

**ORDINANCE NO. 2024-26**

**AN ORDINANCE TO REPEAL AND RECREATE SECTIONS 38-68 through 38-74  
RELATED TO ZONING CODES IN THE MUNICIPAL CODE OF THE VILLAGE OF  
RANDOM LAKE, SHEBOYGAN COUNTY, WISCONSIN**

**WHEREAS**, the Village of Random Lake adopted the Zoning sections of the Code of Ordinances 1994, followed by several amendments that have been enacted, and

**WHEREAS**, the Village Board of the Village of Random Lake believes it is in the best interest of the Village to establish minimum standards and ensure the adherence of the aesthetic environment within the village limits; and

**NOW, THEREFORE**, the Village Board of the Village of Random Lake, Sheboygan County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1:** Chapter 38 of the Village of Random Lake Municipal Code entitled “Zoning”, Division II entitled “Residential”, section 38-68 entitled “R-1 Single-Family Residential District” is hereby repealed and recreated as follows:

The R-1 district is intended to provide a quiet, pleasant and relatively spacious living area for single-family dwellings, protected from traffic hazards and intrusion of incompatible land uses.

(1) *Permitted uses.*

- a. One-family dwellings.
- b. Two- and three-family dwellings existing on the effective date of the ordinance from which this division is derived.

(2) *Conditional uses.*

- a. Churches, synagogues and similar places of worship and instruction, including parsonages.
- b. Municipal buildings, except sewerage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards and penal or correctional institutions and asylums.
- c. Utility offices, provided there is no service garage or storage yard.
- d. Public, parochial and private elementary and secondary schools.
- e. Public parks, recreation areas, playgrounds and village centers.

- f. Home occupations and professional offices.
- (3) *Lot, yard and building requirements.*
- a. Lot frontage minimum: 80 feet.
  - b. Lot size **minimum**: 10,000 square feet
  - c. Principal building:
    - 1. Front yard minimum depth: 25 feet.
    - 2. Side yards minimum: total, 15 feet; minimum side, seven feet.
    - 3. Rear yard minimum: 25 feet.
    - 4. Building height maximum: 35 feet.
    - 5. Floor area minimum:
      - (i) Single-story dwelling: 1,500 square feet.
      - (ii) Bi-level, tri-level or two-story dwelling: 1,000 square feet, on ground floor, with a total minimum of 1,700 square feet.
      - (iii) Dwellings existing on the effective date of March 1, 2004: 1,200 square feet.
  - d. Accessory buildings:
    - 1. General.
      - (i) Front yard minimum: 25 feet plus depth of principal building.
      - (ii) Side yards minimum: five feet.
      - (iii) Rear yard minimum: five feet.
    - 2. Garage.
      - (i) Maximum area: 1,000 square feet, or 60 percent of building area, whichever is greater.
      - (ii) Minimum area: 500 square feet.
      - (iii) Every dwelling unit shall have a garage, which shall be completed before occupancy.

- (iv) Detached garages may not have living quarters above. Wall height shall not exceed ten feet, roof pitch cannot exceed the pitch of principal building.
- (v) Attached garages may have living quarters above. Total height of attached garages cannot exceed 35 feet.
- (vi) No garage shall be constructed with exterior metal walls. However, metal siding is permitted, so long as each horizontal siding panel does not exceed a maximum width of 12 inches.
- (vii) Each dwelling unit shall not have more than one garage.

3. Garden shed.

- (i) Maximum area: 180 square feet.
- (ii) Building height maximum: 15 feet.
- (iii) Only one garden shed per dwelling unit. Two garden sheds, one at street level with a five-foot setback and one at lake level, are allowed only on the following properties due to topographical features of the lot: 77 Hwy. 144, 79 Hwy. 144, 75 Hwy. 144, and all properties with lake frontage on Stark Road to the east end as it exists or may be extended.
- (iv) Sheds constructed exclusively from metal or plastic materials or constructed with a barn style roof are prohibited.
- (v) All sheds must be architecturally compatible with the exterior appearance of the main structure or building.

e. Off-street parking: minimum two spaces per unit.

(4) *Driveways and driveway curb cuts.*

- a. All driveways must be hard surfaced and constructed within one year of occupancy. The term "hard surfaced" shall be defined as concrete, asphalt or brick paving. Additionally, a driveway apron, consisting of the first five feet of driveway extending onto the property from a public roadway shall be constructed from concrete, shall be at least six inches thick and shall be constructed with tapered sides. No property shall have more than one driveway.
- b. Plans for driveways and curb cuts shall be submitted as part of the plot plan for review by the architectural review board. Curb cuts shall be made prior to commencement of any construction. Curb cuts shall be saw cut or full replacement of curb shall be required. No mounding of dirt or gravel in the gutter shall be allowed to provide access to the construction site.

**SECTION 2:** Chapter 38 of the Village of Random Lake Municipal Code entitled “Zoning”, Division II entitled “Residential”, section 38-69 entitled “Single family Dwelling standards” is hereby repealed and recreated as follows:

**Sec. 38-69. ~~Single-family~~ Dwelling standards.**

No ~~single-family~~ dwelling, including dwellings constructed on the building site, manufactured dwellings and manufactured homes, shall be erected or installed in any zoning district except in the R-6 district unless such dwelling meets all of the following standards:

- (1) The dwelling shall be set on a full basement or other permanent enclosed structure in accordance with the state uniform dwelling code.
- (2) The dwelling shall have a minimum width of 24 feet and core area of living space at least 24 feet by 24 feet.
- (3) The dwelling shall have a pitched roof with a minimum slope of three inches of rise in 12 inches of run, and eaves extending beyond the nearest vertical wall a minimum of 12 inches. ~~The roofing shall be asphalt shingles or comparable roofing.~~
- (4) In addition, each dwelling on lots over 40 feet is required to select four features, and on lots narrower than 40 feet is required to select three features, from the following list:
  - a. Offset or stagger the front wall plane by at least two feet. This does not include the garage wall or a recessed entry.
  - b. Garage offset at least two feet behind front wall of dwelling.
  - c. Side loading garages that are at least 45 degrees offset from front wall of living quarters with windows compatible to front elevation of house.
  - d. Covered front entry/porch five feet by 12 feet or larger with architectural treatments (i.e., railings, posts, etc.).
  - e. Main roofline to be at least 5:12 pitch.
  - f. Roof dormers on 5:12 or greater, pitched roof.
  - g. 1½ story dwelling with dormers.
  - h. Two-foot overhang at ends of rafters/trusses and one-foot overhang on gables.
  - i. Minimum of 3½ inches trim around all doors and windows.
  - j. Heavy textured dimensional roofing material.

- k. Wood or masonry products on at least 25 percent of the walls and recessed areas of the front elevation.
- l. Front of dwelling, not including garage or second floor, must be 25 percent glass.
- m. ~~Bay window.~~ Multi directional front facing roof lines.

**SECTION 3:** Chapter 38 of the Village of Random Lake Municipal Code entitled “Zoning”, Division II entitled “Residential”, section 38-70 entitled “R-2 Two-Family Residential District” is hereby repealed and recreated as follows:

The R-2 district is intended to provide a quiet, pleasant and relatively spacious living area for single-family, and two-family dwellings protected from traffic hazards and intrusion.

(1) *Permitted uses.*

- a. Uses permitted in the R-1 district.
- b. Boardinghouses, up to four paying guests or boarders, including bed and breakfast establishments.
- c. Existing multifamily dwellings.

(2) *Conditional uses.*

- a. Conditional uses permitted in the R-1 district.
- b. Funeral homes.
- c. Public hospitals and rest homes.
- d. Private clubs, fraternities and lodges, except those whose chief activity is customarily carried on as a business.

(3) *Lot, yard and building requirements.*

- a. Single-family dwellings. Same as for R-1 district.
- b. Two-family dwellings.
  - 1. Lot frontage minimum: 100 feet.
  - 2. Lot area minimum: 10,000 square feet.
- c. Principal building:
  - 1. Front yard minimum: 25 feet.
  - 2. Side yards minimum: ten feet.
  - 3. Rear yard minimum: 25 feet.
  - 4. Building height maximum: 35 feet.
  - 5. Floor area minimum (per dwelling unit):

- (i) Dwellings existing on December 31, 1997: 960 square feet.
- (ii) Dwellings existing on effective date of March 1, 2004: 1,150 square feet.
- (iii) Dwellings constructed after March 1, 2004: 1,200 square feet.

d. Accessory building:

1. General.

- (i) Front yard minimum: 25 feet plus depth of principal building.
- (ii) Side yards minimum: five feet.
- (iii) Rear yard minimum: five feet.

2. Garage.

- (i) Maximum area: 700 square feet or 60 percent of the building area of the residence, whichever is greater.
- (ii) Minimum area: ~~300~~ 240 square feet per dwelling unit.
- (iii) Every dwelling unit shall have a garage, which shall be completed before occupancy.
- (iv) Detached garages may not have living quarters above. Wall height shall not exceed ten feet, roof pitch cannot exceed the pitch of principal building.
- (v) Attached garages may have living quarters above. Total height of attached garages cannot exceed 35 feet.
- (vi) No garage shall be constructed with exterior metal walls. However, metal siding is permitted, so long as each horizontal siding panel does not exceed a maximum width of 12 inches.
- (vii) Each dwelling unit shall not have more than one garage.

3. Garden shed.

- (i) Maximum area: 180 square feet.
- (ii) Building height maximum: 15 feet.
- (iii) Only one garden shed per dwelling unit.
- (iv) Sheds constructed exclusively from metal or plastic materials or constructed with a barn style roof are prohibited.
- (v) All sheds must be architecturally compatible with the exterior appearance of the main structure or building.

4. Off-street parking: minimum two spaces per unit.

(4) *Driveways and driveway curb cuts.*

- a. All driveways must be hard surfaced, and constructed within one year of occupancy. The term "hard surfaced" shall be defined as concrete, asphalt or brick paving. Additionally, a driveway apron, consisting of the first five feet of driveway extending onto the property from a public roadway, shall be constructed

from concrete, shall be at least six inches thick and shall be constructed with tapered sides. Maximum quantity of one driveway per dwelling unit.

- b. Plans for driveways and curb cuts shall be submitted as part of the plot plan for review by the architectural review board. Curb cuts shall be made prior to commencement of any construction. Curb cuts shall be saw cut or full replacement of curb shall be required. No mounding of dirt or gravel in the gutter shall be allowed to provide access to the construction site.

**SECTION 4:** Chapter 38 of the Village of Random Lake Municipal Code entitled “Zoning”, Division II entitled “Residential”, section 38-71 entitled “R-3 Residential Condominium District” is hereby repealed and recreated as follows:

The R-3 district is intended to provide a quiet, pleasant, and relatively spacious living area for condominium units, protected from traffic hazards and intrusion.

(1) *Permitted uses.*

- a. Condominium units and associated common open space.

(2) *Conditional uses.*

- a. Public parks, recreation areas, playgrounds and village centers.
- b. Home occupations.

(3) *Lot, yard and building requirements.*

- a. Lot frontage minimum.

b. 1. 100 feet on an exterior street.

e. 2. Non-corner lot after division for common wall building: 50 feet.

d. 3. Corner lot after division for common wall building: 40 feet.

e-b. Lot area minimum:

- 1. Before building: 10,000 square feet.
- 2. Non-corner lot after division for common wall building: 5,000 square feet.
- 3. Corner lot after division for common wall building: 4,000 square feet.

f.c. Principal building.

- 1. Front yard minimum: 25 feet or less if approved by village board, or zero feet if common wall between units.
- 2. Side yards minimum: ten feet or zero feet if common wall between units.
- 3. Rear yard minimum: 25 feet or zero feet if common wall between units.
- 4. Building height maximum: 35 feet.
- 5. Floor area minimum (per dwelling unit):

g.d. Dwellings existing on December 31, 1997: 960 square feet.

h.e. Dwellings existing on the effective date of March 1, 2004: 1,150 square feet.

i.f. Dwellings constructed after March 1, 2004: 1,200 square feet.

(4) *Accessory building.*

a. *General.*

1. Front yard minimum: 25 feet plus depth of principal building.
2. Side yards minimum: five feet.
3. Rear yard minimum: five feet.

b. *Garages.*

1. Maximum area: 700 square feet or 60 percent of the building area of the residence, whichever is greater.
2. Minimum area: ~~300~~ 240 square feet per dwelling unit.
3. Every dwelling unit shall have a garage, which shall be completed before occupancy.
4. Detached garages may not have living quarters above. Wall height shall not exceed ten feet, roof pitch cannot exceed the pitch of principal building.
5. Attached garages may have living quarters above. Total height of attached garages cannot exceed 35 feet.
6. No garage shall be constructed with exterior metal walls. However, metal siding is permitted, so long as each horizontal siding panel does not exceed a maximum width of 12 inches.
7. Each dwelling unit shall not have more than one garage.

c. *Garden shed.*

1. Maximum area: 180 square feet.
2. Building height maximum: 15 feet.
3. Only one garden shed per dwelling unit.
4. Sheds constructed exclusively from metal or plastic materials or constructed with a barn style roof are prohibited.
5. All sheds must be architecturally compatible with the exterior appearance of the main structure or building.

d. *Off-street parking minimum:* two spaces per unit.

(5) *Driveways and driveway curb cuts.*

- a. All driveways must be hard surfaced and constructed within one year of occupancy.
  1. The term "hard surfaced" shall be defined as concrete, asphalt or brick paving.



2. Additionally, a driveway apron, consisting of the first five feet of driveway extending onto the property from a public roadway, shall be constructed from concrete, shall be at least six inches thick and shall be constructed with tapered sides.
3. Maximum quantity of one driveway per dwelling unit.
- b. Plans for driveways and curb cuts shall be submitted as part of the plot plan for review by the plan commission. Curb cuts shall be made prior to commencement of any construction. Curb cuts shall be saw cut or full replacement of curb shall be required. No mounding of dirt or gravel in the gutter shall be allowed to provide access to the construction site.

**SECTION 5:** Chapter 38 of the Village of Random Lake Municipal Code entitled “Zoning”, Division II entitled “Residential”, section 38-72 entitled “R-4 Three-Family or Multifamily Residential District” is hereby repealed and recreated as follows:

(a) *Permitted uses.*

- (1) Uses permitted in the R-1, R-2 and R-3 districts.
- (2) Multifamily dwellings.
- (3) Boardinghouses, up to four paying guests or boarders, including bed and breakfast establishments.

(b) *Conditional uses.* Conditional uses permitted in the R-1, R-2 and R-3 districts.

(c) *Lot, yard and building requirements.*

- (1) Single-family dwellings. Same as for the R-1 district.
- (2) Two-family dwellings. Same as for R-2 district.
- (3) Two-family common wall dwellings. Same as for R-3 district.
- (4) Multifamily dwellings.
  - a. Lot frontage minimum: 120 feet.
  - b. Lot area minimum: 12,000 square feet.
  - c. Principal building:
    1. Front yard minimum: 25 feet.
    2. Side yards minimum: ten feet.
    3. Rear yard minimum: 25 feet.
    4. Building height maximum: 35 feet.
    5. Number of stories maximum: 2.
    6. Floor area minimum (per dwelling unit):

- (i) Dwellings existing on December 31, 1997:
  - A. One bedroom unit: 600 square feet.
  - B. Two bedroom unit: 800 square feet.
  - C. Three bedroom unit: 1,000 square feet.
- (ii) Dwellings constructed after January 1, 1998:
  - A. One or two bedroom unit: 850 square feet.
  - B. Three bedroom unit: 1,150 square feet.
- d. Accessory building:
  - 1. General.
    - (i) Front yard minimum: 25 feet, plus depth of principal building.
    - (ii) Side yards minimum: five feet.
    - (iii) Rear yard minimum: five feet.
  - 2. Garages.
    - (i) Maximum area: 700 square feet or 60 percent of the building area of the residence, whichever is greater.
    - (ii) Minimum area: ~~300~~ 240 square feet per dwelling unit.
    - (iii) Every dwelling unit shall have a garage, which shall be completed before occupancy.
    - (iv) Detached garages may not have living quarters above. Wall height shall not exceed ten feet, roof pitch cannot exceed the pitch of principal building.
    - (v) Attached garages may have living quarters above. Total height of attached garages cannot exceed 35 feet.
    - (vi) No garage shall be constructed with exterior metal walls. However, metal siding is permitted, so long as each horizontal siding panel does not exceed a maximum width of 12 inches.
    - (vii) Each dwelling unit shall not have more than one garage.
  - 3. Garden shed.
    - (i) Maximum area: 180 square feet.
    - (ii) Building height maximum: 15 feet.
    - (iii) Only one garden shed per dwelling unit.
    - (iv) Sheds constructed exclusively from metal or plastic materials or constructed with a barn style roof are prohibited.
    - (v) All sheds must be architecturally compatible with the exterior appearance of the main structure or building.

4. Off-street parking minimum: two spaces per unit.

(d) *Driveways and driveway curb cuts.*

- (1) All driveways must be hard surfaced, and constructed within one year of occupancy. The term "hard surfaced" shall be defined as concrete, asphalt or brick paving. Additionally, a driveway apron, consisting of the first five feet of driveway extending onto the property from a public roadway, shall be constructed from concrete, shall be at least six inches thick and shall be constructed with tapered sides. Quantity of driveways to be recommended with site plan by the architectural review board and approved by the planning commission.
- (2) Plans for driveways and curb cuts shall be submitted as part of the plot plan for review by the architectural review board. Curb cuts shall be made prior to commencement of any construction. Curb cuts shall be saw cut or full replacement of curb shall be required. No mounding of dirt or gravel in the gutter or use of temporary planking shall be allowed to provide access to the construction site.

**SECTION 6:** Chapter 38 of the Village of Random Lake Municipal Code entitled "Zoning", Division II entitled "Residential", section 38-73 entitled "R-6 Manufactured/Mobile Home Park and Subdivision District" is hereby repealed and recreated as follows:

(a) *Permitted uses.* Manufactured/mobile home parks.

(b) *Conditional uses.* None.

(c) *Manufactured/mobile home park requirements.*

- (1) *Park requirements.*
  - a. A minimum of five acres.
  - b. Forty foot minimum setbacks on all sides.
  - c. A hard surface road no less than 24 feet wide serving all manufactured or mobile home spaces.
  - d. Electricity, cable television and public sewer and water servicing all manufactured or mobile home spaces.
  - e. A central hard surface parking lot with one parking space for each three manufactured or mobile home spaces.
  - f. A separate building providing laundry facilities.
  - g. An on-site manager's office.
- (2) *Space requirements.*
  - a. Space frontage; minimum 50 feet.
  - b. Space area: minimum 4,000 square feet.
  - c. Front yard: minimum 25 feet.

- d. Side yards: minimum ten feet.
  - e. Rear yard: minimum 25 feet.
  - f. Off-street parking: two spaces per manufactured or mobile home.
- (3) *Garages.*
- a. Maximum area: 576 square feet
  - b. Minimum area: 240 square feet
  - c. Every lot shall have a garage unit in the garage cluster, which shall be completed before occupancy.
  - d. Garages may not have living quarters above. Wall height shall not exceed ten feet, roof pitch cannot exceed the pitch of the principal buildings.
  - e. No garage cluster shall be constructed with exterior metal walls. However, metal siding is permitted, so long as each horizontal siding panel does not exceed a maximum width of 12 inches.
- (4) *Garden Shed.*
- a. Maximum area: 180 square feet.
  - b. Building height maximum: 15 feet.
  - c. Only one garden shed per lot.
  - d. Shed constructed exclusively from metal or plastic materials or constructed with a barn style roof are prohibited.
  - e. All sheds must be architecturally compatible with the exterior appearance of the main structure on the lot.
  - f. Rear yard setback: 5 feet.
- (3)(5) *Park license required.* No person shall establish or operate upon property owned or controlled by him within the village a manufactured/mobile home park without having first secured a license therefor from the clerk-treasurer. The application for such a license shall be accompanied by a fee as provided in the village fee schedule for each space in the existing or proposed park. Such parks shall comply with Wis. Admin. Code ch. SPS 326, which is hereby adopted by reference. The license transfer fee is as provided in the village fee schedule.
- (4)(6) *Additions to parks.* Licensees of manufactured/mobile home parks shall furnish information to the clerk-treasurer and assessor on such homes added to their parks within five days after their arrival on forms furnished by the clerk-treasurer.
- (d) *Parking outside licensed manufactured/mobile home parks restricted.* No occupied manufactured or mobile home shall be permitted to be located in the village unless the same is in a licensed manufactured/mobile home park, except those manufactured or mobile homes occupied outside of a manufactured/mobile home park on the effective date of the ordinance from which this section is derived; provided that this section is not intended to restrict the location of one- and two-family manufactured homes which meet the applicable

one- and two-family standards set forth in Wis. Stats. ch. 101 and the requirements of this Code.

- (e) *Parking permit fees.* There is imposed on each manufactured or mobile home located in the village a parking permit fee, such amount to be determined in accordance with Wis. Stats. § 66.0435. The fees shall be paid to the clerk-treasurer, monthly, on or before the tenth day of the month for which they are due. It shall be full and complete responsibility of the licensee of a manufactured/mobile home park, and the owners of the land on which manufactured or mobile homes outside of manufactured/mobile home parks are located, to collect such fees from each manufactured or mobile home therein and to remit such fees to the clerk-treasurer. Failure to do so is to be treated like a default in payment of personal property taxes and subject to all procedures and penalties applicable under Wis. Stats. chs. 70 and 74.

**SECTION 7:** Chapter 38 of the Village of Random Lake Municipal Code entitled “Zoning”, Division II entitled “Residential”, section 38-74 entitled “R-5 R-PUD Residential Planned Unit Development Districts” is hereby repealed and recreated as follows:

- (a) *Intent.* The residential planned unit development (R-PUD) overlay district regulations are intended to permit flexibility and, consequently, encourage more creative and imaginative design for residential development of a site than under conventional zoning regulations while, at the same time, preserving the health, safety, order, convenience, prosperity and general welfare of the village. The planned development procedure requires a high degree of cooperation between the developer and the village. The procedure described herein is designed to give the developer general plan approval before completing all detailed design work while providing the village with assurances that the project will retain the overall quality and character of a planned residential development envisioned at the time of approval.
- (b) *General provisions.* The plan commission may recommend and the village board may, upon the request of the owners, establish planned development overlay districts which will, over a period of time, tend to promote the maximum benefit from coordinated area site planning by permitting the diversified location of structures and mixed dwelling types and compatible uses while encouraging maximum protection and preservation of natural resources and environmentally sensitive areas located within and impacted by such development.
  - (1) *Minimum R-PUD overlay district development area.* The plan commission shall be the authority in establishing the required size of an R-PUD overlay district. Conditions to be considered by the plan commission in determining the minimum area required for R-PUD overlay district zoning may include, but are not limited to, the following:
    - a. Natural features of the land are such that development under standard zoning regulations would not be appropriate in order to conserve such features.
    - b. The land is adjacent to or across the street from property which has been developed as an R-PUD and is to be developed in relationship to such prior development.

- c. The R-PUD process is desirable to ensure compatibility and careful consideration of the effect of a development on surrounding land uses.
  - d. Detrimental site features affecting the development potential of a site such as heavily used highways, railroad tracks traversing a property, rock outcroppings, adjacent incompatible land uses or others may also justify consideration of an area as an R-PUD in order to give the design flexibility needed to deal with site constraints.
- (2) *Permitted and accessory uses.* Permitted and accessory uses in an R-PUD overlay district shall be the same as those permitted in the underlying existing zoning district in which an R-PUD is located. If a developer desires uses different than those permitted by the existing zoning, the developer shall simultaneously petition for rezoning of the underlying existing zoning to a zoning district which permits the desired uses.
  - (3) *Mixed uses.* A mix of different residential uses within an R-PUD overlay district may be permitted if the plan commission and the village board determine that the mix of uses is compatible internally and with land uses in the abutting and surrounding neighborhood and necessary to achieve the objectives of the R-PUD Overlay District.
  - (4) *Number of buildings on a lot.* The R-PUD overlay district may permit more than one residential building on a lot.
  - (5) *Density.* The R-PUD overlay district may permit the transfer of density (dwelling units) from one portion of the subject site to another and will permit the clustering of dwelling units in one or more locations within the total site. However, the density of use shall not exceed the density permitted in the underlying existing zoning district.
  - (6) *Setbacks.* Front yard setbacks shall comply with that of the underlying zoning district. Side and rear yard setbacks are to be determined by the plan commission after considering site specific areas.
  - (7) *Building requirements.* The building regulations of the underlying zoning shall be applicable for all developers.
  - (8) *Temporary uses.* Real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure are permitted.
  - (9) *Buffers.* The plan commission may require buffers between different and potentially incompatible land uses, buildings and structures. The use and integration of existing, natural features and vegetation as well as the installation of a variety of landscaping features shall be used as buffers and is strongly encouraged. The need for buffers in an R-PUD overlay district shall be determined by the plan commission at the time of site specific plan review.
  - (10) *Open space.* The plan commission may require the development area of an R-PUD overlay district to contain up to 20 percent open space as determined by the plan commission on a site-specific basis. When deemed appropriate, the plan commission may also reduce density for open space purposes. For purposes of satisfying this requirement, the term "open space":
    - a. May include floodplain area and wetland area in certain instances if permitted by the plan commission.

- b. May not include streets, driveways and front yard setback requirements.
- c. Shall be established as part of the general development plan and described and identified as to size, location, use, improvements (if any) and maintenance responsibility.

(c) *Application procedure and required information.*

- (1) *Preliminary consultation.* An applicant shall meet with the plan commission and appropriate village staff members for a preliminary consultation prior to formally submitting a rezoning petition for an R-PUD overlay district. The purpose of this preliminary consultation is to discuss the proposed request and review the local regulations and policies applicable to the project and discuss the land use implications of the proposal.
- (2) *Rezoning petition and general development plan.* The applicant shall submit a rezoning petition in accordance with the application procedure described in section 38-506. In addition to the required information noted in section 38-506, a general development plan shall be submitted to the plan commission and the village board for review 30 business days prior to any rezoning hearing. The general development plan and supporting information shall contain and/or address the following:
  - a. Plot plan of area proposed for development.
  - b. Proposed location of public utilities, public and private roads, driveways and parking facilities.
  - c. Size, arrangement and location of all proposed buildings.
  - d. Location of proposed open space areas, buffer yards and areas reserved or dedicated for public uses.
  - e. Perspective drawings and sketches illustrating the design and character of proposed structures.
  - f. Existing topography on-site with contours at no greater than two-foot intervals National Geodetic Vertical elevation.
  - g. A development phasing plan if development is to be developed in stages or phases.
- (3) *Public inspection.* The general development plan shall be available for public inspection prior to any rezoning hearing on the proposed project.
- (4) *Public hearing.* The plan commission shall hold a public hearing on the rezoning request and, following said public hearing, shall make a recommendation to the village board regarding approval/disapproval.
- (5) *Rezoning approval/disapproval.* The village board shall act on the recommendation of the plan commission regarding the rezoning petition at their next scheduled meeting.

(d) *Conditions and restrictions; preliminary plan approval.*

- (1) The plan commission may recommend and the village board may adopt, by resolution, conditions and restrictions for R-PUD overlay districts that specify permitted uses and

set bulk regulations and density standards for lot coverage and dwelling unit size and distribution and yard setbacks.

- (2) Conditions and restrictions adopted to govern development within a specific R-PUD overlay district may include, but not be limited to, nonstandard or nonuniform requirements, regulations and provisions recommended by the plan commission and approved by the village board. Such nonstandard requirements, regulations and provisions shall be designed to ensure proper development and appropriate operation and maintenance of specific developments on specific sites consistent with the intent of these regulations and commitments made by a developer at the time an R-PUD overlay district and general development plan are approved.

(e) *Detailed plans and information.*

- (1) *Submission of plans for final review.* After the R-PUD zoning has been granted and the general development plan, together with conditions imposed by either the plan commission or the village board, has been approved, detailed site plans, architectural plans and utility plans shall be submitted to the plan commission for final review prior to the execution of a developer's agreement between the developer and the village board. Other related information required may include, but is not limited to, maintenance standards and plans of operation. The detailed plan and information shall conform substantially to the general development plan as approved.
- (2) *Required information conforming to final plat specifications.* Information to be included in the detailed plan shall conform to the following subsections of division 3, article II of chapter 32 where applicable:
  - a. *General requirements.* A final plat prepared by a registered land surveyor shall be required for all developments. It shall comply in all respects with the requirements of Wis. Stats. § 236.20.
  - b. *Additional information.* The plat shall show correctly on its face, in addition to the information required by Wis. Stats. § 236.20, the following:
    1. Exact length and bearing of the centerline and center and centerline curves of all streets.
    2. Exact street width along the right-of-way line of any obliquely intersecting street.
    3. Railroad rights-of-way within and abutting the plat.
    4. Setbacks or building lines, if required by the plan commission, in accordance with the guidelines set forth in article III of chapter 32.
    5. Utility and/or drainage easements.
    6. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
    7. A detailed landscaping plan.
    8. Special restrictions required by the village board relating to access control along public ways and delineation of floodland limits.



- c. *Deed restrictions.* The village board may require that deed restrictions imposed by the developer be filed with the final plat.
  - d. *Plat restrictions.* The village board may require that plat restrictions intended to reflect village plans and ordinances be placed on the face of the plat.
- (f) *Review of detailed plan.* The plan commission shall review the detailed plan and provide the developer with a list of changes and additional requirements as it deems appropriate. Upon reaching agreement with the developer, the plan commission shall forward its recommendation to the village board.
- (g) *Architectural review.* Building plans shall also be submitted to the architectural review board for their review and approval prior to the issuance of a building permit.
- (h) *Commencement of project.*
  - (1) After the village board, upon recommendation of the plan commission, has approved the detailed site plans, construction of private and public amenities may commence in accordance with division 2, article IV of chapter 32.
  - (2) No building permit for residences shall be issued until building plans have been approved by the architectural review board and all applicable fees and assessments required in subsection (m) of this section and section 32-15 have been paid and either all public and private construction has been completed and approved or a developer's agreement, including a letter of credit, has been approved by the village board. For staged development, such developers' agreements shall provide for the construction of improvements and the use of common areas outside of the subject stage.
  - (3) After the village board, upon the recommendation of the plan commission, has approved the plans, the project shall be commenced within one year unless the time is extended in writing by the village board. In the event the project is not so timely commenced, the approval of the village board shall be deemed to be automatically revoked and zoning will revert back to the classification it held prior to rezoning approval.
- (i) *Recordation.* The final plat or condominium declaration shall be recorded with the county register of deeds. Plats shall be recorded only after the certificates of the director of planning function in the state department of development, of the village board, of the surveyor and those certificates required by Wis. Stats. § 236.21, are placed on the face of the plat. The clerk-treasurer shall record the plat or condominium declaration within ten days of its approval by the village board. The developer shall, however, be responsible for payment of the recording fee.
- (j) *Duplicate plat or condominium declaration and plat to be filed.* An identical reproducible copy on stable drafting film at least four mils thick, along with the recording data, shall be placed on file with the director of public works.
- (k) *Maintenance of project.*
  - (1) Should the owner of a planned development, homeowners' association or the condominium owners' association, in the event a condominium is created, fail to properly operate or maintain the premises according to the terms of this section or the developer's agreement, or to the extent that a nuisance is caused to occupants or

neighbors, the plan commission may refuse to approve subsequent stages of the development until such time as they determine that the situation or the method of operation has been corrected. Failure to maintain the premises and/or satisfy any and all requirements contained in the approved plans, the R-PUD overlay district ordinance or developer's agreement shall constitute a violation of the city zoning regulations and be subject to the enforcement provisions set forth therein.

- (2) Should the owner of a planned development or condominium owners' or homeowners' association fail to adequately perform maintenance functions such as snow and ice removal, weed cutting or trash disposal, the village shall have the right to perform such functions or to contract for their accomplishment at the property owner's expense.

(l) *Changes or revisions.*

- (1) All proposed changes, revisions and additions to any aspect of an approved planned development project shall be submitted to the plan commission for its review. The plan commission shall determine if the change, revision or addition is minor or if it materially affects the intended design of the project and the impact of the project on neighboring uses.
- (2) If the change is determined to be minor, the plan commission shall review the request and pass its findings to the village board, which may approve the change without a public hearing. The plan commission's decision on minor changes shall be rendered at a meeting subsequent to the meeting at which the requested change was initially presented to the plan commission.
- (3) If the requested change is determined by the plan commission to be substantial because of its effect on the intended design of the project or on neighboring uses, a public hearing shall be held by the plan commission to review and pass its findings to the village board for final approval.

(m) *Fees.* The developer shall pay to the village all fees and all professional expenditures incurred by the village at the time specified.

- (1) *General R-PUD plan review fee.* The developer shall pay a fee as provided in the village fee schedule for each residential unit over 25 at the time the application is filed.
- (2) *Detailed R-PUD plan review fee.* The developer shall pay a fee as provided in the village fee schedule for each residential unit over 25 at the time the application is filed.
- (3) *Professional fees.* The developer shall reimburse the village for all engineering, planning and legal fees incurred by the village. The village shall bill the developer monthly and payment shall be made within ten days from date of billing.

## SECTION 8: SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly

specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

#### **SECTION 9: EFFECTIVE DATE**

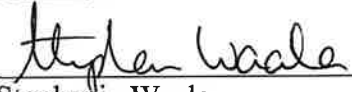
This Ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 6th day of January 2025.

#### **VILLAGE OF RANDOM LAKE**

By:   
Michael San Felippo, President

ATTESTED:

  
Stephanie Waala  
Village Clerk/Treasurer

Date Adopted: 01-06-2025

Date Published: 01-07-2025

Effective Date: 01-07-2025