) minimize expenditures of public funds for flood-control projects;
- (3) minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) minimize business interruptions and other economic disruptions;
- (5) minimize damage to public facilities in the Floodplain;
- (6) minimize the occurrence of future Flood blight areas in the Floodplain;
- (7) discourage the victimization of unwary land and homebuyers;
- (8) prevent increases in Flood heights that could increase Flood damage and result in conflicts between property owners; and
- (9) discourage Development in a Floodplain if there is any practicable alternative to locate the activity, use or structure outside of the Floodplain.”

(d) **Amend Section 20-6 Interpretation By Deleting The Last Sentence As Follows:**

~~“The effective dates of these codes as they apply to the county are October 1980 (NR115) and July 1977 (NR116).”~~

(e) **Amend Section 20-10 Compliance By Adding Paragraph (d) to read as Follows:**

“(d) Require permits for all proposed construction or other Development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other Development is proposed within SFHA or flood-prone areas or within Zone A on the Village’s Flood Hazard Boundary Map or Flood Insurance Rate Map. Any Development or use within the Floodplain areas regulated by this chapter shall be in compliance with the Floodplain provisions of this chapter, and other applicable local, state, and federal regulations.”

(f) **Amend Section 20-10.5 Municipalities And State Agencies Regulated to read as follows:**

“Sec. 20-10.5 Municipalities and State Agencies Regulated.

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all required permits. State agencies are required to comply if Sec. 13.48(13), Wis. Stats. applies. The construction, reconstruction, maintenance and repair of state highways and

bridges by the Wisconsin Department of Transportation are exempt from compliance when Sec. 30.2022, Wis. Stats., applies.”

(g) **Create Section 20-16 Severability to read as follows:**

“Sec. 20-16 Severability.

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

(h) **Create Section 20-17 Zoning Agency to read as follows:**

“Sec. 20-17 Zoning Agency.

(1) The Village of Caledonia Plan Commission shall:

- a) Oversee the functions of the office of the Zoning Administrator;
- b) Review and make recommendations to the Village Board on all proposed amendments to this ordinance, maps and text;
- c) Review and make recommendations to the Village Board on conditional uses and site plans; and
- d) Such other functions as established by the Village Board.

(2) This Commission shall not:

- a) Grant variances to the terms of the ordinance in place of action by the Board of Appeals; or
- b) Amend the text or zoning maps in place of official action by the Board of Trustees.”

(i) **Create Section 20-18 Zoning Administrator to read as follows.**

“Sec. 20-18 Zoning Administrator.

The Zoning Administrator is authorized to administer this chapter and shall have the following duties and powers:

- (1) Advise applicants of the chapter provisions, assist in preparing permit applications and appeals, and assure that the Regional Flood Elevation for any proposed Floodplain Development is shown on all such permit applications.
- (2) Issue permits and inspect properties for compliance with provisions of this chapter, and issue Certificates of Compliance where appropriate.
- (3) Inspect all damaged Floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.

- (4) Assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims in accordance with federal regulations.
- (5) Keep records of all official actions such as:
 - (a) All permits issued, inspections made, and work approved;
 - (b) Documentation of certified Lowest Floor after construction;
 - (c) Records of water surface profiles, Floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments;
 - (d) All substantial damage assessment reports for Floodplain structures.
 - (e) Where Base Flood elevation data are utilized, within the 1% annual chance Flood:
 - (i) Obtain the elevation (in relation to mean sea level) of the lowest floor (including Basement) of all new and substantially improved structures. and
 - (ii) Obtain, if the structure has been floodproofed in accordance with Sec. 20-1068 or Sec. 20-190 of this Chapter, the elevation (in relation to mean sea level) to which the structure was floodproofed, and
 - (iii) Maintain a record of all such information in the office of the Zoning Administrator.
- (6) Submit copies of the following items to the Department of Natural Resources Regional office:
 - (a) Within ten (10) days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - (b) Copies of any case-by-case analyses, and any other information required by the Department of Natural Resources, including an annual summary of the number and types of Floodplain zoning actions taken.
 - (c) Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

NOTE: Information on conducting substantial damage assessments is available on the Department of Natural Resources (DNR) website <http://dnr.wi.gov/org/water/wm/dsfm/flood/title.htm>

- (7) Investigate, prepare reports, and report violations of this chapter to the Zoning Administrator and Village Attorney for prosecution. Copies of the reports shall also be sent to the DNR Regional office.
- (8) Submit copies of text and map amendments and biennial reports to the FEMA Regional office.
- (9) Conduct public information activities.

- (10) Cause marks to be placed on structures to show the depth of inundation during the regional flood.
 - (11) Ensure that all maps, engineering data, and regulations shall be available and widely distributed.
 - (12) Encourage all real estate transfers to show within what Floodplain zoning district any real property is located.”
- (j) **Create Section 20-19 Data Requirements To Analyze Floodplain Developments to read as follows:**

“Sec. 20-19 Data Requirements to Analyze Floodplain Developments.

The applicant shall provide all survey data and computations required to show the effects of the project on Flood heights, velocities and Floodplain storage, for all subdivision proposals, as "subdivision" is defined in s. 236.02, Wis. Stats., and other proposed Developments exceeding five (5) acres in area or where the estimated cost exceeds \$125,000. The applicant shall provide:

- (1) An analysis of the effect of the Development on the Regional Flood Profile, velocity of flow and Floodplain storage capacity;
 - (2) A map showing location and details of vehicular access to lands outside the Floodplain; and
 - (3) A surface drainage plan showing how Flood damage will be minimized. The estimated cost of the proposal shall include all structural Development, landscaping, access and road Development, utilities, and other pertinent items, but need not include land costs.”
- (k) **Create Section 20-169 Warning And Disclaimer Of Liability to read as follows:**

“Sec. 20-169 Warning and Disclaimer of Liability.

The Flood protection standards in this chapter are based on engineering experience and scientific research. Larger floods may occur or the Flood height may be increased by man-made or natural causes. This chapter does not imply or guarantee that non-Floodplain areas or permitted Floodplain uses will be free from Flooding and Flood damages, nor does this chapter create liability on the part of, or a cause of action against, the Village or any officer or employee thereof for any Flood damage that may result from reliance on this chapter.”

(l) **Create Section 20-170 Annexed Areas For Cities And Villages to read as follows:**

“Sec. 20-170 Annexed Areas for Cities and Villages.

The Racine County Floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR116, Wis. Adm. Code, and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County Floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal Zoning Administrator. All plats or maps of annexation shall show the Regional Flood Elevations and the location of the floodway. When an area is annexed, the Zoning Administrator will notify the State of Wisconsin and FEMA.”

(m) **Create Section 20-171 General Development Standards to read as follows:**

“Section 20-171 General Development Standards.

The Zoning Administrator shall review all permit applications to determine whether proposed building sites will be reasonably safe from Flooding and such applications shall meet the following standards.

- (1) If a proposed building site is in a Flood prone area, all new construction and substantial improvements, including manufactured homes, shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to Flood damage; be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of Flooding.
- (2) Within flood-prone areas new and replacement water supply systems shall be designed to minimize or eliminate infiltration of Flood waters into the systems; and require within flood-prone areas (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of Flood waters into the systems and discharges from the systems into Flood waters; and (ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during Flooding.
- (3) Subdivisions, including Manufactured Home Parks or Subdivisions, shall be reviewed for compliance with the above standards. All subdivision

proposals (including Manufactured Home Parks) shall include Regional Flood Elevation, Base Flood elevations, and floodway data for any Development that meets the subdivision definition of this ordinance or greater than 50 lots or 5 acres, whichever is less, and shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize Flood damage within the flood-prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate Flood damage, and (iii) adequate drainage is provided to reduce exposure to Flood hazards.

- (4) All new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones on the Village's FIRM have the Lowest Floor (including Basement) elevated to or above the Base Flood level, unless the community is granted an exception by the Federal Insurance Administrator for the allowance of Basements in accordance with the 44 CFR 60.6(b) or (c).
- (5) All new construction and substantial improvements of residential structures within any AO zone on the Village's FIRM have the Lowest Floor (including Basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the Village's FIRM (at least two feet if no depth number is specified).
- (6) All new construction and substantial improvements of non-residential structures within Zones A1-30, AE and AH zones on the Village's FIRM (i) have the lowest floor (including Basement) elevated to or above the Base Flood level or, (ii) together with attendant utility and sanitary facilities, be designed so that below the Base Flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (7) All new construction and substantial improvements of nonresidential structures within an AO zone on the Village's FIRM (i) have the Lowest Floor (including Basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth is specified), or (ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in subsection (6) above.
- (8) In Zones AH and AO, there shall be adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.
- (9) All Manufactured Homes to be placed within the 1% annual chance Flood shall be installed using methods and practices which minimize Flood

damage. For the purposes of this requirement, Manufactured Homes shall be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and other requirements under this ordinance for anchoring to resist wind forces.

- (10) All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the Village's FIRM on sites (i) outside of a Manufactured Home Park or Subdivision, (ii) in a new Manufactured Home Park or Subdivision, (iii) in an Expansion to an Existing Manufactured Home Park or Subdivision, or (iv) in an Existing Manufactured Home Park or Subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the Lowest Floor of the manufactured home is elevated to or above the Base Flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation collapse and lateral movement.
 - (11) All new construction and substantial improvements, with fully enclosed areas below the Lowest Floor that are useable solely for parking of vehicles, building access or storage in an area other than a Basement and which are subject to Flooding shall be designed to automatically equalize hydrostatic Flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall be certified by a registered professional engineer or architect and meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to Flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (12) Until a regulatory floodway is designated, that no new construction, substantial improvements, or other Development (including fill) shall be permitted within Zones A1-A30 and AE on the Village's FIRM, unless it is demonstrated that the cumulative effect of the proposed Development, when combined with all other existing and anticipated Development, will not increase the water surface elevation of the Base Flood more than one foot at any point within the Village."
- (n) **Create Section 20-186(A)(5) under the Existing Nonconforming Uses Section to read as follows:**
- "(5) The construction of a Deck that does not exceed two hundred (200) square feet and that is adjacent to the exterior wall of a principal structure is not

an extension, modification or addition. The roof of the structure may extend over a portion of the Deck in order to provide safe ingress and egress to the principal structure.”

(o) **Amend Section 20-190 Floodplain Nonconforming Uses by adding language underlined below and to read as follows:**

“Sec. 20-190 Floodplain Nonconforming Uses.

The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

- (1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or Accessory Structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, and the replacement of other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.
- (2) Floodland Nonconforming Uses, including residential and non-residential uses, repaired or altered under the nonconforming use provisions of this chapter shall provide for floodproofing, in accordance with this Section and Section 20-1068, to those portions of the structures involved in such repair or alteration. Certification of floodproofing shall be made to the Zoning Administrator and shall consist of a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the Flood velocities, forces, depths, and other factors associated with the one-hundred-year recurrence interval flood. Floodproofing residential will not meet FEMA compliance requirements and may not lower insurance premiums.
- (3) Nonconforming mobile homes, Mobile Home Parks, and Mobile Home Subdivisions shall comply with the requirements for nonconforming residential structures. Existing Mobile Homes in a floodland district that have been substantially damaged shall be elevated on a permanent foundation or pad such that the elevation of the foundation or pad is at or above the one-year recurrence interval Flood elevation; the first floor of the mobile home is at or above the Base Flood Elevation; and the mobile home shall be securely anchored to the foundation system to resist floatation, collapse, and lateral movement. Recreational vehicles shall not be considered to be mobile homes (manufactured homes).

- (4) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the Village and the modification or addition shall be placed on fill or floodproofed to the Flood Protection Elevation in compliance with the standards of this chapter.
- (5) Where compliance with the provisions of par. (3) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high Flood damage potential, the Board of Appeals, using the procedures established herein, may grant a variance from those provisions of par. (4) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the Flood Protection Elevation may be permitted if:
- (a) no floor is allowed below the regional flood elevation for residential or commercial structures;
 - (b) human lives are not endangered;
 - (c) public facilities, such as water or sewer, will not be installed;
 - (d) Flood depths will not exceed two (2) feet;
 - (e) Flood velocities will not exceed two (2) feet per second; and
 - (f) the structure will not be used for storage of materials as described herein.
- (6) If neither the provisions of par. (3) or (4) above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if the addition:
- (a) meets all other regulations and will be granted by permit or variance;
 - (b) does not exceed sixty (60) square feet in area; and
 - (c) in combination with other previous modifications or additions to the building, does not equal or exceed fifty (50) percent of the equalized assessed value of the building.
- (7) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.
- (8) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this chapter and ch. NR 811 and NR 812, Wis. Adm. Code.

- (9) No modification to a Floodland Nonconforming Use or structure with a nonconforming use, shall be permitted that would, over the life of the nonconforming use or structure, equal or exceed fifty (50) percent of the current equalized value of the structure, unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. The Zoning Administrator shall maintain records of all floodland nonconforming uses and structures and modifications made to floodland nonconforming uses and structures. Records shall reflect the current equalized value of nonconforming structures, the costs of any modifications that are permitted, and the percentage of the structures' current value that those modifications represent. Illustration No. I reflects a method by which the Zoning Administrator may determine when modifications exceed the fifty (50) percent limit.

I. ILLUSTRATION NO. 1

Is It Fifty (50) Percent Yet?

Sample Problem: Assume that the owner of a nonconforming house wishes to add a room to the house. If the house had an equalized assessed value of \$20,000.00, the property owner would be able to make improvements valued at less than fifty (50) percent of the present equalized assessed value of the house or less than \$10,000.00. The improvement would have to be built to zoning standards. Any further additions or structural alterations could not be allowed unless the entire structure was changed to meet the requirements for a new structure.

- (a) Additions and modifications which are permitted are based upon a time period over the life of the structure as shown above. Therefore, if, in the example above, the property owner constructed an addition for less than \$10,000.00, no further additions could be allowed because the fifty (50) percent improvement limit had been reached. However, assume that the addition was valued at \$4,000.00 or twenty (20) percent of the equalized assessed value of the structure (\$20,000.00). Five years later, the property owner again wishes to add an attached greenhouse. In the meantime, the present equalized assessed value of the house has increased from \$20,000.00 to \$30,000.00. The value of the greenhouse is \$3,000.00 or ten (10) percent of the current equalized assessed value of the structure.
- (b) The property owner has now accumulated twenty (20) percent plus ten (10) percent of the allowable additions.

(c) Finally, three years later, when the assessed value of the house is \$40,000.00, the property owner wishes to modify the house to the extent of \$10,000.00. \$10,000.00 is twenty-five (25) percent of \$40,000.00; therefore, the property owner could not make the modification since there were accumulated modifications totaling thirty (30) percent of the equalized value and an additional twenty-five (25) percent would be greater than the fifty (50) percent allowed. However, the property owner could make modifications equal to less than twenty (20) percent of the current equalized assessed value of the home, or less than \$8,000.00.

(d) This example is further clarified in the following table: (Note: The base for calculation is not the original value of the home at the time the ordinance is enacted, but is the value of the home at each time the home is modified.)

Year	Assessed Value of Home	Value of Modification	Percent of Modification	Cumulative Percentage
1977	\$20,000	\$4,000	20%	20%
1982	\$30,000	\$3,000	10%	30%
1985	\$40,000	\$10,000	25%	55%
	\$40,000	\$8,000	20%	50%

(10) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Sec. 20-1268. The costs of elevating a nonconforming building or a building with a nonconforming use to the Flood Protection Elevation are excluded from the 50% provisions of the paragraph.

(11) Except as provided below under subsection (12), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds fifty (50) percent of the structure's present equalized assessed value.

(12) For nonconforming buildings that are damaged or destroyed by a non-Flood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the non-Flood disaster, provided that the nonconforming building will meet all of the

minimum requirements under 44 CFR Part 60, or under the regulations promulgated thereunder.

- (13) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as an historic structure, the alteration will comply with Sec. 20-819, Flood resistant materials are used, and construction practices and Flood proofing methods that comply with Sec. 20-1068 are used.
- (14) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a Floodplain area. Any replacement, repair or maintenance of an existing on-site sewage disposal in a Floodplain area shall meet the applicable requirements of all municipal ordinances and ch. COMM 83, Wis. Adm. Code.
- (15) No new well or modification to an existing well used to obtain potable water shall be allowed in a Floodplain area. Any replacement, repair or maintenance of an existing well in a Floodplain area shall meet the applicable requirements of all municipal ordinances and chs. NR811 and NR812, Wis. Adm. Code.
- (16) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:
- (a) has been granted a permit or variance which meets all ordinance requirements;
 - (b) meets the requirements of paragraphs (1) through (14) as listed above; and
 - (c) will not increase the obstruction to Flood flows or regional Flood height during the occurrence of the regional flood.
 - (d) Any addition to the existing structure shall be floodproofed, pursuant to Sec. 20-1068 by means other than the use of fill, to the Flood Protection Elevation.
 - (e) Mechanical and utility equipment must be elevated to or above the regional flood elevation.
 - (f) Its use must be limited to parking and/or limited storage.”

(p) **Create Section 20-213.5 General Provisions Floodplain Districts to read as follows:**

“Sec. 20-213.5 General Provisions Floodplain Districts.

- (1) **Areas to be regulated.** This chapter regulates all areas that would be covered by the Regional Flood or Base Flood, including Floodplain Islands unless actual dry land access can be obtained.

Note: Base Flood elevations are derived from the Flood Profiles in the Flood Insurance Study. Regional Flood Elevations may be derived from other studies. Areas covered by the Base Flood are identified as A-zones on the Flood Insurance Rate Map.

- (2) **Official maps and revisions.** The boundaries of all Floodplain districts are designated as Floodplains or A-Zones on the maps listed below and the revisions as listed in Section 20-213. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to Regional Flood Elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Planning and Development Department, Racine County. If more than one map or revision is referenced, the most current approved information shall apply.

(3) **Official maps: Based on the FIS.**

- (a) Flood Insurance Rate Map (FIRM), panel numbers 550347 0020, 0025, 0045 and 0050, dated April 1, 1982, with corresponding profiles that are based on the Flood Insurance Study (FIS) dated April 1, 1982; and

- (b) Flood Boundary and Floodway Map (FBFW), panel numbers 550347 0020, 0025, 0045 and 0050, dated April 1, 1982;

All have been approved by the DNR and FEMA

(4) **Official maps:** Based on other studies as listed in Section 20-213

All have been approved by the DNR.

(5) **Locating Floodplain boundaries.**

Discrepancies between boundaries on the official Floodplain zoning map and actual field conditions shall be resolved using the criteria in

paragraphs (a) and (b) below. If a significant difference exists, the map shall be amended according to this chapter. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for documenting actual pre-Development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this chapter. Disputes between the Zoning Administrator and an applicant over the district boundary line shall be settled according to Article II and the criteria in (a) and (b) below.

- (a) If Flood Profiles exist, the map scale and the Profile Elevations shall determine the district boundary. The regional or Base Flood elevations shall govern if there are any discrepancies.
- (b) Where Flood Profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Village's zoning and planning department under the direction of the Zoning Administrator, Department of Natural Resources, FEMA and the Zoning Administrator.

Note: Where the Flood Profiles are based on established Base Flood elevations from a FIRM, FEMA must also approve any map amendment involving channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe.”

(q) **Amend Section 20-816 Purposes by striking text below as indicated below.**

“Sec. 816. Purposes

The FW Urban Floodway District is intended to be used to protect people and property in urban areas within the Village from Flood damage by prohibiting the erection of structures that would impede the flow of water during periodic flooding. Prohibiting Development of the floodway will serve to diminish damages in the broader Floodplain by not increasing Flood stages. In delineating the FW district, the effects of Development within the associated Flood fringe shall be computed. No increase in Flood stage shall be permitted that is equal to or greater than 0.01 feet unless the board of trustees has made appropriate legal arrangements with all affected units of government and all property owners affected by the stage increase, and until all such affected units of government have amended their water surface profiles, and floodland zoning maps to reflect the increased Flood elevations. ~~No urban floodway district changes shall be permitted where the cumulative effect of changes increases flood stages by more than 1.0 foot unless a waiver is secured from the Federal Emergency Management Agency (FEMA).~~ The FW district shall only be utilized in areas of the Village where public sanitary sewerage facilities are currently available or are

~~programmed to be made available within twenty-four (24) months and where the elevation of the one hundred year recurrence interval flood has been increased by two (2) or more feet since such elevation was originally established.”~~

(f) **Create Section 20-819 Standards For Developments In Floodway Areas to read as follows**

“Sec. 20-819 Standards for Development in Floodway Areas.

(a) General

- (1) Any Development in floodway areas shall comply with Sec. 20-1185 and have a low Flood damage potential.
- (2) Applicants shall provide the following data to determine the effects of the proposal according to Sec. 20-1185(a).
 - i. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed Development will obstruct flow; or
 - ii. An analysis calculating the effects of this proposal on regional Flood height.
- (3) The Zoning Administrator shall deny the permit application if the project will increase Flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for par. (2) above.

(b) Structures

Structures accessory to permanent open space uses, classified as historic structure, or functionally dependent on a waterfront location may be allowed by conditional use permit if the structures comply with the following criteria:

- (1) The structures are not designed for human habitation and do not have a high Flood damage potential;
- (2) The structures are constructed and placed on the building site so as to increase Flood heights less than 0.01 foot and minimally obstruct the flow of floodwaters. Structures shall be constructed with the long axis parallel to the flow of floodwaters and on the same line as adjoining structures;
- (3) The structures are properly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river; and
- (4) The structures have all service facilities at or above the Flood Protection Elevation.

(c) Public utilities, streets and bridges

Public utilities, streets and bridges may be allowed by conditional use permit if:

- (1) Adequate Flood proofing measures are provided to the Flood Protection Elevation; and
- (2) Construction meets the Development standards of Sec. 20-1185.

(d) Fills or deposition of materials

Fills or deposition of materials may be allowed by conditional use permit if:

- (1) The requirements of Sec. 20-1185(a) are met.
- (2) No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to ch. 30 Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this section are met;
- (3) The fill or other materials will be protected against erosion by rip-rap, vegetative cover; sheet piling or bulkheading; and
- (4) The fill is not classified as a solid or hazardous material.”

(s) **Create Section 20-879 Determining Floodway And Floodfringe Limits to read as follows:**

“Sec. 20-879 Determining Floodway and Floodfringe Limits.

Development within the GFO General Floodplain Overlay District is generally prohibited. However, in those limited situations where Development may be possible and where the location of the floodway is not readily obtainable from an adopted comprehensive watershed plan, the Zoning Administrator shall:

- (1) Require the applicant to submit two (2) copies of an aerial photograph or a plan which shows the proposed Development with respect to the general Floodplain district limits, stream channel, and existing Floodplain Developments, along with a legal description of the property, fill limits and elevations, building floor elevations and Flood proofing measures;
- (2) Require the applicant to furnish any of the following information deemed necessary by the department to evaluate the effects of the proposal upon Flood height and Flood flows, regional flood elevation and to determine floodway boundaries:
 - (a) A typical valley cross-section showing the stream channel, the Floodplain adjoining each side of the channel, the cross-sectional

- area to be occupied by the proposed Development, and all historic high water information;
- (b) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
 - (c) Profile showing the slope of the bottom of the channel or flow line of the stream;
 - (d) Specifications for building construction and materials, Flood proofing, filling, dredging, channel improvement, storage of materials, water supply and sanitary facilities;
- (3) Transmit one (1) copy of the information described in pars. (1) and (2) to the department regional office, along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of Section 20-18 apply the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on Flood elevations.”
- (t) **Create Section 20-1185 General Standards Applicable To All Floodplain Districts to read as follows:**

“Sec. 20-1185 General Standards Applicable to all Floodplain Districts.

- (1) Hydraulic and hydrologic analyses
 - (a) Except as allowed in par. (3) below, no Floodplain Development shall:
 - i. Obstruct flow, defined as Development which blocks the conveyance of floodwaters by itself or with other Development, increasing regional Flood height; or
 - ii. Increase regional Flood height due to Floodplain storage area lost, which equals or exceeds 0.01 foot.
 - (b) The Zoning Administrator shall deny permits if it is determined the proposed Development will obstruct flow or increase regional Flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of sub. (3) are met.
 - (c) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this ordinance, the official Floodplain zoning maps, floodway lines and water surface

profiles, in accordance with this ordinance, all with the approval of the Wisconsin Department of Natural Resources and FEMA.

(2) Watercourse alterations

No land use permit to alter or relocate a watercourse in a mapped Floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The Flood carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the Zoning Administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and Floodplain Management regulations as required.

(3) Chapter 30, 31, Wis. Stats. Development

Development which requires a permit from the Department, under chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other Floodplain zoning maps or the Floodplain zoning ordinances are made according to s. 8.0.

(4) Public or Private Campgrounds

Public or private Campgrounds shall have a low Flood damage potential and shall meet the following provisions:

- (a) The Campground is approved by the Department of Health and Family Services;
- (b) A conditional use permit for the Campground is issued by the Zoning Administrator;
- (c) The character of the river system and the elevation of the Campground is such that a 72-hour warning of an impending Flood can be given to all Campground occupants;
- (d) There is an adequate Flood warning procedure for the Campground that offers the minimum notice required under this section to all persons in the Campground. This procedure shall include a written agreement between the Campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the Flood elevation at which evacuation shall occur, personnel responsible for monitoring Flood elevations,

types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;

- (e) This agreement shall be for no more than one (1) calendar year, at which time the agreement shall be reviewed and updated [by the officials identified in sub. (d)] to remain in compliance with all applicable regulations, including those of the state department of health and family services and all other applicable regulations;
- (f) Only Camping Units are allowed;
- (g) The Camping Units may not occupy any site in the Campground for more than one hundred eighty (180) consecutive days, at which time the Camping Unit must be removed from the Floodplain for a minimum of twenty-four (24) hours;
- (h) All Camping Units that remain on site for more than thirty (30) days shall be issued a limited authorization by the Campground operator, a written copy of which is kept on file at the Campground. Such authorization shall allow placement of a camping unit for a period not to exceed one hundred eighty (180) days and shall ensure compliance with all the provisions of this section;
- (i) The municipality shall monitor the limited authorization issued by the Campground operator to assure compliance with the terms of this section;
- (j) All Camping Units that remain in place for more than one hundred eighty (180) consecutive days must meet the applicable requirements in Secs. 20-1068 and 20-1270 for the Floodplain district in which the structure is located;
- (k) The Campground shall have signs clearly posted at all entrances warning of the Flood hazard and the procedures for evacuation when a Flood warning is issued;
- (l) All service facilities, including but not limited to refuse collections, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or Flood proofed to the Flood Protection Elevation.”

(u) **Amend Section 20-1271(B) Accessory; Industrial Structures as follows:**

“Sec. 20-1271(B) Accessory; Structures.

- (b) Accessory Structures associated with agricultural, residential, commercial, institutional, or industrial uses in the FFO urban Floodplain fringe overlay district are permitted, provided that all structures, when permitted, are not attached to the principal structure, are not designed for human occupancy or the confinement of animals, have a low Flood damage potential, are constructed and placed to provide minimum obstruction to Flood flows (whenever possible, Accessory Structures shall be placed with their

longitudinal axis parallel to the flow of floodwaters), are firmly anchored to prevent them from floating away and restricting bridge openings, and have all service facilities (such as electrical and heating equipment) at an elevation at least two (2) feet above the 100-year recurrence interval Floodplain and shall meet the requirements of Sec. 20-171(11) of this ordinance. ~~Accessory structures in the FFO urban floodplain fringe overlay district shall not be subject to inundation depths greater than two (2) feet or flood velocities greater than two (2) feet per second upon the occurrence of a 100-year recurrence interval flood.~~

- (1) Except as provided in paragraph 2, an accessory structure which is not connected to the principal structure may be constructed with its lowest floor at or above the regional flood elevations.
- (2) For a residential accessory structure which is not connected to the principal structure and which is less than six hundred (600) square feet in size and valued at less than ten thousand dollars (\$10,000) may be constructed with its lowest floor no more than two (2) feet below the Regional Flood Elevations if it is subject to Flood velocities of no more than two (2) feet per second, it meets all the provisions of Section 20-819(b) (1) (2) (3) and (4), and materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life be stored at or above the Flood Protection Elevation or floodproofed. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding. Constructing a structure below the Base Flood Elevation will result in increased premium rates for Flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and such construction below the Base Flood Elevation increases risks to life and property.”

(v) **Amend Section 20-1068 Floodproofing by adding the underlined text as follows:**

“Sec. 20-1068 Floodproofing.

Where floodproofing, whether residential or non-residential, by means of elevating on fill is deemed inappropriate or impractical and where floodproofing by means other than filling is permitted, floodproofing measures shall be in accordance with the following:

- (a) *Floodproofing measures* shall be designed to:
 - (1) Withstand the Flood pressures, depths, velocities, uplift and impact forces, and other factors associated with the 100-year recurrence interval flood; and

- (2) Assure protection to an elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood; and
 - (3) Provide anchorage of structures to foundations to resist flotation and lateral movement; and
 - (4) Insure that the structural walls and floors are watertight and completely dry without human intervention during flooding to a point at least two (2) feet above the elevation of the 100-year recurrence interval flood.
- (b) *No permit* or variance shall be issued until the applicant submits a plan or document certified by a registered professional engineer or architect certifying that the floodproofing measures are adequately designed to protect the structure or Development to a point at least two (2) feet above the elevation of the 100-year recurrence interval Flood (the Base Flood Elevation) for the particular area. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the Zoning Administrator.
- (c) *Floodproofing measures* may include, but are not limited to:
- (1) Reinforcement of walls and floors to resist rupture or collapse caused by water pressure or floating debris;
 - (2) Addition of mass or weight to structures to prevent flotation;
 - (3) Placement of essential utilities above the Flood Protection Elevation;
 - (4) Surface subsurface drainage systems, including pumping facilities, to relieve external foundation wall and Basement floor pressures;
 - (5) Construction of water supply wells, and waste treatment and collection systems to prevent the infiltration of floodwaters into such systems;
 - (6) Cutoff valves on sewer lines and the elimination of gravity flow basement drains; and/or
 - (7) The construction of permanent or moveable watertight bulkheads, erection of permanent watertight shutters and doors, and installation of wire reinforced glass or glass block for windows.”

(w) **Amend Sec. 20-856 Purpose by striking the text as indicated below:**

“Sec. 20-856 Purpose.

The FFO urban Floodplain fringe overlay district is intended to provide for and encourage the most appropriate use of land and water in urban or urbanizing areas of the county subject to periodic flooding and to minimize Flood damage to people and property. The FFO district shall not be utilized in any area of the county except where used to complement use of the FW district and only where public sanitary sewerage facilities are currently available or are programmed to be made available within twenty-four (24) months ~~and where the elevation of the one hundred year recurrence interval flood has been increased by two (2) or more feet since such elevation was originally established.~~

Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more restrictive of the conflicting requirements shall apply.”

(x) **Amend Sec. 20-1267 Open Space, related uses to read as follows by adding the text as indicated below:**

“Sec. 20-1267 Open Space, related uses.

- (a) Open space and related uses may be permitted by conditional use in any floodland district for the following uses provided that the applicant shall show that such use or improvement will not impede drainage, will not cause ponding, will not obstruct the floodway, will not increase Flood flow velocities, will not increase the Flood stage, and will not retard the movement of floodwaters. When permitted, all structures shall be floodproofed in accordance with the standards set forth in section 20-1068 of this chapter and constructed so as not to catch or collect debris nor be damaged by floodwaters. All floodproofed structures shall be securely anchored to protect them from large floods. Certification of floodproofing shall be made to the Zoning Administrator and shall consist of a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the Flood velocities, forces, depths, and other factors associated with the one-hundred-year recurrence interval flood. No such structures shall be designed for human habitation. Any fills or deposition of materials and public utilities, streets and bridges shall meet the requirements of Sec. 20-1185. Utilities, streets and bridges shall be designed to be compatible with comprehensive Floodplain Development plans. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial

improvements to such facilities may only be permitted if they are floodproofed in compliance with Sec. 20-1068 to the Flood Protection Elevation. Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand Flood forces to the Regional Flood Elevation.

- (1) Navigational structures.
 - (2) Public water measuring and control facilities.
 - (3) Bridges and approaches.
 - (4) Marinas.
 - (5) Utility poles, towers, and underground conduit for transmitting electricity, telephone, natural gas and similar products and services.
 - (6) Park and recreational areas, not including structures.
 - (7) Parking lots and loading areas accessory to permitted uses in adjacent districts, not including new or used vehicle sales or storage areas, provided that such uses shall not be subject to inundation depths greater than two (2) feet or Flood velocities greater than two (2) feet per second.
 - (8) Filling as authorized by the state department of natural resources to permit the establishment of approved Bulkhead Lines. No material shall be deposited in the navigable channel unless a permit is issued by the Department pursuant to ch. 30, Wis. Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this section are met. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading.
 - (9) Other open space uses consistent with the purpose and intent of the district and compatible with uses in adjacent districts, not including structures.
- (b) The thin mantle spreading of spoils resulting from the cleanout and/or dredging of existing drainage ditches or canals may be permitted in the FCO urban Floodplain conservancy overlay district, the FFO urban Floodplain fringe overlay district and the GFO general Floodplain overlay district provided that such spreading does not result in an increase in the Flood stage of the one-hundred-year recurrence interval Flood equal to or

greater than 0.01 foot; the spoils are leveled to a maximum depth of twelve (12) inches; and provided that such spreading will not have a significant adverse impact upon the criteria established by the State Department of Natural Resources in NR116.07.

- (c) Flood control/Flood Hazard Mitigation projects which are contained in watershed plans approved and adopted by the Racine County Board of Supervisors or the Village Board of Trustees may be permitted in the FCO urban Floodplain conservancy overlay district, the FFO urban Floodplain fringe overlay district, and the GFO general Floodplain overlay district provided that such projects will not result in an increase in the Flood stage of the one-hundred-year recurrence interval Flood equal to or greater than 0.01 foot.”

(y) **Amend Section 20-1268 Residential and Commercial Uses to read as follows:**

“Sec. 20-1268 Residential and Commercial Uses.

- (a) Residential, including manufactured homes, commercial, and institutional structures may be permitted by conditional use in the FFO urban Floodplain fringe overlay district provided that the structure is permitted in the underlying basic use district and subject to the standards in this section. Any structure or building used for human habitation which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area shall meet or exceed the following standards:
 - (1) The lowest floor, excluding the Basement or Crawlway, shall be placed on fill at or above the Flood Protection Elevation (which is a point two (2) feet above the regional flood elevation). The fill elevation surrounding the structure shall be one (1) foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure. The State Department of Natural Resources may authorize other floodproofing measures where existing streets or sewer lines are at elevations which make compliance impractical provided the board of appeals grants a variance due to dimensional restrictions.
 - (2) The Basement or Crawlway floor may be placed at the regional flood elevation providing it is floodproofed to the Flood Protection Elevation. No permit or variance shall allow any floor, Basement or Crawlway below the Regional Flood Elevation.
 - (3) Contiguous dryland access as a vehicle access route above regional flood elevation shall be provided from a structure or building to land which is outside of the Floodplain, except as provided in subsection (4) below.

- (4) In existing Developments where existing streets or sewer lines are at elevations which make dryland access impractical under subsection (3) above, the municipality may permit new Development and substantial improvements where access roads are at or below the Regional Flood Elevation, provided that:
- a. The municipality has written assurance from the appropriate local units of police, fire, and emergency services that rescue and relief service will be provided to the structure(s) by wheeled vehicles, considering the anticipated depth, duration, and velocity of the regional Flood event; or
 - b. The municipality has an adequate natural disaster plan concurred with by the division of emergency government and approved by the Wisconsin Department of Natural Resources.
- (b) In commercial and institutional areas, any structure or building which is to be erected, constructed, reconstructed, altered or moved into the floodfringe area shall meet the requirements for residential use. Storage yards, parking lots, and other Accessory Structures or land uses may be at lower elevations, subject to the storage requirements of section 20-816 et seq. which requires materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the Flood Protection Elevation or floodproofed in compliance with Sec. 20-1068. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding. However, no such area in general use by the public shall be inundated to a depth greater than two (2) feet or subjected to Flood velocities greater than two (2) feet per second during the Regional Flood. Inundation of such yards or parking areas exceeding two (2) feet may be allowed provided that an adequate warning system exists to protect life and property.
- (c) Structures placed on fill may be removed from the urban Floodplain fringe overlay district provided that lands have been filled to the Flood Protection Elevation or higher; that the fill is contiguous to lands lying outside of the floodlands, and further provided that the property owner, or his agent, has complied with all the requirements for amending the zoning map as set forth in section 20-121 et seq., including but not limited to Sections 20-166 and 20-166.5.
- (d) Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall be protected to the Flood Protection

Elevation using fill, levees, floodwalls, or other Flood proofing measures in Section 20-1068. Subject to the requirements of the storage requirements set forth under subsection (b) above, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(e) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize Flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

(1) In Existing Manufactured Home Parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

a. have the lowest floor elevated to the Flood Protection Elevation; and

b. anchored so they do not float, collapse or move laterally during a flood.

(2) Outside of Existing Manufactured Home Parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential Development standards for the floodfringe under subsection (a) above.”

(z) Amend Section 20-1270 Mobile homes, parks to be renumbered and read as follows:

“Sec. 20-1270 Mobile Homes, Parks, Mobile Recreational Vehicles .

(a) All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements of this Section. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

(b) Mobile home parks and mobile home units located within a mobile home park in the FFO urban Floodplain fringe overlay district are permitted, provided that the use is permitted in the underlying use district; that a conditional use permit pursuant to section 20-1201 et seq. has been granted; and further provided that the following design and construction standards are complied with:

(1) All mobile homes shall be placed on a concrete pad constructed on

fill or on pilings so that the pad elevation is at least one (1) foot above the elevation of the one-hundred-year recurrence interval flood. Fill shall extend at least fifteen (15) feet beyond the limits of the concrete pad.

- (2) All mobile homes shall have the lowest floor elevation of the mobile home unit at least two (2) feet above the elevation of the one-hundred-year recurrence interval Flood.
 - (3) Mobile home units placed on pilings shall be placed on lots that are large enough to permit steps.
 - (4) Where pilings are constructed, they shall rest on stable soil, shall not be greater than ten (10) feet apart, and pilings extending more than six (6) feet above the ground level shall be reinforced.
 - (5) Mobile home units shall be anchored to resist flotation, collapse or lateral movement. Anchoring shall consist of over-the-top and frame ties to ground anchors. Over-the-top ties shall be installed at each of the four (4) corners of the mobile home unit with two (2) additional ties per side at intermediate points. Only one (1) additional over-the-top tie per side shall be required for mobile home units less than fifty (50) feet in length. Frame ties shall be required at each of the four (4) corners of the mobile home unit with five (5) additional ties per side at intermediate points. Only four (4) additional frame ties shall be required for mobile home units less than fifty (50) feet in length. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds. Any additions to the mobile home shall be similarly anchored.
 - (6) All mobile home parks shall be adequately drained and appropriate access for a hauler shall be provided.
 - (7) Owners and operators of all mobile home parks and mobile home subdivisions located in a Floodplain district shall file an adequate evacuation plan indicating vehicular access and escape routes, including mobile home hauler routes, with the county and the appropriate disaster preparedness authorities, and shall provide for adequate surface drainage within the mobile home park to minimize Flood damage.
- (c) Certification of anchoring, pier construction and pad construction shall be made to the Zoning Administrator and shall consist of a plan or document certified by a registered professional engineer or architect that the anchoring, pier and/or pads meet the minimum requirements set forth

herein, and will withstand the Flood velocities, forces, depths and other factors associated with the one-hundred-year recurrence interval flood. Mobile home sites placed on fill may be removed from the urban Floodplain fringe overlay district provided that lands have been filled to the Flood Protection Elevation or higher; that the fill is contiguous to lands lying outside of the floodlands, and further provided that the property owner, or his agent, has complied with all the requirements for amending the zoning map as set forth in section 20-121 et seq.”

(aa) **Amend Sec. 20-42 Same—Additional variance requirements in floodland districts as follows:**

“Sec. 20-42. Same--Additional requirements in floodland districts.

- (a) No variance shall be granted where:
- (1) Filling and Development contrary to the purpose and intent of the FW urban floodway district and the FCO urban Floodplain conservancy overlay district would result.
 - (2) A change in the boundaries of the FW urban floodway district, FCO urban Floodplain conservancy overlay district, FFO urban Floodplain fringe overlay district, or the GFO general Floodplain overlay district would result or an increase in the regional flood elevation would result.
 - (3) A lower degree of Flood protection than two (2) feet above the one-hundred-year recurrence interval Flood for the particular area would result.
 - (4) Any residential or commercial Basement or Crawlway located below the 100-year recurrence interval Flood elevation would result.
 - (5) Any change or alteration of an historic structure, including its use, would result in the structure losing its designation as a historic structure.
 - (6) Any action contrary to the provisions of chapter NR116 of the Wisconsin Administrative Code would result.
- (b) No variance shall be granted unless a determination is made that the granting of a variance will not result in increased Flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

- (c) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the Flood hazard, to afford relief.
- (d) Variance shall only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the Regional Flood Elevation.
- (e) Variances shall not allow actions without the amendments to this ordinance or map(s) required in Sections 20-121 to 20-168 of this Chapter.
- (f) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 - (1) Literal enforcement of the ordinance provisions will cause unnecessary hardship; and
 - (2) The hardship is due to adoption of the Floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
- (g) The Zoning Administrator shall notify the applicant in writing that (i) the issuance of a variance to construct a structure below the Base Flood Level will result in increased premium rates for Flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base Flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required in paragraph 20-38(d). The record of all variance actions, including justifications for their issuance, shall be maintained and a report of such variances granted shall be prepared by the Zoning Administrator and shall be submitted in the Village's annual or biennial report submitted to the Federal Insurance Administrator.
- (h) Board Review of Permit Denials.
 - (1) The Board shall review all data related to the appeal. This may include:
 - (a) Permit application data required under Sections 20-36 and 20-81.
 - (b) Floodway/floodfringe determination data in Sections 20-879.
 - (c) Data listed in Section. 20-819(a) where the applicant has not submitted this information to the Zoning Administrator.

(d) Other data submitted with the application, or submitted to the Board with the appeal.

(2) For appeals of all denied permits the Board shall:

(a) Follow the procedures of Sections 20-35 to 20-42;

(b) Consider Zoning Agency recommendations; and

(c) Either uphold the denial or grant the appeal with conditions.

(3) For appeals concerning increases in regional flood elevation the Board shall:

(a) Uphold the denial where the Board agrees with the data showing an increase in Flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the Flood Profile and map and all appropriate legal arrangements are made with all adversely affected property owners.

(b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.”

(bb) Create Section 20-166.5 Amendments to Floodplain Zoning District Boundaries and Floodplain Ordinance to read as follows:

“Sec. 20-166.5 Amendments to Floodplain Zoning District Boundaries and Floodplain Ordinance.

(1) General. The Board of Trustees may change or supplement the Floodplain zoning district boundaries and this ordinance in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

(a) Any change to the official Floodplain zoning map, including the floodway line or boundary of any Floodplain area.

(c) Correction of discrepancies between the water surface profiles and Floodplain zoning maps.

(d) Any fill in the Floodplain which raises the elevation of the filled area to a height at or above the Flood Protection Elevation and is contiguous to land lying outside the Floodplain.

- (e) Any fill or Floodplain encroachment that obstructs flow, increasing regional Flood height 0.01 foot or more.
- (f) Any upgrade to a Floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the Village.
- (g) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a Base Flood elevation from a FIRM requires prior approval by FEMA.

Note: Consult the FEMA web site - www.fema.gov - for the map change fee schedule.

- (2) Procedures. Ordinance amendments may be made upon petition of any interested party according to the provisions of s. 62.23, Stats. Such petitions shall include all necessary data required by Sections 20-879 and 20-81.
 - (a) The proposed amendment shall be referred to the Zoning Agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Wisconsin Department of Natural Resources Regional office and FEMA for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats., for villages.
 - (b) No amendments shall become effective until reviewed and approved by the FEMA and Wisconsin Department of Natural Resources.
 - (c) All persons petitioning for a map amendment that obstructs flow, increasing regional Flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.
 - (d) For amendments in areas with no water surface profiles, the Zoning Agency or board shall consider data submitted by the Wisconsin State Department of Natural Resources, the Zoning Administrator's visual on-site inspections and other available information.”