

VILLAGE OF CALEDONIA AND THE
TOWN OF RAYMOND AGREEMENT AND COOPERATIVE
PLAN, UNDER SECTIONS 66.0301
AND 66.0307 OF THE WISCONSIN STATUTES

Introduction

The Village of Caledonia (the “Village”) is a village located in Racine County, Wisconsin, and has a Village Hall located at 6922 Nicholson Road, Caledonia, Wisconsin 53108. The Town of Raymond (the “Town”) is a Wisconsin town located in Racine County, Wisconsin, and has a Town Hall located at 2255 76th Street, Franksville, Wisconsin 53126. The Village and the Town share a common boundaryline, and the location of the Village and Town is shown on the map (the “Map”) which is attached hereto as Exhibit A.

The Village and the Town, being in the southeastern portion of the State of Wisconsin, are located in one of the fastest growing areas of the State. Even more significantly, Interstate 94 (the “I-94”), as shown on the Map (Exhibit A), is located in the general vicinity of the common boundaryline between the Village and the Town, running in a north/south direction in Racine County.

As a result of the Village and Town being located in southeastern Wisconsin, and because of the proximity of the Village and the Town to Chicago, Milwaukee, Lake Michigan, and I-94, both the Village and the Town are experiencing great interest, and equally great pressure, in the areas of residential, commercial, and industrial development. Any such development, in turn, requires the provision of municipal support and infrastructure to provide the attending necessary municipal services to accommodate the future growth, all of which must be carefully planned and carefully implemented by both the Village and Town for the same to be accomplished in a proper manner.

The Village has recently completed a land use study of several years duration and has adopted a land use plan (the “Caledonia Land Use Plan”) that specifies in detail the manner in which future development within the Village will occur. A key focus of the Caledonia Land Use Plan is the future development of that portion of the Village that is located along the I-94 corridor (the “Caledonia I-94 Corridor”).

The Village has created a Tax Incremental District (the “TID”) under Section 66.1105 of the Wisconsin Statutes for the encouragement and support of development in certain westerly areas of the Village, including portions of the Village located along I-94. The TID is shown in the Map attached hereto as Exhibit A. The Village also anticipates that one or more additional TID’s will be created within the Caledonia I-94 Corridor in the next several years.

It is of critical importance to the Village that orderly and quality development now occur in the TID, future TID’s, and in the future Caledonia I-94 Corridor, to help support and fund the related infrastructure and municipal services that the Village will be constructing and providing in such areas of the Village in the future.

The Town has taken steps to do land use planning for its future development (the “Raymond Land Use Plan”), and is continuing to take further steps in that regard. A key focus of the Town is the orderly and quality development of that portion of the Town that is located along the I-94 corridor (the “Raymond I-94 Corridor”), which is the area in which the Town is presently experiencing the greatest pressure for development. Of even more importance to the Town, though, is the preservation of its borders. It is the desire of the Town that future development in the Town, and especially in the Raymond I-94 Corridor, not result in the annexation of those areas of the Town into the Village as a part of the development process.

The Village and the Town have come together, through the terms and provisions of this agreement (the “Agreement” and/or “Cooperative Plan”), for the purpose of working with each other so that the key goals of each community as described above can be accommodated and accomplished in a joint and united effort.

The Village and the Town are entering into this Agreement for such purposes under the provisions of (i) Section 66.0301 of the Wisconsin Statutes (pertaining to Intergovernmental Agreements), and also (ii) Section 66.0307 of the Wisconsin Statutes (pertaining to Boundary Agreements and Cooperative Plans).

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES CONTAINED HEREIN, THE VILLAGE AND THE TOWN HEREBY AGREE AS FOLLOWS:

SECTION 1

Incorporation of the Introduction

- 1.01 Introduction. The foregoing “Introduction is true and correct, and is hereby incorporated into this Agreement by reference.

SECTION 2

Statutory Authority

- 2.01 Statutory Authority. This Agreement/Cooperative Plan is being entered into by and between the Village and the Town pursuant to the provisions of Section 66.0301 of the Wisconsin Statutes (pertaining to “Intergovernmental Agreements”), and also Section 66.0307 of the Wisconsin Statutes (pertaining to “Boundary Agreements” and “Cooperative Plans”). Section 66.0301 of the Wisconsin Statutes, however, is only being relied upon to initially adopt Sections 1-9 and 11-19 of this Agreement/Cooperative Plan, and not Section 10 pertaining to the common boundaryline of the Village and the Town. Section 10 of this Agreement/Cooperative Plan is being adopted only as a part of the ultimate adoption and approval of this entire Agreement/Cooperative Plan under the provisions of Section 66.0307 of the Wisconsin Statutes.

SECTION 3
Effective Date

- 3.01 Effective Date. This Agreement/Cooperative Plan shall be immediately effective, as of the date this document is executed by both the Village and the Town, pursuant to Section 66.0301 of the Wisconsin Statutes as an intergovernmental agreement. Thereafter, at such time as all of the approvals are obtained as required under the law, this Agreement/Cooperative Plan shall also then be effective and deemed adopted under the provisions of Section 66.0307 of the Wisconsin Statutes, pertaining to boundary agreements and cooperative plans.

SECTION 4
Term

- 4.01 Term. This Agreement/Cooperative Plan shall extend into perpetuity from the date on which it becomes effective (i) as a fully executed intergovernmental agreement under Section 66.0301 of the Wisconsin Statutes, and/or (ii) finally fully approved by all approving parties as a Cooperative Plan under Section 66.0307 of the Wisconsin Statutes, whichever date of execution and/or approval is the last to occur. The perpetual term has been agreed upon to allow both the Village and the Town to forever coordinate the future use of their respective I-94 corridor areas in a manner and fashion consistent with the terms and provisions of this Agreement/Cooperative Plan.

SECTION 5
Territory Subject to the Agreement/Cooperative Plan

- 5.01 Subject Territory. That portion of the Town that is depicted and described as the “Raymond Plan Area” in the attached Exhibit B (which exhibit is hereby incorporated into this Agreement/Cooperative Plan by reference) constitutes the territory located in the Town that is subject to the terms and provisions of this Agreement/Cooperative Plan. In general terms, and without intending to create a description conflicting with Exhibit B, the Raymond Plan Area consists of the approximate easterly One (1) Mile in depth of the Town (roughly from I-94 on the east to 550 feet west of 43rd Street, with such westerly line extended to the northerly and southerly boundaries of Raymond), and is also referred to herein as the “Raymond I-94 Corridor”. (With respect to any parcel of land that is located only in part in the Raymond I-94 Corridor, the entire said parcel shall be deemed to be in the Raymond I-94 Corridor, notwithstanding any other indication in attached Exhibit B to the contrary.)

SECTION 6
Raymond Land Use Plan

- 6.01 Raymond Land Use Plan. The portion of the Raymond Land Use Plan that pertains and applies to the Raymond Plan Area is attached hereto as Exhibit C (which exhibit is hereby incorporated into this Agreement/Cooperative Plan by reference). Such portion of the Raymond Land Use Plan that pertains to and applies to the Raymond Plan Area (Exhibit C) shall not be amended or modified without the written approval of both the Town and the Village.
- 6.02 Applicability of Agreement to Different Portions of the Raymond Plan Area. All of the provisions of this Agreement shall apply in their entirety to the approximate easterly One-Fourth (1/4) of the Raymond Plan Area (hereinafter referred to separately as the “One-Quarter Section”) that is shown and depicted in attached Exhibit D. With respect to the remaining approximate westerly Three-Fourths (3/4) of the Raymond Plan Area (hereinafter referred to separately as the “Three-Quarter Section”) that is also shown and depicted in attached Exhibit D, the provisions of this Agreement shall only apply to those designs, plannings, zonings, developments, land uses, and all other related issues and matters pertaining to commercial and/or industrial lands, facilities, and/or businesses, and the conversion of the same to and/or from those uses. (With respect to any parcel of land that is located only in part in the One-Quarter Section, the entire said parcel shall be deemed to be in the One-Quarter Section, notwithstanding any other indication in attached Exhibit D to the contrary.)

SECTION 7
Design Standards

- 7.01 Design Standards. Attached hereto as Exhibit E (which exhibit is hereby incorporated into this Agreement/Cooperative Plan by reference) are design standards (the “Design Standards”) that the Town shall adopt and implement with respect to the future development that will be occurring in the Raymond Plan Area. The Design Standards (Exhibit E) shall not be amended or modified without the written approval of both the Town and the Village.
- 7.02 More Restrictive Standards. The Town may, should it so desire, impose stricter design standards than the Design Standards described in above Section 7.01.

SECTION 8
Municipal Sewer Service

- 8.01 Municipal Sewer Service Required for Development. No new residential, commercial, or industrial development shall be allowed to occur in the Raymond Plan Area unless and until municipal sanitary service is provided to the land(s) on which the development occurs. Notwithstanding the foregoing provisions of this Section 8.01, however:

- a) Residential development may be allowed to occur in the Three-Quarter Section of the Raymond Plan Area without municipal sanitary sewer service if (i) the Town so desires and (ii) such residential development is compatible with the Raymond Land Use Plan described in above Section 6.01; and
- b) Residential development may be allowed to occur in the One-Quarter Section of the Raymond Plan Area without municipal sanitary sewer service if (i) the Town so desires, and (ii) such residential development is compatible with the Raymond Land Use Plan described in above Section 6.01, and (iii) if the Village approves the same in writing (with such Village approval to not be unreasonably withheld); and
- c) Commercial and/or industrial development may be allowed to occur in the Raymond Plan Area without municipal sanitary sewer service if the same is approved in writing by both the Town and the Village as a “Spectacular Use” under the provisions of below Section 8.05 of this Agreement.

With respect to any new commercial or industrial development that (i) is located in the then-existing Raymond Sewer Service Area, and (ii) is provided with municipal sanitary sewer service as a part of the initial development process, and (iii) is consistent and in compliance with the Raymond Land Use Plan and the Design Standards described in above Sections 6 and 7 of this Agreement, then any approvals required to be given by the Village for such development under the provisions of below Section 9.01 of this Agreement shall not be unreasonably withheld by the Village.

- 8.02 Initial Raymond Sewer Service Area. The Town may, if it so desires, seek the approval of the Southeast Wisconsin Regional Plan Commission (“SEWRPC”) for the establishment of a sewer service area in the Town (the “Raymond Sewer Service Area”) having the dimensions and the location shown in attached Exhibit F (which exhibit is hereby incorporated into this Agreement/Cooperative Plan by reference). The Village shall not object to such a request by the Town, and the Village shall support the required 208 Plan amendment that would be sought by the Town.
- 8.03 Expansion of the Raymond Sewer Service Area. The Raymond Sewer Service Area described above in Section 8.02 and in attached Exhibit F shall not be expanded by the Town until one of the following two events occurs (whichever s the first to occur):
 - a) A period of Ten (10) Years elapses after the Effective Date of this Agreement/Cooperative Plan (as defined in above Section 3.01); or
 - b) The Village’s “Tax Increment District No. 1”, described in attached Exhibit G, attains the financial goal (the “Goal”) described in Exhibit G (or a reduced but proportionately equivalent attainment of the said Goal if the current Tax Increment District No. 1 is expanded in the future by the Village), at which time the Village shall notify the Town in writing within 15 business days.

- 8.04 Provision of Sanitary Sewer Service to Raymond. Municipal sanitary sewer service shall be provided to the Raymond Sewer Service Area by the City of Racine Wastewater Utility, provided that the following conditions precedent are met by the Town:
- a) The Town enters into the necessary written agreement(s) with the City of Racine and the City of Racine Wastewater Utility for the provision of such sanitary sewer service; and
 - b) The Town enters into the necessary written agreement(s) with the municipalities which have the sanitary sewer infrastructure through which the Town will be transporting its sanitary sewerage to the City of Racine Wastewater treatment facilities. (In this regard, the Town and the Village agree that, as between themselves, they will in good faith use their best efforts to negotiate a sewer service agreement for the transportation of the Town's sanitary sewerage through such sanitary sewer infrastructure that the Village will be constructing in the Village in the future years.)
- 8.05 Spectacular Uses. In the event a particular development(s) is proposed for a parcel of land in the Raymond Plan Area that is then not able to be served by municipal sanitary sewer service, and in the further event, though, both the Town and the Village believe that the proposed development is such an exceptional and extraordinary development opportunity (a "Spectacular Use") that deserves their support and approval, then the Spectacular Use may be approved by the Town and the Village, in the respective sole and absolute discretion of the Town and the Village, through a separate written agreement that will contain the specific terms and conditions under which the Spectacular Use will be allowed.
- 8.06 Racine Sanitary Sewer Service and/or Racine Water Service to the Northerly Communities. In the event any of the municipalities located to the North of the Town and/or the Village (such as, but not limited to, the City of Franklin, and/or the City of New Berlin, Wisconsin) request and obtain municipal sanitary sewer service from the City of Racine Wastewater Treatment Facilities, and/or municipal water service from the City of Racine Water Treatment Facilities, the Village (as between the Town and the Village) shall be the sole party responsible for granting any required approvals for the location of the required sanitary sewer mains and/or watermains if the same are proposed to be located in the Town or in the Village. (It is the express intent of the parties that any such sanitary sewer mains and/or watermains shall, if possible, be located in the Village to the fullest extent desired by the Village.)

SECTION 9 Zoning and Land Divisions

- 9.01 Zoning and Land Divisions. The Town may only approve any requested zoning amendments, conditional use permits, variances, certified survey maps, plats, land use

plan amendments, and/or any other related land use approvals and/or land divisions in the Raymond Plan Area if the same are also approved in writing by the Village.

- 9.02 Extraterritorial Zoning. The Village expressly reserves its right, should it so elect, to exercise its statutory extraterritorial zoning (“ETZ”) powers under Section 62.23(7a) of the Wisconsin Statutes (and/or under any other similar and/or future adopted or amended statutes).

SECTION 10 Fixed Boundaryline

- 10.01 Fixed Common Boundaryline. Unless the same would ever be otherwise approved in writing by both the Town and the Village, the Town and the Village shall not approve any annexation and/or attachment of any land located in the Raymond Plan Area to the Village during the term of this Agreement/Cooperative Plan. It is the express intent of the Town and Village that the presently-existing common boundaryline of the Town and Village remain fixed and without change in perpetuity.

SECTION 11 Authorizing Resolutions, Attest by Affidavit, Cooperative Plan Adoption Resolutions, and Record of Public Participation

- 11.01 Initial Authorizing Resolutions. Section 66.0307(4) of the Wisconsin Statutes, requires that initial authorizing resolutions for the preparation of a Cooperative Plan must be approved by each participating municipality (that is, the Village and the Town) before Cooperative Plan preparation may commence. Authorizing resolutions must be dated and signed by the chief elected official and attested by the municipal clerk of each municipality participating in the Cooperative Plan. Copies of the Village and Town initial authorizing resolutions are found in attached Exhibit H (which exhibit is hereby incorporated into this Agreement/Cooperative Plan by reference).
- 11.02 Attest by Affidavit. Section 66.0307(4)(a)(1-4) of the Wisconsin Statutes regarding the Cooperative Plan requires an attest by affidavit that authorizing resolutions described under Section 11.01 above were sent to: The Department of Administration, Department of Natural Resources (DNR), Department of Agriculture, Trade, and Consumer Protection (DATCP), and Department of Transportation (DOT); the clerks of any municipality, school district, vocational technical and adult education district, sewer or sanitary district which has any part of its territory within Five (5) Miles of a participating municipality; the clerk of each county in which a participating municipality is located; and, any county zoning agency or regional planning commission whose jurisdiction includes a participating municipality. The “Attests by Affidavit” are found in Exhibit I (which exhibit is hereby incorporated into this Agreement/Cooperative Plan by reference).

- 11.03 Resolutions Indicating Adoption and Authorizing Transmittal of the Cooperative Plan to the State. Copies of resolutions indicating adoption and authorizing transmittal of the Cooperative Plan to the Wisconsin Department of Administration for review, dated and signed by the chief elected official and attested by the clerk from each participating municipality, being the Village and the Town, are found in Exhibit J (which exhibit is hereby incorporated into this Agreement/Cooperative Plan by reference).

SECTION 12

No Third Party Beneficiary

- 12.01 No Third Party Beneficiary. This Agreement/Cooperative Plan is intended to be solely between the Village and the Town. Nothing in this Agreement/Cooperative Plan shall be interpreted as giving to any person or entity not party to this Agreement/Cooperative Plan (including, but not limited to, any owner(s) of property located in the Raymond Plan Area) any legal or equitable rights whatsoever.

SECTION 13

Administration of this Cooperative Plan

- 13.01 Administration of this Cooperative Plan. This Agreement/Cooperative Plan shall be administered on behalf of the Town by the Town Chairperson or designee, and on behalf of the Village by the Village President or designee. The appointment of any designee shall be in writing, and the other party to this Agreement/Cooperative Plan shall be notified in writing of the appointment.

SECTION 14

Enforcement

- 14.01 Remedies. This Agreement/Cooperative Plan is intended to provide each party with the right and standing to challenge in Court any act or omission which violates this Agreement/Cooperative Plan. This Agreement/Cooperative Plan is intended to provide each party with the right and standing to seek any available legal or equitable remedy to enforce this Agreement/Cooperative Plan and to seek damages for the breach of this Agreement/Cooperative Plan.
- 14.02 Notice of Breach/Dispute Resolution. If a party to this Agreement/Cooperative Plan believes that the other party is in breach of this Agreement/Cooperative Plan, the aggrieved party shall promptly serve written notice of said breach upon the other party. The parties shall meet promptly thereafter and shall endeavor in good faith to resolve any dispute amicably. This subparagraph is intended by the parties to waive their respective statutory right to any further notice under Subsection 893.80(1)(a), Wisconsin Statutes, to the extent such subsection is applicable.

- 14.03 Limitation on Commencement of Civil Action. No civil action may be commenced until after Thirty (30) Days from the delivery of the written notice as described in above Section 14.02, except that a party may commence an action seeking specific performance or injunctive relief in less than Thirty (30) Days if, in that party's good faith judgment, such an action is necessary to protect the public health, safety, or welfare. The prevailing party in any action concerning an alleged breach of this Cooperative Plan shall be entitled to recover from the other party its reasonable costs and expenses of litigation, including reasonable actual attorney's fees.

SECTION 15

No Challenges to this Cooperative Plan

- 15.01 No Challenges. The Village and the Town hereby waive any right each may have to commence or maintain any civil action or other proceeding to contest, invalidate, or challenge this Agreement/Cooperative Plan or any of the actions required or contemplated by this Agreement/Cooperative Plan, or to take any actions, either directly or indirectly, to oppose in any other way, or to initiate, promote, or support the opposition of this Agreement/Cooperative Plan or any of the actions required or contemplated by this Agreement/Cooperative Plan.

SECTION 16

Amendment

- 16.01 Amendment. This Agreement/Cooperative Plan may be amended by the further mutual written agreement of the Village and Town pursuant to the provisions of Section 66.0301 of the Wisconsin Statutes. After this Agreement/Cooperative Plan is also fully adopted and approved under the law under the provisions of Section 66.0307 of the Wisconsin Statutes, however, then this Agreement/Cooperative Plan shall be amended pursuant to the provisions of Section 66.0307(8) of the Wisconsin Statutes. In any event, either party may, in its absolute and sole discretion, withhold its consent to any amendment.

SECTION 17

Good Faith and Fair Dealing

- 17.01 Good Faith. The parties hereby acknowledge that this Agreement/Cooperative Plan imposes on them a duty of good faith and fair dealing. The parties shall use their best efforts to find, design, and implement a means of successfully accomplishing the intent of this Agreement/Cooperative Plan.

SECTION 18

Severability

- 18.01 Severability. The provisions of this Agreement/Cooperative Plan shall be severable. In the event that any provision of this Agreement/Cooperative Plan, or any part thereof, is

held by a court of competent jurisdiction to be invalid or ineffective, the balance of this Agreement/Cooperative Plan shall survive. In such event, the parties shall promptly meet to discuss how they might satisfy the intent of this Agreement/Cooperative Plan by alternative means.

SECTION 19
Successors

- 19.01 Successors. This Agreement/Cooperative Plan shall benefit and be binding upon the Village and the Town, and upon any of their respective successors (including any portion of the Town which may hereafter be incorporated).

SECTION 20
Contingent Right to Cancel This Agreement

- 20.01 Right to Cancel Agreement. As described in above Sections 2 and 3 of this Agreement/Cooperative Plan, this agreement is effective immediately under Section 66.0301 of the Wisconsin Statutes (upon its approval and execution by the parties) with respect to Sections 1-9 and 11-20 (but not Section 10, pertaining to the fixed boundaryline between the two municipalities). It is the express intent of the parties that this entire agreement (including the above Section 10) thereafter be approved as a “Cooperative Plan” under Section 66.0307 of the Wisconsin Statutes. Either the Town and/or the Village may accordingly cancel and nullify this Agreement/Cooperative Plan, by giving written notice of such cancellation/nullification to the other party, in the event this Agreement/Cooperative Plan is not approved by the State of Wisconsin Department of Administration under the provisions of Section 66.0307 of the Wisconsin Statutes.

THE TOWN OF RAYMOND, WISCONSIN
A Quasi-Municipal Corporation

By: _____
Gary Kastenson, Chairperson

Attest: _____
Kari Morgan, Clerk

Date: _____

STATE OF WISCONSIN)
) SS.
COUNTY OF RACINE)

Personally came before me this _____ day of _____, 20____, Gary Kastenson, Chairperson, and Kari Morgan, Clerk, of the Town of Raymond, Wisconsin, a Wisconsin quasi-municipal corporation, to me known to be such Chairperson and Town Clerk of the said quasi-municipal corporation, and acknowledged that they executed the foregoing instrument as such officers as the agreement of said corporation, by its authority.

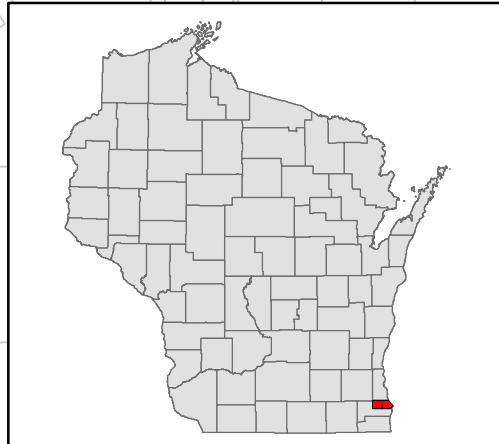
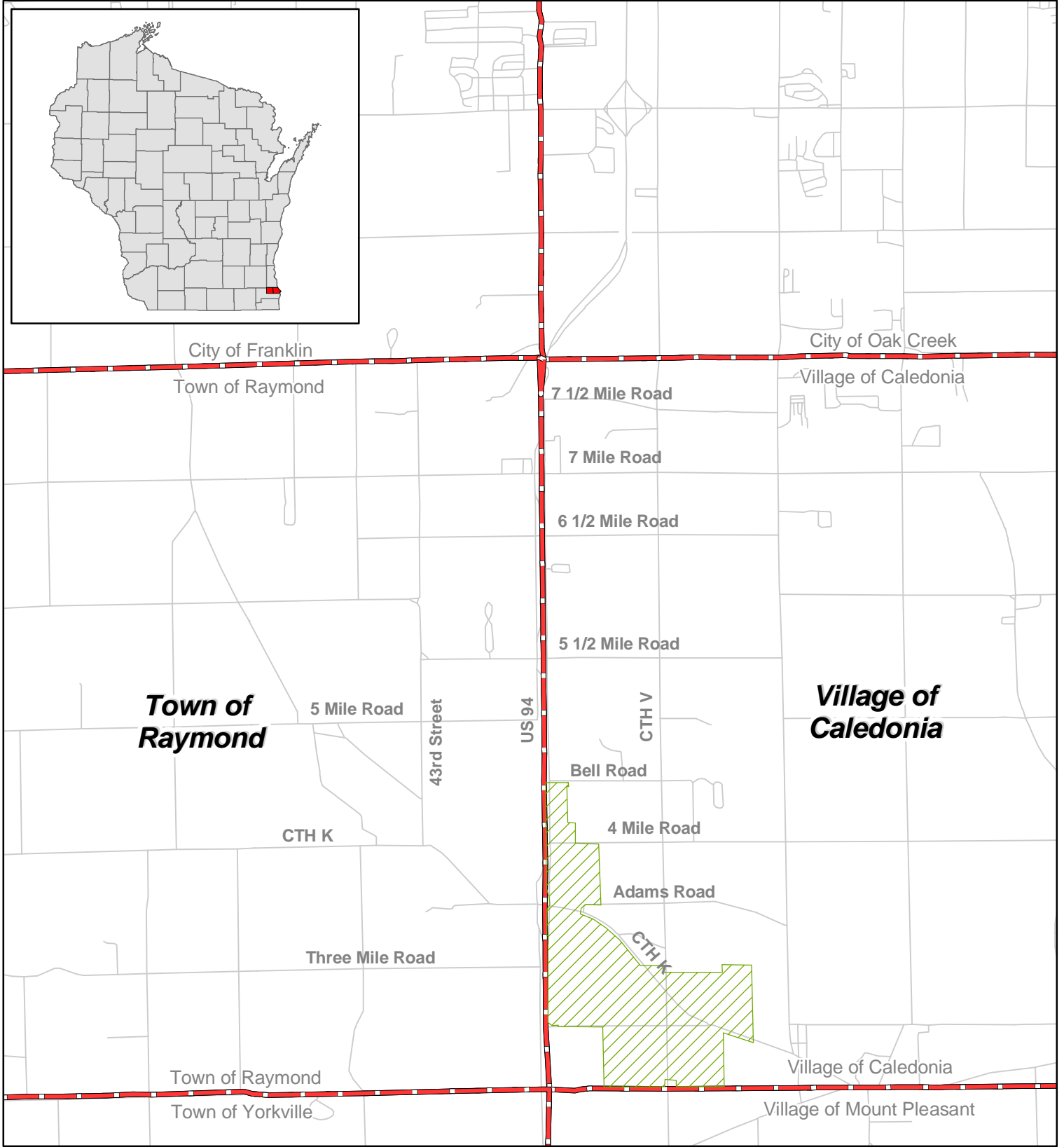
Notary Public, Racine County, Wisconsin

My Commission expires/is: _____

LIST OF EXHIBITS

- A Map
- B Raymond Plan Area
- C Raymond Land Use Plan
- D. One-Quarter Section and Three-Quarter Section
- E Design Standards
- F Initial Raymond Sewer Service Area
- G Financial Goal of the Village's "Tax Incremental District No. 1"
- H Village and Town Initial Authorizing Resolutions
- I Attests by Affidavit
- J Village and Town Adopting Resolutions

Exhibit A: Village of Caledonia/Town of Raymond Intergovernmental Agreement General Location Map



This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information and data used for reference purposes only.

Legend	
	TID #1 Boundary
	Civil Divisions

VILLAGE OF CALEDONIA		
EXHIBIT A		
Village of Caledonia/Town of Raymond Intergovernmental Agreement General Location Map		
Scale:	Date: August 29, 2008	
Drawn By: BSD	Checked By: TJL	Scope: 07C030

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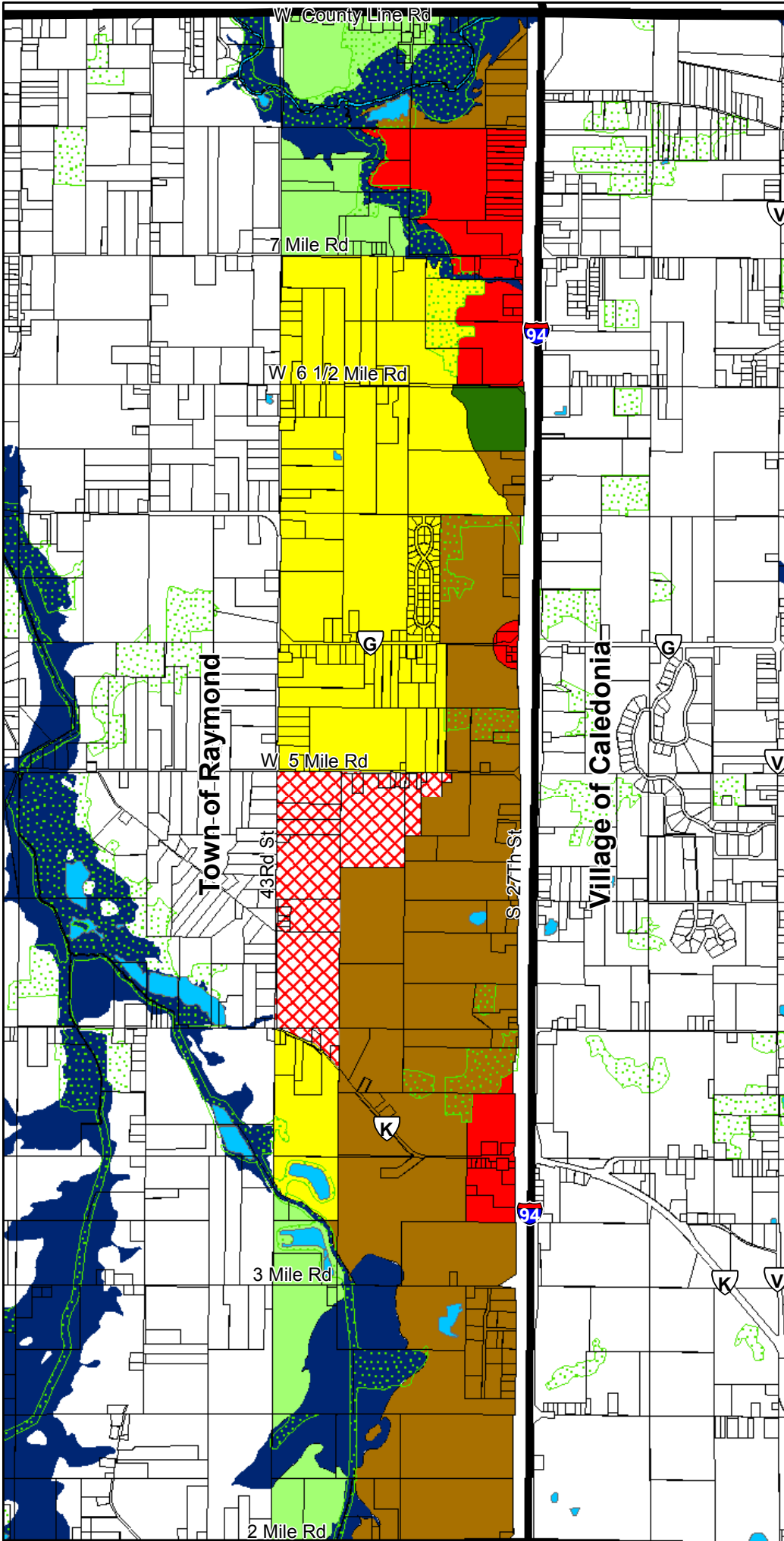
Exhibit B
Planning Area Legal Description
Village of Caledonia and the Town of Raymond
Intergovernmental Agreement

The description for lands in the Intergovernmental Agreement for the Village of Caledonia and the Town of Raymond, more particularly described as follows:

Beginning at the Northeast Corner of Section 1, Town 4 North, Range 21 East Town of Raymond; Thence west along the north line of said Sections 1 and Section 2, Town 4 North, Range 21 East, Town of Raymond to a point 500 feet west of the Northwest corner of said Section 1; Thence south to the south line of Section 35, Town 4 North, Range 21 East, Town of Raymond; Thence east along the south line of said Section 35 and Section 36, Town 4 North, Range 21 East, Town of Raymond to Southeast corner of Section 36; Thence north along the east line of Sections 36, 25, 24, 13, 12 and 1, Town 4 North, Range 21 East, Town of Raymond to the point of beginning.

EXHIBIT C

RAYMOND LAND USE PLAN

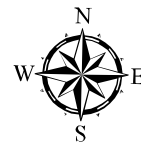
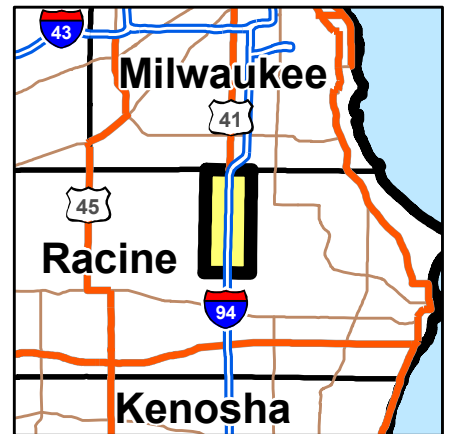


Town of Raymond

- Park and Open Space
- Commercial/Retail
- Business and Industrial
- Option: Residential or Business/Industrial Park
- Agricultural/Open Space/Rural Residential
- Residential

Environmental

- Hydrology
- SEWRPC Environmental Corridor
- Floodplain



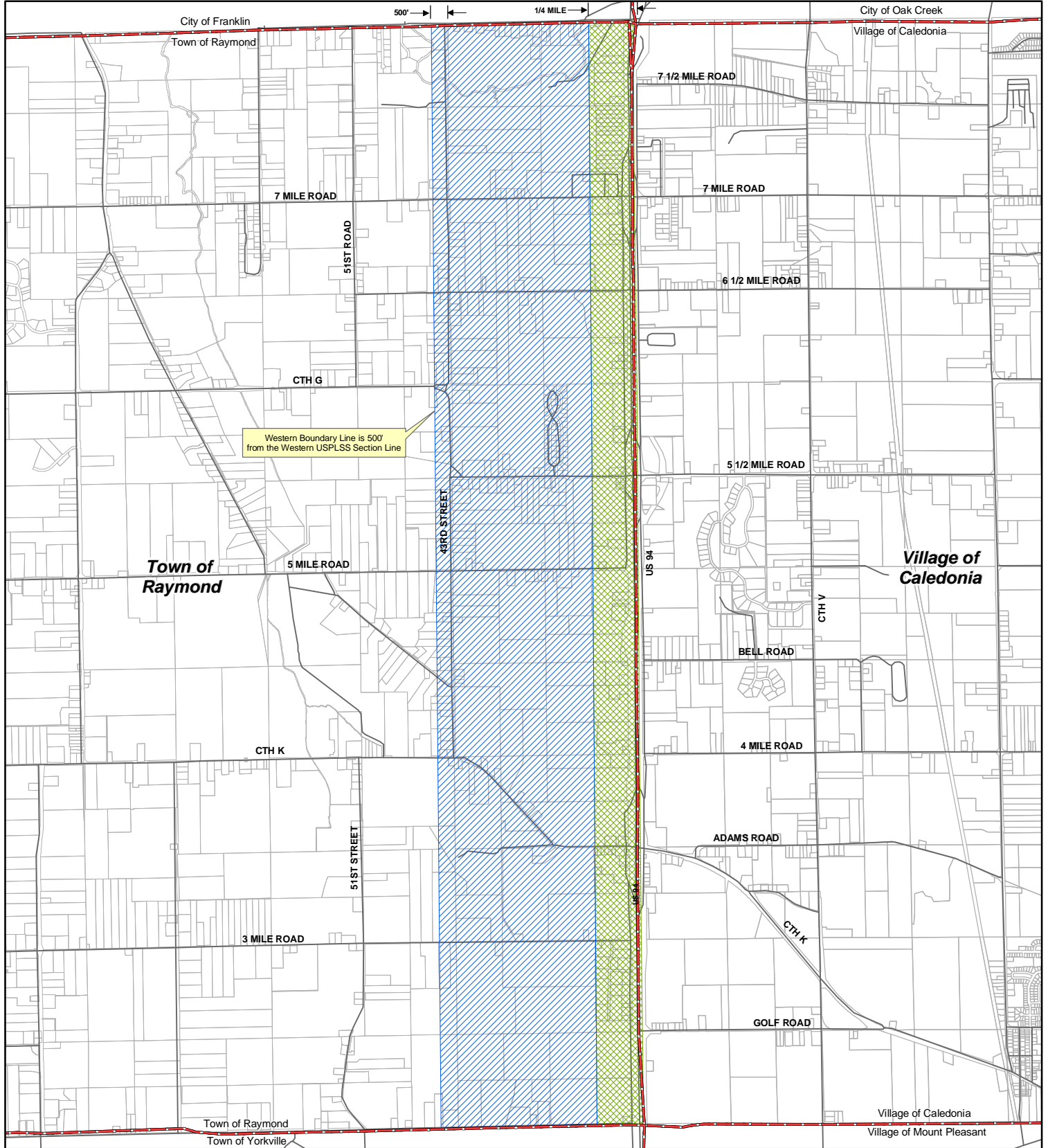
1 inch equals 3,000 feet

June 16, 2008

R.A. Smith National

*Beyond Surveying
and Engineering*

Exhibit D: Village of Caledonia/Town of Raymond Intergovernmental Agreement Raymond Plan Area Definitions



Legend

- 3/4 Section
- 1/4 Section
- Civil Divisions

VILLAGE OF CALEDONIA

EXHIBIT D
Village of Caledonia/Town of Raymond
Intergovernmental Agreement Raymond
Plan Area Definitions

Scale:	Date: August 29, 2008
Drawn By: BSD	Checked By: TJL
Scope: 07C030	

EXHIBIT E: DESIGN STANDARDS

The requirements of Title 16 of the Village of Caledonia Code of Ordinances shall apply, as modified by the categories below, in the Raymond Plan Area.

CATEGORY 1 - JOINT REGULATIONS WITHIN THE RAYMOND PLAN AREA

The following regulations are intended to ensure that the appearance of new commercial buildings, landscapes, and signage elements in the Raymond Plan Area match the corresponding elements in the Village of Caledonia.

Guidelines to be based on Caledonia standards

1	Loading dock and shipping/receiving area requirements/screening (16-3-2 (c) (8))	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).
2	Street edge landscaping (16-3-3 (b) (1))	Trees no more than 50' on center of the tree trunk. 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.
3	Encourage four-sided architecture	Four-sided architecture, which utilizes similar building materials and design for all sides of a proposed structure, is encouraged.
4	Roof style/material recommendations	Pitched roofs such as hip, gambrel, gable, etc. should be required; utilizing cedar, architectural asphalt or dimensional shingles is preferred. Metal roofs should be considered only where they complement the residential character of the proposed architecture. The use of raised steel seamed panels or other similar materials is generally discouraged and is subject to review and approval of the Plan Commission.
5	Screening rooftop mechanicals	Roof top mechanical installations should be screened so as to block the view from adjacent streets and properties. Screening should match or complement the overall theme of the building. All screening is subject to review and approval by the Plan Commission.
6	Building massing, height, and form (16-3-2 (c) (3))	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.
7	Signage (excluding freeway signage) (16-3-5; 16-7)	Signage shall consist of both freestanding and building signs. Freestanding signage should be of the following types: agriculture, directional, freeway, home occupation, monument, subdivision, off-premises, private property, street banner, governmental, recreational, trail, or temporary. Building signage should be of the following types: awning or canopy, projecting, wall, or window. Prohibited signs include beacons, streamers, pennants, pinwheels, and strings of lights not permanently mounted to a rigid background, and inflatable signs, tethered balloons, and signs affixed to a cart, trailer or other rolling mechanism, unless specifically permitted as a temporary sign but not to exceed 30 days of use in each calendar year. Prohibited signs also include signs that revolve, are animated, have moving parts, or are illuminated by flashing or moving lights. Billboards and pole signs where the bottom of the sign is more than 11 feet from grade, and roof signs that are separated from the rest of the roof by more than 12 inches are also prohibited.
8	Freeway Signage (16-3-5)	Freeway signage shall be defined as a freestanding 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 accompanying Freeway Sign Diagram.
9	Appropriate building materials (16-3-2 (c) (4))	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.
10	Building placement guidelines (16-3-2 (c) (2))	<i>Modified from current regulation: Building facades shall be parallel or perpendicular to the right-of-way (or parallel or perpendicular to the tangent to curve taken at the midpoint)</i>

Guidelines to be based on Raymond standards

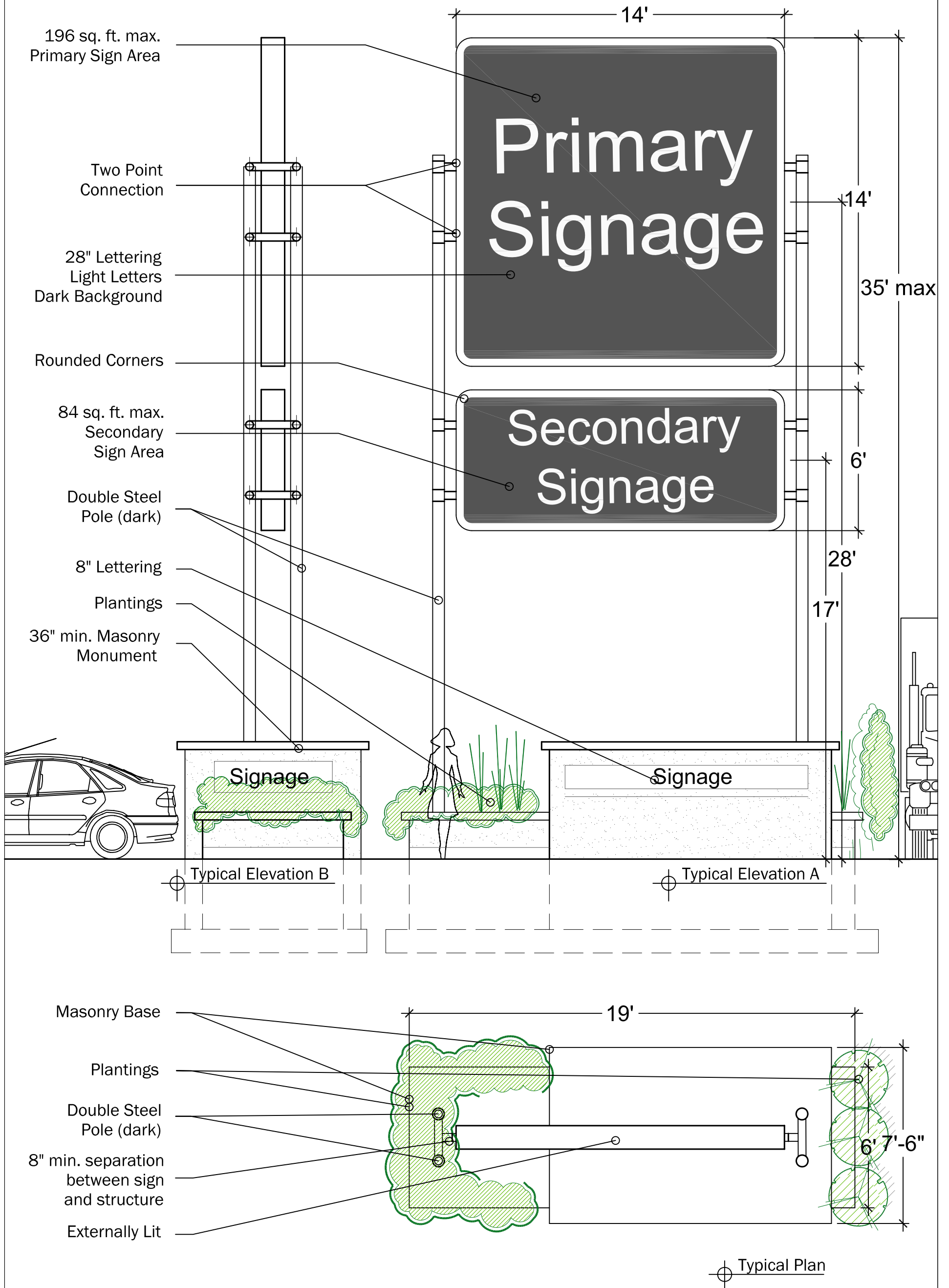
11	Preserve existing tree lines/Open space, natural resource protection	Landscaping for development sites should be designed to complement the built and natural environment of the subject project and adjacent sites. Existing tree lines should be preserved. If removal of existing tree line is required due to its undesirable nature, new plantings that result in no less of a screening effect shall be required when adjacent to residential uses. Tree species that are native to Wisconsin and the Town of Raymond are encouraged.
12	Lighting specifications	All off-street lighting shall be down-cast, cutoff fixtures with a zero-degree tilt. The total height of fixtures, measured from grade to the highest point of the pole and/or lamp, should be no more than 15 to 20 feet. The base should be no greater than 6' above grade. Low pressure sodium bulbs are strongly discouraged.
13	Lighting position specifications	Lighting should be positioned so as not to cause glare on adjacent properties and streets. A maximum of 0.5 foot candles of light at the property line should be permitted. Require the submittal of a photometric site plan which illustrates the amount of light, measured in foot candles. No lighting should be permitted to exceed 12 foot candles. Consider exceptions to the height of lighting fixtures, provided that the total fixture height is equal or less than the height of adjacent building eaves.
14	Color guidelines	The coloring of all brick, decorative masonry, or stone shall be expressed as integral to the product and not painted on the surface of the product. Neutral colors are preferred over primary colors.

EXHIBIT E: DESIGN STANDARDS

CATEGORY 2 - REGULATIONS IN RAYMOND THAT ARE ENCOURAGED BUT NOT NEEDING SPECIFIC CORRESPONDENCE WITH CALEDONIA

The Town should develop, review, and apply these guidelines independently of Caledonia anywhere within the Raymond Plan Area.

15	Access drive locations
16	Additional façade features
17	Encourage multiple uses for outdoor areas
18	Entrance features
19	Foundation plantings for primary structures
20	Glazing
21	Impermeable surface ratios
22	Non-motorized access/trails/connections to adjacent development
23	Outbuilding location specifications
24	Outbuilding style / material specifications
25	Outdoor events / displays / art
26	Pedestrian access to parking lots
27	Screening adjacent residential neighborhoods
28	Sign landscaping specifications
29	Site planning for future use / redevelopment
30	Size specifications for landscaping
31	Sod installation for yards on public rights-of-way
32	Traffic calming
33	Vehicular cross access between non-residential sites
34	Vehicle entry specifications



TITLE 16

Zoning and the Village Board of Appeals

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
Chapter 1	<i>General Provisions</i>	2006-11	11/21/06
Chapter 2	<i>Municipal Sewer and Water Service Required</i>	2006-11	11/21/06
Chapter 3	<i>Design Standards for Business, Commercial, Industrial, Recreational and Institutional Uses</i>	2006-11 2008-04	11/21/06 07/01/08
Chapter 4	<i>Additional Designated Conditional Uses</i>	2006-11 2008-04	11/21/06 07/01/08
Chapter 5	<i>High Impact Use Planned Unit Development</i>	2006-11	11/21/06
Chapter 6	<i>Development Agreements</i>	2006-11	11/21/06
Chapter 7	<i>Signs</i>	2008-04	07/01/08

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	12-06-05 11-21-06
16-1-2	Title	2005-21 2006-11	12-06-05 11-21-06
16-1-3	Intent and Purpose	2006-11	11-21-06
16-1-4	Definitions	2006-11	11-21-06
16-1-5	Village Board of Appeals	2006-11	11-21-06

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. 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

- (c) force in any part of the Village shall continue in force until altered under Section 59.692(7)(ad), Wis. Stats.

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
- (b) 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

⁴ Signage 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.

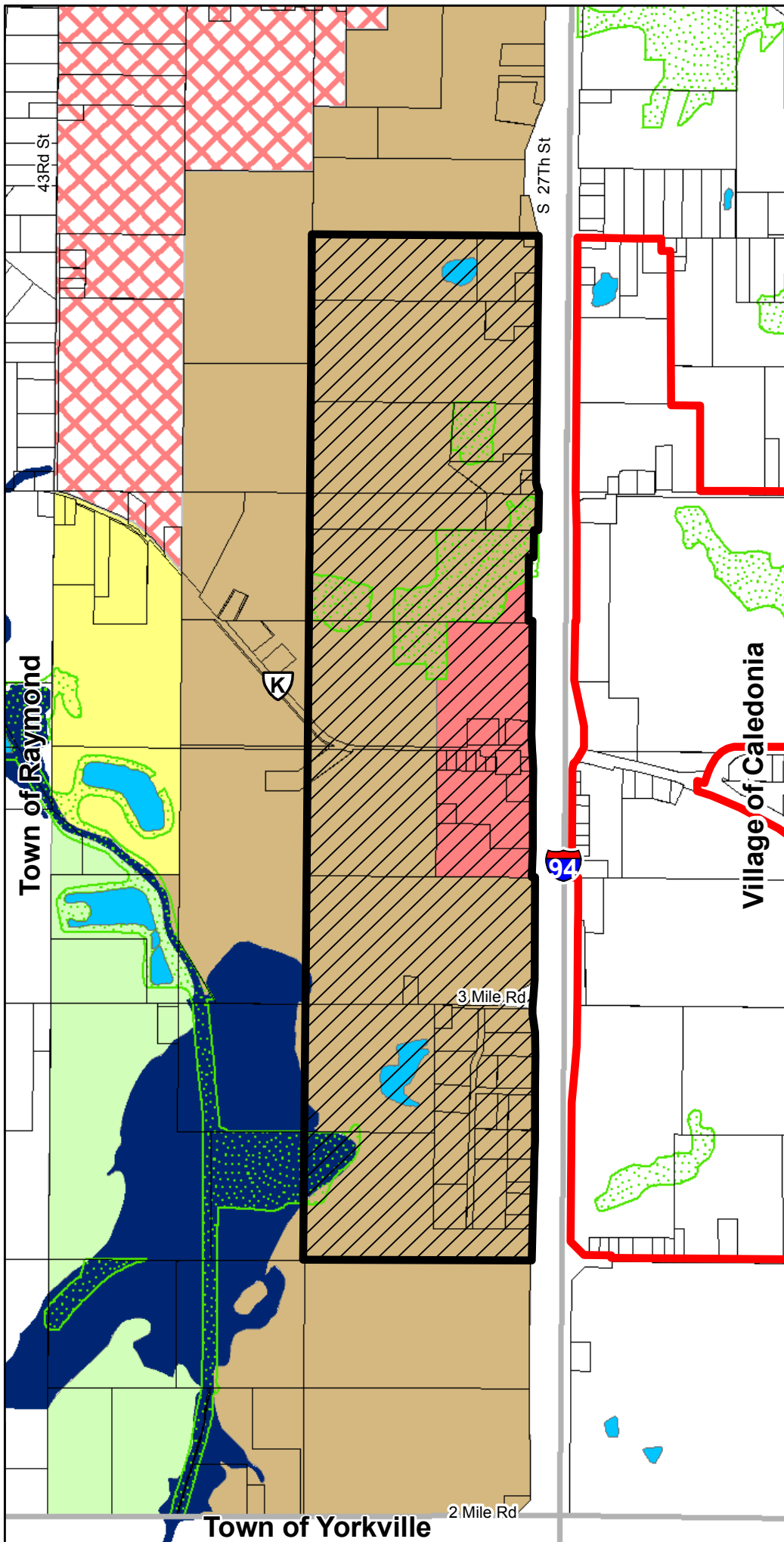
- (5) **Real Estate.** Temporary Real Estate Signs that advertise the sale, lease, or rental of the structure(s) and/or property upon which said Signs are temporarily located are permitted on all properties advertised for sale, lease, or rent. Such real estate Signs are not to exceed nine (9) square 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.

EXHIBIT F

INITIAL RAYMOND SEWER SERVICE AREA



Town of Raymond

- Park and Open Space
- Commercial/Retail
- Business and Industrial
- Option: Residential or Business/Industrial Park
- Agricultural/Open Space/Rural Residential
- Residential

Sanitary Sewer

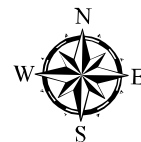
- Preliminary Sanitary Sewer Service Area

Village of Caledonia

- Tax Incremental District No. 1 Boundary

Environmental

- Hydrology
- SEWRPC Environmental Corridor
- Floodplain



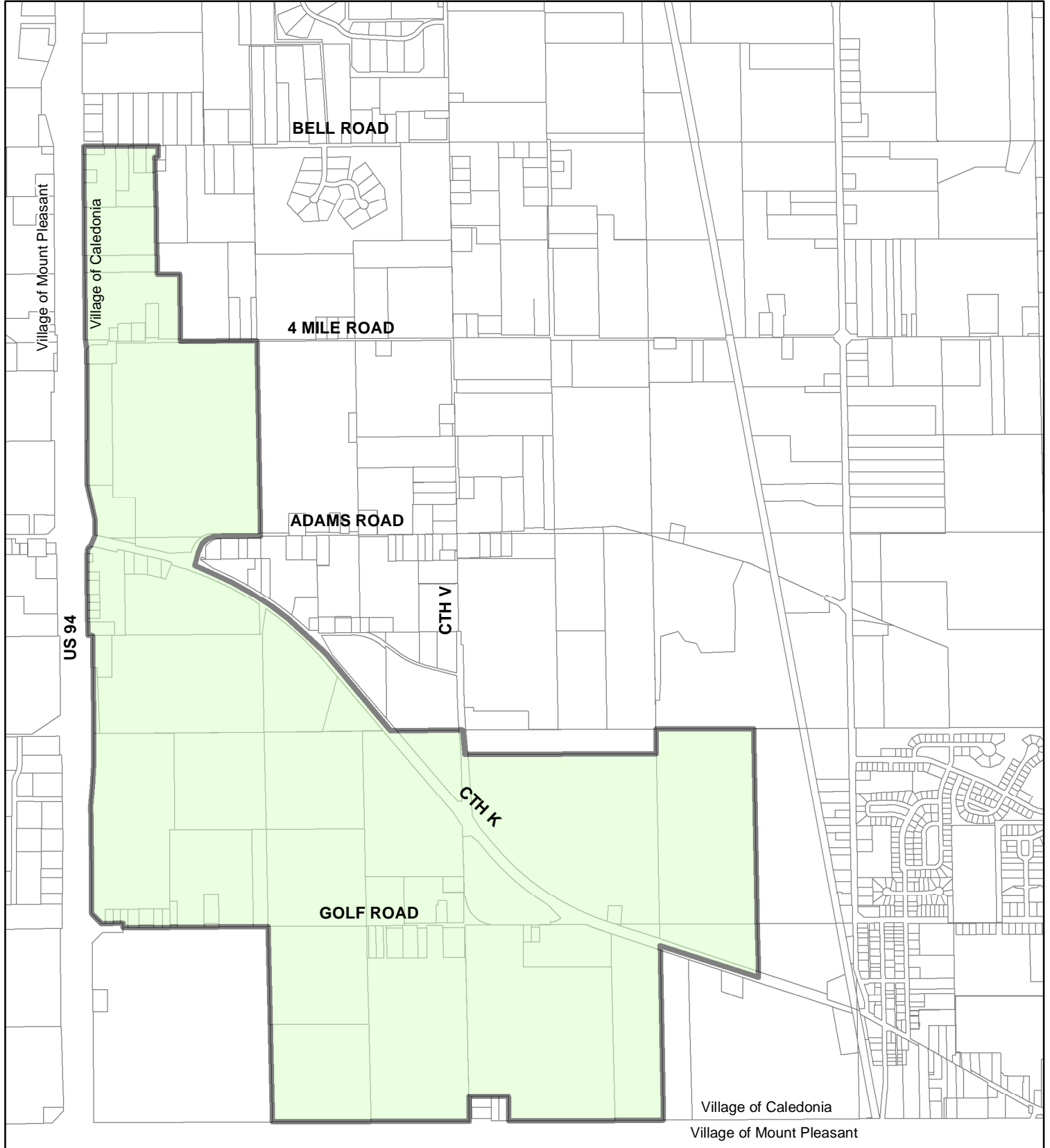
1 inch equals 1,500 feet

June 16, 2008

R.A. Smith National

*Beyond Surveying
and Engineering*

Exhibit G: Village of Caledonia/Town of Raymond Intergovernmental Agreement TID #1 Boundary



3

Legend

TID #1 Boundary

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information and data used for reference purposes only.

VILLAGE OF CALEDONIA		
EXHIBIT G		
Village of Caledonia/Town of Raymond Intergovernmental Agreement TID #1 Boundary		
Scale:	Date: August 29, 2008	
Drawn By: BSD	Checked By: TJL	Scope: 07C030