

AGENDA
KENOSHA COMMON COUNCIL
KENOSHA, WISCONSIN
Council Chambers – Room 200 – Kenosha Municipal Building
Monday, January 4, 2010
7:00 P.M.

CALL TO ORDER
ROLL CALL
INVOCATION
PLEDGE OF ALLEGIANCE

Approval of the minutes of the meeting held December 21, 2009.
Matters referred to the Committees by the Mayor.
Presentation, Commendations and Awards by Mayor.
Awards and Commendations from Boards, Commissions, Authorities and Committees.
CITIZENS' COMMENTS

A. REFERRALS

TO THE COMMITTEE ON FINANCE

TO THE PUBLIC WORKS COMMITTEE

- A.1. Resolution to approve a four-lot Certified Survey Map to be located at 8200 75th Street, District #17. (Heiberg) (Also refer to City Plan Commission)

TO THE PUBLIC SAFETY AND WELFARE COMMITTEE

- A.2. To Repeal and Recreate Section 9.18 E.1.a of the Code of General Ordinances Regarding Swimming Pool Requirements; to Repeal and Recreate Section 9.20 A. Regarding Certification for Persons Performing Electrical Work; to Repeal Section 9.20 B.; to Renumber Sections 9.20 C., D., E., F. and G. as Sections 9.20 B., C., D., and F; to Repeal and Recreate Section 9.21 A. regarding HVAC Qualifications; to Create Section G. regarding Prohibited Installations of Exterior Incinerators or Boilers.

TO THE CITY PLAN COMMISSION

- A.3. Petition to rezone property at the northeast corner of STH 31 and CTH S from A-2 Agricultural Land Holding to B-2 Community Business District in conformance with Section 10.02 of the Zoning Ordinance, District #16. (Gendell Partners, LLC)

B. COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

- B.1. Approval of the following applications per list on file in the Office of the City Clerk:
- a. _____ Operator's (Bartenders) license(s).
 - b. _____ Transfer of Agent Status of Beer and/or Liquor license(s).
 - c. _____ Special Class "B" Beer and/or Special "Class B" Wine license(s).
 - d. _____ Taxi Driver License(s).

C. RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

NOTE: All licenses and permits are subject to withholding of issuance by the City Clerk as specified in Section 1.045 of the Code of General Ordinances.

(Back-up Copies Provided by City Clerk)

C.1. Approve the following applications for new Operator's (Bartender) licenses, subject to:

-25 demerit points:

a. Betty Julin [go to backup](#)

-75 demerit points:

b. Michael Kirnbauer [go to backup](#)

c. Barbara Miszewski [go to backup](#)

d. Jennifer Robert [go to backup](#)

(LP-Recommendation Pending) **HEARING**

C.2. DENY the following applications for new Operator's (Bartender) licenses, based on:

-material police record:

a. Isacc Cisneros [go to backup](#)

-material police record & false application:

b. Jennifer Schmidkonz [go to backup](#)

c. Ashley Walker [go to backup](#)

(LP-Recommendation Pending) **HEARING**

D. ORDINANCES 1st READING

E. ZONING ORDINANCES 1st READING

F. ORDINANCES 2nd READING

F.1. By Alderperson David Bogdala, Anthony Nudo and Ray Misner - To Repeal and Recreate, Repeal and Renumber Various Sections of Chapter 2 (Section 2.02 D.5.a.; To Repeal Section 2.02 D.5.b; and To Renumber Sections 2.02 D.5.c. Through 2.02 D.5.f. as 2.02 D.5.b. Through 2.02 D.5.e.) Regarding the Review and Report of CIP City Plan Committee by the Common Council. (Fin.-Ayes 4: Noes 2; CP-DENY-Ayes 7: Noes 1: Abstain 1) **PUBLIC HEARING**
[go to backup](#)

F.2. By the Mayor - To Amend, Renumber, and Create Various Sections in Chapter 33 (Section 33.07 by Adding the Definition of the Term Soil Stockpile thereto; to Renumber Sections 33.10 G., H., I. And J. as Sections 33.10 I., J., K., and L.; to Renumber Section 33.10 F. as Section 33.10 G.; to Create Section 33.10 F. Regarding Extensions of Time to Complete Work Regarding Erosion Control; and, to Create Section 33.10 H. Regarding Soil Stockpiles) Regarding Extension of Time to Complete Work Regarding Erosion Control and Soil Stockpiles. (SWU-Ayes 5: Noes 0) **PUBLIC HEARING**
[go to backup](#)

G. ZONING ORDINANCES 2nd READING

- G.1. By Alderpersons Anthony Nudo, David Bogdala, Ray Misner, Jesse Downing - To Repeal and Recreate Section 4.02 of the Zoning Ordinance, Entitled Review Authority - City Plan Division, City Plan Commission or Common Council"; To Repeal and Recreate Section 4.04 F. of the Zoning Ordinance; To Repeal and Recreate the First Paragraph of Section 4.04 G. of the Zoning Ordinance; and, To Repeal and Recreate Section 4.04 H. of the Zoning Ordinance, Removing the City Plan Commission as a Decision-Making Authority. (Fin.-Ayes 4: Noes 2; CP-DENY-Ayes 8: Noes 1: Abstain 1) **PUBLIC HEARING**
[go to backup](#)
- G.2. By the Mayor - To Rezone Properties Located at 5414, 5420 and 5422 22nd Avenue from B-2 Community Business District to RG-2 General Residential District, (District #7). (City of Kenosha) (CP-Ayes 9: Noes 0) **PUBLIC HEARING**
[go to backup](#)
- G.3. By the Mayor - To Rezone Property Located at 5504 22nd Avenue from B-2 Community Business District to RG-2 General Residential District, (District #7). (Kenosha Housing Authority) (CP-Ayes 9: Noes 0) **PUBLIC HEARING**
[go to backup](#)

H. RESOLUTIONS

- H.1. By Alderman Casey - To Reestablish Relationship Between Neighborhood Housing Services of Southeast Wisconsin, Inc., and the City of Kenosha, Wisconsin. [go to backup](#)

I. APPOINTMENTS/REAPPOINTMENTS BY THE MAYOR
(Back-up Copies Provided by Administration)

J. PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

K. OTHER CONTRACTS AND AGREEMENTS

L. RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

M. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

**N. RECOMMENDATIONS FROM THE COMMITTEE ON
PUBLIC SAFETY & WELFARE**

OTHER

And such matters as are authorized by law or regular business.

LEGISLATIVE REPORT

MAYOR'S COMMENTS

ALDERMEN'S COMMENTS

IF YOU ARE DISABLED AND IN NEED OF ASSISTANCE,

PLEASE CALL 653-4020 BEFORE THIS MEETING

web site: www.kenosha.org



COMMON COUNCIL
OFFICIAL PROCEEDINGS
Monday, December 21, 2009

Keith G. Bosman, Mayor Michael K. Higgins, City Clerk

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200

Monday, December 21, 2009

At a meeting of the Common Council held this evening, His Honor, Acting Mayor G. John Ruffolo presided. Alderperson Haugaard was seated as Council President. Acting Mayor Ruffolo advised he would be voting as an Alderperson this evening.

The meeting was called to order at 7:08 p.m.

On roll call, the following members of the Common Council were present: Alderpersons Haugaard, Moldenhauer, Holland, Ruffolo, Carpenter, Ohnstad, Juliana, Marks, Ruef, Kennedy, Nudo, Misner, Prozanski, Orth, Downing and Bogdala. Alderperson Casey was previously excused.

A moment of silence was observed in lieu of the invocation.

Acting Mayor Ruffolo then led the Council in the Pledge of Allegiance to the American Flag.

It was moved by Alderperson Nudo, seconded by Alderperson Carpenter, to approve the minutes of the meeting held December 1, 2, 7, and 15, 2009.

Motion carried unanimously.

Four (4) Citizens spoke during Citizen's Comments: Tom Reiherzer, Eric Olson, Ed Gray and Louis Rugani.

A. REFERRALS
TO THE COMMITTEE ON FINANCE

TO THE PUBLIC WORKS COMMITTEE

TO THE PUBLIC SAFETY & WELFARE COMMITTEE

TO THE CITY PLAN COMMISSION

B. COMMUNICATIONS,
PETITIONS, REPORTS
OF DEPARTMENTS

B.1. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to approve:

- a. 7 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.
- b. There were no application(s) for a transfer of agent status of Beer and/or Liquor licenses, per list on file in the office of the City Clerk.
- c. There were no application(s) for a special Class "B" Beer and/or "Class B" Wine license per list on file in the office of the City Clerk.
- d. There were no applications for Taxi Driver's licenses per list on file in the office of the City Clerk.

On a voice vote, motion carried.

B.2. It was moved by Alderperson Downing, seconded by Alderperson Carpenter, to receive and file Communication from the Director of Neighborhood Services and Inspections regarding action by the Public Safety & Welfare Committee to approve a request to install a YMCA off-premise noncommercial directional sign at 6818 53rd Street.

On a voice vote, motion carried.

C. RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

C.1. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to approve the following applications for New Operator's (Bartender) Licenses, subject to:

-50 demerit points:

- a. Jennifer Licary

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Keith G. Bosman, Mayor

Michael K. Higgins, City Clerk

b. Kristine Montague

c. Wendy Moravec

d. Breanna Smith

-90 demerit points:

e. Christopher Kline

C.1.1. It was moved by Alderperson Juliana, seconded by Alderperson Downing to separate action on C.1.a through C.1.d From C.1.e. On a voice vote, motion carried. A hearing was held. No one appeared.

On a voice vote, motion to approve C.1.a. Through C.1.d. subject to 50 demerit points carried.

C.1.2. It was moved by Alderperson Nudo, seconded by Alderperson Carpenter to approve C.1.e., subject to 90 demerit points.

A hearing was held. No one appeared. On a voice vote, motion carried.

C.2. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to approve application of Scott Larson for a New Taxi Driver license Subject to 40 Demerit Points.

A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.3. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to approve application of Linda Acevedo for a New Taxi Cab license (My Way Cabs), Located at 6011 29th Avenue Suite L, with no adverse recommendations.

A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.4. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to approve application of Bacchus Billiards, LLC, Brian D'Angelo, Agent, for a Class "B" Beer/"Class B" Liquor License located at 5010 7th Avenue, (Bacchus Billiards). (2nd District)

A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.

C.5. Due to the approval of C.4., the application of Friends of Wisconsin, LLC, Timothy S. Krueger, Agent, for a Class "B" Beer/"Class B" Liquor License located at 7127 120th Avenue, (Friends Restaurant and Deli), was declared moot.

C.6. It was moved by Alderperson Downing, seconded by Alderperson Misner, to approve application of Muggshots, Inc., Michele Biundo, Agent, for a Class "B" Beer/"Class B" Liquor License located at 5513 6th Avenue, (Muggshots), with acceptance of a conditional surrender of a similar license at the same location from R&V Development, Inc., Robert LaTessa, Agent, to be effective December 22, 2009. (2nd District)

A hearing was held. Attorney Nicholas Infusino was present to speak on behalf of the applicant. On a voice vote, motion carried.

C.7. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to approve application of KRYN, Inc., David K. Hamelink, Agent, for a 1-day cabaret license located at 7517 22nd Avenue, (Sunnyside Club) for December 31, 2009. (3rd District)

A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.8. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to approve application of CD DVD Game, LLC, Candice Eisenhauer, for a new Secondhand Article Dealer License located at 3717 80th Street (CD DVD Game Warehouse). (13th District)

A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.9. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to approve Application of Goldtronics, LLC, Abdelalah Mohammad, for a new Secondhand Article & Jewelry Dealer License located at 3105 60th Street, (Jewelry & Electronics Exchange) with no adverse recommendations. (11th District)

A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.10. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to approve renewal applications for the following with no adverse recommendations per list on file in the Office of the City Clerk:

8 Secondhand Article & Jewelry Dealers

7 Commercial Kennel, Non-Commercial Kennel, Humane Society and Pet Shop

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Keith G. Bosman, Mayor

Michael K. Higgins, City Clerk

1 Massage Therapist (Cunjun Wang)

A hearing was held. No one appeared. On a voice vote, motion carried.

D. ORDINANCES 1ST READING

It was moved by Alderperson Orth, seconded by Alderperson Misner, to send the following ordinances on their way:

D.1. By Alderperson David Bogdala, Anthony Nudo and Ray Misner - To Repeal and Recreate, Repeal and Renumber Various Sections of Chapter 2 (Section 2.02 D.5.a.; To Repeal Section 2.02 D.5.b; and To Renumber Sections 2.02 D.5.c. Through 2.02 D.5.f. as 2.02 D.5.b. Through 2.02 D.5.e.) Regarding the Review and Report of CIP City Plan Committee by the Common Council.

D.2. By the Mayor - To Amend, Renumber, and Create Various Sections in Chapter 33 (Section 33.07 by Adding the Definition of the Term Soil Stockpile thereto; to Renumber Sections 33.10 G., H., I. And J. as Sections 33.10 I., J., K., and L.; to Renumber Section 33.10 F. as Section 33.10 G.; to Create Section 33.10 F. Regarding Extensions of Time to Complete Work Regarding Erosion Control; and, to Create Section 33.10 H. Regarding Soil Stockpiles) Regarding Extension of Time to Complete Work Regarding Erosion Control and Soil Stockpiles. On a voice vote, motion carried.

E. ZONING ORDINANCES 1ST READING

It was moved by Alderperson Orth, seconded by Alderperson Misner, to send the following ordinances on their way:

E.1. By Alderpersons Anthony Nudo, David Bogdala, Ray Misner, Jesse Downing - To Repeal and Recreate Section 4.02 of the Zoning Ordinance, Entitled Review Authority - City Plan Division, City Plan Commission or Common Council"; To Repeal and Recreate Section 4.04 F. of the Zoning Ordinance; To Repeal and Recreate the First Paragraph of Section 4.04 G. of the Zoning Ordinance; and, To Repeal and Recreate Section 4.04 H. of the Zoning Ordinance, Removing the City Plan Commission as a Decision-Making Authority.

E.2. By the Mayor - To Rezone Properties Located at 5414, 5420 and 5422 22nd Avenue from B-2 Community Business District to RG-2 General Residential District, (District #7). (City of Kenosha)

E.3. By the Mayor - To Rezone Property Located at 5504 22nd Avenue from B-2 Community Business District to RG-2 General Residential District, (District #7). (Kenosha Housing Authority)

On a voice vote, motion carried.

F. ORDINANCES 2ND READING

F.1. It was moved by Alderperson Nudo, seconded by Alderperson Downing, to adopt Ordinance 52-09.

A public hearing was held. No one spoke for or against said ordinance.

On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 52-09

BY: COMMITTEE ON PUBLIC

SAFETY AND WELFARE

**TO AMEND SECTION 7.12 C. OF THE CODE OF GENERAL ORDINANCES, BY
RESCINDING THEREFROM THE STOP SIGNS ON 66th STREET AT ITS INTERSECTION
WITH 111TH AVENUE; AND, TO AMEND SECTION 7.12 B. OF THE CODE OF GENERAL
ORDINANCES, TO INCLUDE A FOUR WAY STOP AT THE INTERSECTION OF 66TH
STREET AND 111th AVENUE**

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Section 7.12 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by deleting the following therefrom:

All vehicles traveling East/West on 66th Street shall stop before entering the intersection with 111th Avenue.

Section Two: Section 7.12 B. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is

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Keith G. Bosman, Mayor

Michael K. Higgins, City Clerk

hereby amended by adding the following thereto:

66th Street and 111th Avenue.

Section Three: This Ordinance shall become effective upon passage and publication.

APPROVED:

KEITH G. BOSMAN, MAYOR

ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

F.2. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to adopt Ordinance 53-09.

A public hearing was held. No one spoke for or against said ordinance.

On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 53-09

BY: COMMITTEE ON PUBLIC

SAFETY AND WELFARE

TO AMEND SECTION 7.12 C. OF THE CODE OF GENERAL ORDINANCES FOR THE CITY OF KENOSHA, WISCONSIN, BY ADDING A WESTBOUND STOP SIGN ON 65TH STREET BEFORE ENTERING THE INTERSECTION WITH 92ND AVENUE

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Section 7.12 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by adding the following thereto:

All vehicles traveling Westbound on 65th Street shall stop before entering the intersection with 111th Avenue.

Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:

KEITH G. BOSMAN, MAYOR

ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

F.3. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to adopt Ordinance 54-09.

A public hearing was held. No one spoke for or against said ordinance.

On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 54-09

BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE

TO AMEND SECTION 7.12 C. OF THE CODE OF GENERAL ORDINANCES TO RESCIND THE STOP SIGN ON 35TH AVENUE AT ITS INTERSECTION WITH 14TH STREET AND, TO AMEND SECTION 7.125 TO INCLUDE A NORTH/SOUTH YIELD SIGN ON 35TH AVENUE BEFORE ENTERING THE INTERSECTION WITH 14TH PLACE

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Section 7.12 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is amended by deleting therefrom:

All vehicles traveling Southbound on 35th Avenue shall stop before entering the intersection with 14th Place.

Section Two: Section 7.125 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is amended by adding the following thereto: "35th Avenue" in Column A and "14th Place" in Column B.

Section Three: This Ordinance shall become effective upon passage and publication.

APPROVED:

KEITH G. BOSMAN, MAYOR

ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

F.4. It was moved by Alderperson Carpenter, seconded by Alderperson Haugaard, to adopt Ordinance 55-09.

A public hearing was held. No one spoke for or against said ordinance.

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Keith G. Bosman, Mayor Michael K. Higgins, City Clerk

On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 55-09

BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE TO AMEND SECTION 7.125 OF THE CODE OF GENERAL ORDINANCE ENTITLED, "STREETS CONTROLLED BY YIELD SIGNS" TO INCLUDE EAST/WEST YIELD SIGNS ON 26TH STREET BEFORE ENTERING ITS INTERSECTION WITH 25TH AVENUE

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Section 7.125 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is amended by including therein "26th Street" in Column A and "25th Avenue" in Column B.

Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:

KEITH G. BOSMAN, MAYOR

ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

F.5. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to adopt Ordinance 56-09.

A public hearing was held. No one spoke for or against said ordinance.

On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 56-09

BY: THE MAYOR

TO REPEAL AND RECREATE SUBSECTION 14.015 B. OF THE CODE OF GENERAL ORDINANCES, TO INCREASE FEES FOR KENNEL AND PET SHOP LICENSES

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Subsection 14.015 B. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

B. LICENSE REQUIRED/FEE. It is unlawful for any person, party, firm or corporation to operate, keep or maintain within the City limits a kennel or pet shop without first having obtained a license from the City Common Council and being in compliance with all provisions of this Ordinance. License applications shall be reviewed, prior to action by the Common Council, by the Committee on Licenses/Permits. The City Clerk, or designee thereof, shall issue licenses which have been granted by the Common Council. The fee for a license issued hereunder or renewal thereof shall be Two Hundred (\$200.00) Dollars per calendar year or fraction thereof.

Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:

KEITH G. BOSMAN, MAYOR

ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

F.6. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to adopt Ordinance 57-09.

A public hearing was held. No one spoke for or against said ordinance.

On roll call vote, motion carried (13-3) with Alderpersons Orth, Bogdala and Ruef voting nay and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 57-09

BY: THE MAYOR

TO REPEAL AND RECREATE SUBSECTION 13.10 C OF THE CODE OF GENERAL ORDINANCES, INCREASING THE LICENSE FEE FOR THE STORAGE, SALE OR DISPLAY FOR SALE, OF CHRISTMAS TREES

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Subsection 13.10 C of the Code of General Ordinances for the City of

Kenosha, Wisconsin, is hereby repealed and recreated as follows:

C. License Fee. The license fee shall be the sum of Fifty (\$50.00) Dollars. Said license shall be valid only to the 3rd day of January following its issue. Each location at which Christmas Trees are stored, displayed

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Michael K. Higgins, City Clerk

or sold shall require a separate license. No license shall be transferable either to person or person or place to place.

Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:

KEITH G. BOSMAN, MAYOR

ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

F.7. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to adopt Ordinance 58-09.

A public hearing was held. No one spoke for or against said ordinance.

On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 58-09

BY: THE MAYOR

TO REPEAL AND RECREATE PARAGRAPH 12.04 B.1 OF THE CODE OF GENERAL ORDINANCES TO INCREASE FEES FOR THEATER LICENSES.

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Paragraph 12.04 B.1 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

1. License and Fee. No person, party, firm or corporation shall operate or maintain any premises as a theater without first obtaining from the Common Council a license for the purpose. If the applicant be a firm or corporation, it shall appoint an agent, named in the application, who shall be subject to approval by the Common Council and who shall have all the qualifications of a person applying for a license. The fee for such a license, which shall be for a period of one (1) year, shall be Five Hundred (\$500.00) Dollars. The license period shall be June 1st through the following May 31st. Licensees and agents must be persons, eighteen (18) years of age or older, and of good moral character. The license shall be valid only with respect to the premises described in the application, as approved by the Common Council.

Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:

KEITH G. BOSMAN, MAYOR

ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

F.8. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to adopt Ordinance 59-09.

A public hearing was held. No one spoke for or against said ordinance.

On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 59-09

BY: MAYOR

TO REPEAL AND RECREATE PARAGRAPH 10.07 D.1 OF THE CODE OF GENERAL ORDINANCES, TO INCREASE FEES FOR ANNUAL CABARET LICENSES

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Paragraph 10.07 D.1 of the Code of General Ordinances is repealed and recreated as follows:

1. Annual Licenses. The Annual License Fee shall be Three Hundred (\$300.00) Dollars.

Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:

KEITH G. BOSMAN, MAYOR

ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

F.9. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to adopt Ordinance 60-09.

A public hearing was held. No one spoke for or against said ordinance.

On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 60-09

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Keith G. Bosman, Mayor Michael K. Higgins, City Clerk

BY: THE MAYOR

TO REPEAL AND RECREATE SECTION 13.03G OF THE CODE OF GENERAL ORDINANCES, REGARDING INCREASE OF PEDDLER LICENSE FEE

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 13.03G of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

13.03 PEDDLERS G. License Fee. The license fee shall be One Hundred (\$100.00) Dollars per person, per license period, or any portion thereof. The full license fee must be submitted with the application in reasonable denominations of lawful United States tender. Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:

KEITH G. BOSMAN, MAYOR

ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

F.10. It was moved by Alderperson Nudo, seconded by Alderperson Downing, to adopt Ordinance 61-09.

A public hearing was held. No one spoke for or against said ordinance.

On roll call vote, motion carried (14-2) with Alderpersons Orth and Ruef voting nay and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 61-09

BY: MAYOR

TO REPEAL AND RECREATE SECTIONS 14.01 A.3 AND SECTION 14.01 B.3 OF THE CODE OF GENERAL ORDINANCES, REGARDING INCREASE OF DOG AND CAT LICENSE FEES

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 14.01 A.3 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows: 3. Fee. For the license term commencing January 1, 2003, the dog license tax shall be Four (\$4.00) Dollars for a neutered male dog or spayed female dog, upon presentation of evidence that the dog is neutered or spayed, and Ten (\$10.00) Dollars for an unneutered male dog or unspayed female dog, or one-half (1/2) of these amounts if the dog became five (5) months of age after July 1 of the license year. Effective January 1, 2010 the dog license tax shall be Ten (\$10.00) Dollars for a neutered male dog or spayed female dog, upon presentation of evidence that the dog is neutered or spayed, and Twenty-Five (\$25.00) Dollars for an unneutered male dog or unspayed female dog, or one-half (1/2) of these amounts if the dog became five (5) months of age after July 1 of the license year. Section Two: Section 14.01 B.3 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows: 3. License Fee. For the license term commencing January 1, 2003, the Cat License Fee shall be Four (\$4.00) Dollars per year for each year of the license term for a neutered male cat or spayed female cat, upon presentation of evidence that the cat is neutered or spayed, and Ten (\$10.00) Dollars per year for each year of the license term for an unneutered male cat or unspayed female cat. For the license term commencing January 1, 2010, the cat license fee shall be Ten (\$10.00) Dollars per year of each year of the license term for a neutered male cat or spayed female cat, upon presentation of evidence that the cat is neutered or spayed, and Twenty-Five (\$25.00) Dollars per year for each year of the license term for an unneutered male cat or unspayed female cat. License fees shall not be prorated or refunded when the license was effective for a portion of a license year. Section Three: This Ordinance shall become effective upon passage and publication.

APPROVED:

KEITH G. BOSMAN, MAYOR

ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

F.11. It was moved by Alderperson Prozanski, seconded by Alderperson Kennedy, to refer the proposed ordinance by the Mayor – To Renumber Section 12.01 H. and 12.01 I. and to Create Section 12.01 H. Regarding Amusement Device Fee (\$30.00 per device) to the Licensing/Permit Committee. On a voice

COMMON COUNCIL
OFFICIAL PROCEEDINGS
Monday, December 21, 2009

Keith G. Bosman, Mayor Michael K. Higgins, City Clerk

vote, motion carried.

G. ZONING ORDINANCES 2ND READING

H. RESOLUTIONS

It was moved by Alderperson Prozanski, seconded by Alderperson Misner, to adopt Resolutions 174-09 and 175-09. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

H.1. RESOLUTION NO. 174-09

BY: FINANCE COMMITTEE

TO AMEND THE CITY OF KENOSHA CAPITAL IMPROVEMENT PROGRAM BY CREATING LINE FI-09-008 "FIRE RADIO EQUIPMENT" IN THE AMOUNT OF \$80,000 AND REDUCING LINE FI-06-001 "SELF-CONTAINED BREATHING APPARATUS EQUIPMENT IN THE AMOUNT OF \$80,000 FOR A NET CHANGE OF \$0

WHEREAS, the Kenosha Fire Department needs to upgrade their radio equipment; and WHEREAS, there was a cost savings associated with the purchase of the Self-Contained Breathing Apparatus equipment; and WHEREAS, the above Amendment to the Capital Improvement Program has been approved by the City Plan Commission on October 22, 2009, Public Safety & Welfare Committee on December 14, 2009 and the Finance Committee on December 21, 2009. NOW, THEREFORE BE IT RESOLVED, by the Common Council of the City of Kenosha, Wisconsin that the Capital Improvement Program be, and hereby is, amended as follows:

<i>Line Item</i>	<i>Description</i>	<i>Available Authorization</i>	<i>Authorization Adjustment</i>	<i>Amended Authorization</i>
FI-06-001	Self-Contained Breathing Apparatus Equipment (2009)	\$552,900	(\$80,000)	\$442,900
FI-09-008	Fire Radio Equipment (2009)	0	\$80,000	\$80,000

Adopted this 21st day of December, 2009.

APPROVED:

KEITH G. BOSMAN, MAYOR

ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

COMMON COUNCIL
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Keith G. Bosman, Mayor Michael K. Higgins, City Clerk

H.2.RESOLUTION NO. 175-09

BY: Finance Committee

**To Amend the City of Kenosha Capital Improvement Program for 2009 By Creating Line PD09-009
“Police Furniture-Safety Building” in the Amount of \$250,000 and Reducing Line PD-09-002
“Wireless Surveillance Camera System” in the Amount of \$250,000 for a Net Change of \$0**

WHEREAS, it has been determined that the Kenosha Police Department will need furniture upon taking occupancy in the Safety Building addition; and WHEREAS, the Kenosha Police Department determined a cost savings based on surveillance equipment needed; and WHEREAS, the above amendment to the Capital Improvement Program has been approved by the City Plan Commission on October 22, 2009, Public Safety and Welfare Committee December 14, 2009 and the Finance Committee on December 21, 2009; NOW, THEREFORE BE IT RESOLVED, by the Common Council of the City of Kenosha, Wisconsin that the Capital Improvement Program be, and hereby is amended as follows:

<i>Line Item</i>	<i>Description</i>	<i>Available Authorization</i>	<i>Authorization Adjustment</i>	<i>Amended Authorization</i>
PD-09-002	Wireless Surveillance Camera System (2009)	300,000	(250,000)	50,000
PD-09-009	Police Furniture- Safety Building (2009)	0	250,000	250,000

Adopted this 21st day of December, 2009.

APPROVED:

KEITH G. BOSMAN, MAYOR

ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

H.3. The proposed resolution ALDERMAN CASEY - TO REESTABLISH RELATIONSHIP BETWEEN NEIGHBORHOOD HOUSING SERVICES OF SOUTHEAST WISCONSIN, INC., AND THE CITY OF KENOSHA, WISCONSIN was pulled.

H.4. It was moved by Alderperson Holland, seconded by Alderperson Carpenter, to adopt Resolution 176-09. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

RESOLUTION # 176-09

BY: THE MAYOR

**Relocation Order for 27th Street from 43rd Avenue West to 47th Avenue for Right-of-Way
Improvements and to Authorize Other Actions Necessary to Acquire Fee Title and Interest and
Possession of Certain Property**

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin that: 1.It is declared and determined to be in the public interest to acquire fee title interest to certain property necessary for 27th Street, approximately 1,096 feet from 43rd Avenue west to 47th Avenue under authority of Section 62.22, Wisconsin Statutes, shown on a map marked Exhibit “A”, and legally described on Exhibit “B”, which are on file in the office of the City Clerk, and incorporated herein by reference. 2.The Director of the Department of City Development, or designees thereof, on behalf of the City of Kenosha and upon compliance with Subsection (2), respecting Appraisal, and Subsection (2.a.) respecting negotiation, shall make and give notice of a Jurisdictional Offer under Subsections (3), (3.m.) and (4) of Section 32.05, Wisconsin Statutes. If any owner has not accepted the Jurisdictional Offer within the periods limited in Subsection (6) or fails to consummate an acceptance as provided therein, the City of Kenosha, through the Director of the Department of City Development, or designees thereof, shall make an award of damages in the manner and sequence of acts provided in Subsection (7) and obtain right to possession with respect to

**COMMON COUNCIL
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Keith G. Bosman, Mayor

Michael K. Higgins, City Clerk

such property under Subsection (8) of Section 32.05, Wisconsin Statutes. 3. The City Attorney or other legal counsel retained by the City shall represent the City of Kenosha in any related actions or proceedings. 4. The Director of the Department of City Development, or designees, in accordance with Section 32.05(1)(a), Wisconsin Statutes, shall within twenty (20) days of the adoption of the Resolution/Relocation Order, file a copy thereof with the Kenosha County Clerk. Adopted this 21st day of December, 2009.

APPROVED:

KEITH G. BOSMAN, MAYOR

ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

**I. APPOINTMENTS/
REAPPOINTMENTS BY THE MAYOR**

I.1. It was moved by Alderperson Haugaard, seconded by Alderperson Juliana, to approve reappointment of Jennifer Heim, to the Transit Commission for a term to expire June 7, 2012.

On roll call vote, motion carried (15-1) with Alderperson Orth voting nay.

J. PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

K. OTHER CONTRACTS AND AGREEMENTS

It was moved by Alderperson Holland, seconded by Alderperson Carpenter, to approve:

K.1. WisDOT State/Municipal Agreement for Highway Improvement Project (IH94 @ STH 50 Interchange). (District 17)

K.2. Release of Easement Rights for WisDOT Construction Project I-94 East Frontage Road from STH 50 to the north. On roll call vote, motion carried unanimously.

K.3. It was moved by Alderperson Prozanski, seconded by Alderperson Carpenter to approve proposed extension of the Intergovernmental Agreement executed by the Menominee Indian Tribe of Wisconsin, the Menominee Kenosha Gaming Authority, City of Kenosha and the County of Kenosha on March 28, 2005 for 15 months. On roll call vote, motion carried (15-1) with Alderperson Bogdala voting nay.

K.4. It was moved by Alderperson Ohnstad, seconded by Alderperson Juliana to approve Assignment and Assumption of Amended and Restated Development Financing Agreement.

On roll call vote, motion carried unanimously.

L. RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

L.1. It was moved by Alderperson Ohnstad, seconded by Alderperson Kennedy, to approve Disbursement Record #22 – \$16,183,640.17. On roll call vote, motion carried (15-1) with Alderperson Carpenter voting nay.

L.2. The Request to Waive Special Assessment Balances on Certain Tax Deeded Parcels Acquired by the County of Kenosha was deferred for 45 days by the Finance Committee meeting held immediately prior to Common Council.

M. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

M.1. It was moved by Alderperson Holland, seconded by Alderperson Haugaard to approve Acceptance of Projects:

a. 09-1209, completed by Dickow-Cyzak Tile Company, (Kenosha, Wisconsin), - \$33,550.00. (District 2)

b. 09-1016, completed by Cicchini Asphalt, LLC, (Kenosha, Wisconsin) - \$666,805.28. (Districts 6, 8, 13, 14)

On roll call vote, motion carried unanimously.

ADJOURNMENT

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Keith G. Bosman, Mayor

Michael K. Higgins, City Clerk

There being no further business to come before the Common Council, it was moved by Alderperson Ohnstad, seconded by Alderperson Carpenter, to adjourn at 8:02 p.m.

On a voice vote, motion carried.

Approved:

**KEITH G. BOSMAN
MAYOR**

Attest:

**DEBRA L. SALAS
DEPUTY CITY CLERK**

Operator (Bartender) License Police Record Report
Applicant Information

Date of Application:	Driver's License Status:	Name of Applicant:	Date of Birth:
12/11/09	SUSPENDED	Betty J Julin	8/18/60

Address of Applicant:	Business (where license is to be used):	Business Address:
6047 31st Ave		
License Number:N814		Expiration Date:6/30/11

Date of Charge	Offense	Status	Was Offense Listed on Application? (Y/N)	Points
02-05-09	Disorderly Conduct 2009CM35	Guilty	Y	25

City Attorney Recommendation:

Offense Demerit Points (above)	25
Were all Offenses Listed on Application?*	YES 0
Total Demerit Points	25

*Offense not listed = 25 demerit points.

X	Grant, Subject to	25	Demerit Points
	DENY, based on material police record (substantially related to the license activity)		
	DENY, based on material police record (substantially related to the license activity) & false application		
City Attorney Comments:			

**Operator (Bartender) License Police Record Report
Applicant Information**

Date of Application:	Driver's License Status:	Name of Applicant:	Date of Birth:
12/14/09	VALID	Michael W Kirnbauer	7/19/88

Address of Applicant:	Business (where license is to be used):	Business Address:
7942 69th Ave	Southport Mobil	7318 75th St
License Number:N817		Expiration Date:6/30/11

Date of Charge	Offense	Status	Was Offense Listed on Application? (Y/N)	Points
03-09-09	LIQUOR, POSSESSION BY UNDERAGE	GUILTY	Y	25
03-09-09	LIQUOR, MINOR LOITER IN TAVERN	GUILTY	Y	25
03-09-09	LIQUOR, VIOLATION OTHER	GUILTY	Y	25

City Attorney Recommendation:

Offense Demerit Points (above)	75
Were all Offenses Listed on Application?*	YES
Total Demerit Points	75

*Offense not listed = 25 demerit points.

<input checked="" type="checkbox"/>	Grant, Subject to	75	Demerit Points
<input type="checkbox"/>	DENY, based on material police record (substantially related to the license activity)		
<input type="checkbox"/>	DENY, based on material police record (substantially related to the license activity) & false application		

City Attorney Comments:

Operator (Bartender) License Police Record Report
Applicant Information

Date of Application:	Driver's License Status:	Name of Applicant:	Date of Birth:
12/11/09	VALID	Barbara M Miszewski	3/1/84

Address of Applicant:	Business (where license is to be used):	Business Address:
7408 41st Ave	Nortap	
License Number: N815		Expiration Date: 6/30/11

Date of Charge	Offense	Status	Was Offense Listed on Application? (Y/N)	Points
08-01-09	OPERATING WHILE SUSPENDED	GUILTY	Y	25
09-25-09	DISORDERLY CONDUCT	Trial 1/7/10	N	25

City Attorney Recommendation:

Offense Demerit Points (above)	50
Were all Offenses Listed on Application?*	No 25
Total Demerit Points	75

*Offense not listed = 25 demerit points.

<input checked="" type="checkbox"/>	Grant, Subject to	75	Demerit Points
	DENY, based on material police record (substantially related to the license activity)		
	DENY, based on material police record (substantially related to the license activity) & false application		
City Attorney Comments:			

Operator (Bartender) License Police Record Report
Applicant Information

Date of Application:	Driver's License Status:	Name of Applicant:	Date of Birth:
12/15/09	VALID	Jennifer J Robert	11/21/86

Address of Applicant:	Business (where license is to be used):	Business Address:
10770 39th Ave #1, Pl. Prairie, WI 53158		

License Number: N818

Expiration Date: 6/30/11

Date of Charge	Offense	Status	Was Offense Listed on Application? (Y/N)	Points
03-14-07	OPERATING WHILE SUSPENDED	GUILTY	Y	25
05-14-07	OPERATING WHILE SUSPENDED	GUILTY	Y	25
10-01-09	THEFT SHOPLIFTING \$50-199	GUILTY-AMENDED CHARGE	Y	25

City Attorney Recommendation:

Offense Demerit Points (above)	75
Were all Offenses Listed on Application?*	YES 0
Total Demerit Points	75

*Offense not listed = 25 demerit points.

<input checked="" type="checkbox"/>	Grant, Subject to	75	Demerit Points
	DENY, based on material police record (substantially related to the license activity)		
	DENY, based on material police record (substantially related to the license activity) & false application		

City Attorney Comments:

Operator (Bartender) License Police Record Report
Applicant Information

Date of Application:	Driver's License Status:	Name of Applicant:	Date of Birth:
12/14/09	TEXAS D.L.	Isacc Cisneros	9/12/81

Address of Applicant:	Business (where license is to be used):	Business Address:
7016 97th Ave	Buffalo Wild Wings	
License Number: N816		Expiration Date: 6/30/11

Date of Charge	Offense	Status	Was Offense Listed on Application? (Y/N)	Points
04-14-97	Substantial Battery-Intended Bodily Harm – FELONY 1998CF387	Guilty	Y	100
09-19-04	ACTIVE WARRANT – BATTERY 2004CM1727 [2 counts pending]		Y	50

City Attorney Recommendation:

Offense Demerit Points (above)	150
Were all Offenses Listed on Application?*	YES 0
Total Demerit Points	150

*Offense not listed = 25 demerit points.

Grant, Subject to	Demerit Points
X DENY, based on material police record (substantially related to the license activity)	
DENY, based on material police record (substantially related to the license activity) & false application	

City Attorney Comments: **Has active warrant pending. recommend denying due to material police record. Should not consider point adjustment with active warrant.**

Operator (Bartender) License Police Record Report
Applicant Information

Date of Application:	Driver's License Status:	Name of Applicant:	Date of Birth:
10/12/09	SUSPENDED	Jennifer R Schmidkonz	6/7/88

Address of Applicant:	Business (where license is to be used):	Business Address:
7927 42nd Ave		
License Number:N819		Expiration Date:6/30/11

Date of Charge	Offense	Status	Was Offense Listed on Application? (Y/N)	Points
09-03-05	UNDERAGE LIQUOR VIOLATION	GUILTY	N	25
09-29-05	UNDERAGE LIQUOR VIOLATION	GUILTY	N	25
02-03-06	OPERATING WHILE SUSPENDED	GUILTY	N	25
05-18-08	OPERATING WHILE INTOXICATED	GUILTY	Y	25
08-28-08	OPERATING AFTER REVOCATION	GUILTY	N	25
06-09-09	OPERATING W/O A LICENSE	GUILTY	N	25
06-12-09	OPERATING W/O A LICENSE	GUILTY	N	25
03-23-06	POSSESS DRUG PARAPHERNALIA	GUILTY	N	25
11-29-05	BATTERY	GUILTY	N	25
09/26/08	LNP			25
09/29/08	LNP			25

City Attorney Recommendation:

Offense Demerit Points (above)		275
Were all Offenses Listed on Application?*	NO	25
Total Demerit Points		300

*Offense not listed = 25 demerit points.

Grant, Subject to	Demerit Points
DENY, based on material police record (substantially related to the license activity)	
X DENY, based on material police record (substantially related to the license activity) & false application	
City Attorney Comments:	

Operator (Bartender) License Police Record Report
Applicant Information

Date of Application:	Driver's License Status:	Name of Applicant:	Date of Birth:
12/16/09	VALID	Ashley J Walker	9/11/86

Address of Applicant:	Business (where license is to be used):	Business Address:
5603 Pershing Blvd	Flint's Inn	4708 22nd Ave
License Number: N821		Expiration Date: 6/30/11

Date of Charge	Offense	Status	Was Offense Listed on Application? (Y/N)	Points
07-22-06	LIQUOR, POSSESSION BY UNDERAGE	GUILTY	N	25
12-01-06	LIQUOR, POSSESSION BY UNDERAGE	GUILTY	N	25
12-01-06	LIQUOR, MINOR LOITER IN TAVERN	GUILTY	N	25

City Attorney Recommendation:

Offense Demerit Points (above)	75
Were all Offenses Listed on Application?*	NO 25
Total Demerit Points	100

*Offense not listed = 25 demerit points.

Grant, Subject to	Demerit Points
DENY, based on material police record (substantially related to the license activity)	
X DENY, based on material police record (substantially related to the license activity) & false application	
City Attorney Comments:	

VOTE SHEET	Kenosha City Plan Commission	Meeting of December 10, 2009	
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General Ordinance to Repeal and Recreate Section 2.02 D.5.a.; To Repeal Section 2.02 D.5.b.; and to Renumber Sections 2.02 D.5.c. through 2.02 D.5.f. as 2.02 D.5.b through 2.02 D.5.e. Regarding the Review and Report of CIP by the City Plan Committee and the Common Council.

ACTION TAKEN		AYES	NOES
APPROVE			
DENY	1 abstain (Lemens)	7	1
RECEIVE AND FILE			
FORWARD TO			
		DATE	COPIES
COMMON COUNCIL		12/21/09 01/04/10	partial 1
FINANCE		12/21/09	
LEGAL			
PUBLIC WORKS			
PARKS			
WATER UTILITY			
EMAIL TO CLERKS IN .pdf FORM			
PUBLIC NOTICE			

Rich Schroeder
Assistant City Planner

1CPC/2009/Dec10/action-go-cip

FACT SHEET	City Plan Division 625 - 52 nd Street Kenosha, WI 53140 (262) 653-4030	December 10, 2009	Item 10
Kenosha City Plan Commission			
General Ordinance to Repeal and Recreate Section 2.02 D.5.a.; To Repeal Section 2.02 D.5.b.; and to Renumber Sections 2.02 D.5.c. through 2.02 D.5.f. as 2.02 D.5.b through 2.02 D.5.e. Regarding the Review and Report of CIP by the City Plan Committee and the Common Council. PUBLIC HEARING			

LOCATION/SURROUNDINGS:

N/A

NOTIFICATIONS/PROCEDURES:

This item will also be reviewed by the Finance Committee before final action by the Common Council.

ANALYSIS:

- Section 2.02 D. of the Code of General Ordinances establishes the requirements and process for the presentation, review and approval of the Capital Improvement Plan (CIP).
- An Ordinance has been proposed by Aldermen Bogdala, Nudo and Misner that would alter the current review process for the CIP. Specifically, the City Plan Commission would be eliminated from the review process. Presently the City Plan Commission is involved in the initial review of the CIP and makes a recommendation to the Finance Committee.
- The involvement of the City Plan Commission in the CIP process has been prescribed by Ordinance for many years. This involvement has provided the Commission with a valuable understanding of the capital projects which may impact their decision making responsibilities. Section 62.23(4) of the Wisconsin Statutes, "Miscellaneous Power of the (City Plan) Commission" states: *It may recommend to the mayor or council, programs for public improvements and the financing thereof.*
- Therefore, there is no statutory mandate for the participation of the City Plan Commission in the CIP process and such decision is subject to the discretion of the Common Council.

RECOMMENDATION:

For review and comment.


 Jeffrey B. Labanoff, Director of City Development
 1CPC/2009/Dec 10/fact-go-cip

ORDINANCE NO. _____

BY: ALDERPERSON DAVID F. BOGDALA
ALDERPERSON ANTHONY NUDO
ALDERPERSON RAY MISNER

TO REPEAL AND RECREATE SECTION 2.02 D.5.a. OF THE CODE OF GENERAL ORDINANCES; TO REPEAL SECTION 2.02 D.5.b; AND TO RENUMBER SECTIONS 2.02 D.5.c. THROUGH 2.02 D.5.f. AS 2.02 D.5.b. THROUGH 2.02 D.5.e. REGARDING THE REVIEW AND REPORT OF CIP CITY PLAN COMMITTEE BY THE COMMON COUNCIL

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Section 2.02 D.5 a. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

a. Submission By The Mayor. On or before the first Monday in October of each year, the Mayor shall present a proposed Capital Improvement Plan to the Common Council.

Section Two: Section 2.02.D.5 b. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed.

Section Three: Section 2.02 D.5.c. through Section 2.02 D.5.f. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby renumbered as Section 2.02 D.5.b. through Section 2.02 D.5.e.

Section Four: The Ordinance shall become effective upon passage and publication.

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Date: _____

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN,
City Attorney

REDLINE VERSION

ORDINANCE NO. _____

BY: ALDERPERSON DAVID BOGDALA
ALDERPERSON ANTHONY NUDO
ALDERPERSON RAY MISNER

TO REPEAL AND RECREATE SECTION 2.02 D.5.a. OF THE CODE OF GENERAL ORDINANCES; TO REPEAL SECTION 2.02 D.5.b; AND TO RENUMBER SECTIONS 2.02 D.5.c. THROUGH 2.02 D.5.f. AS 2.02 D.5.b. THROUGH 2.02 D.5.e. REGARDING THE REVIEW AND REPORT OF CIP CITY PLAN COMMITTEE BY THE COMMON COUNCIL

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Section 2.02 D.5 a. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

a. **Submission By The Mayor.** On or before the first Monday in October of each year, the Mayor shall present a proposed Capital Improvement Plan to the Common Council ~~and the City Plan Commission.~~

Section Two: Section 2.02.D.5 b. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed.

Section Three: Section 2.02 D.5.c. through Section 2.02 D.5.f. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby renumbered as Section 2.02 D.5.b. through Section 2.02 D.5.e.

Section Four: The Ordinance shall become effective upon passage and publication.

ATTEST: _____ City Clerk

APPROVED: _____ Mayor Date: _____

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN,
City Attorney

D. Capital Improvement Plan.

1. Purpose. The City of Kenosha shall prepare and adopt a Capital Improvement Plan to:

- a. Schedule public improvements to be constructed within a five (5) year period of time.
- b. Establish an order of priority for proposed public improvements, with due consideration to established policies and long range plans.
- c. Establish a framework for long-range financial planning and management.
- d. Assist in stabilizing tax rates through professional debt management.
- e. Coordinate major public improvement projects.
- f. Create an opportunity for citizens and public interest groups to participate in the decision making process respecting major public improvements.

2. Definition. "Capital Improvement Plan" shall mean a schedule for constructing and financing public improvements to be made within a five (5) year period of time.

Projects to be included shall be new or improved sanitary sewers, storm water drainage improvements, streets, parks, public buildings, airport improvements, harbor or marina improvements, mass transportation equipment, fire trucks, blight elimination projects, redevelopment projects, and other improvements and equipment which are expected to have a physical life expectancy exceeding five (5) years. The plan shall not include items that are normally included in the annual operating budget such as office equipment and furniture, plans and studies, automobiles, and items of a similar nature.

3. Submission of Capital Improvement Proposals. On or before August 1st of each year, each City department, agency, commission, authority, board or office shall file with the City Plan Division of the Department of City Development their proposal for capital improvements to be constructed within the next five (5) years. Proposals shall be made on forms prepared by the City Planner and shall contain detailed information, including the name of the submitter, project title, type and description of work, location, year of project commencement, year of project conclusion, costs estimates, and funding by revenue source. Justification for the project shall be included, such as, documentation of need, comprehensive or master plan in which the project is recommended, the submitter's priority rating and the estimated annual operating costs or savings.

4. Administrative Review. On or before September 1st of each year, the City Planner shall forward a consolidated list of all Capital Improvement Plan proposals to an administrative committee,

composed of the Mayor, City Administrator, Finance Director and the City Planner.

5. Review and Report by the City Plan Commission, Committees of Council; Adoption by the Common Council.

a. Submission By The Mayor. On or before the first Monday in October of each year, the Mayor shall present a proposed Capital Improvement Plan to the Common Council and the City Plan Commission.

b. Recommendation By The City Plan Commission. On or before November 1 of each year, the City Plan Commission shall make recommendations to the Finance Committee regarding the proposed Capital Improvement Plan. The recommendation of the City Plan Commission to the Finance Committee shall also be directed to the Common Council's Committees on Finance, Public Safety and Welfare, and Public Works.

Prior to making its recommendation, the City Plan Commission shall seek the recommendations and assistance of the Departments of Finance and City Development, and shall hold a public hearing.

c. Recommendation of The Committee on Public Safety and Welfare. On or before November 15 of each year, the Committee on Public Safety and Welfare shall make recommendations to the Finance Committee regarding those portions of the proposed Capital Improvement Plan related to the Police Department, the Fire Department and/or the Department of Neighborhood Services and Inspections.

d. Recommendation of The Public Works Committee. On or before November 15 of each year, the Public Works Committee shall make recommendations to the Finance Committee regarding those portions of the proposed Capital Improvement Plan related to the Departments of Public Works, Airport and Transportation.

e. Recommendation of Finance Committee. On or before December 1 of each year, the Finance Committee shall make a recommendation to the Common Council regarding the proposed Capital Improvement Plan.

f. Common Council Approval. Prior to the adoption of the annual operating budget, but no later than its second regular meeting in December, and after holding a public hearing and considering the recommendations of the Finance Committee, the Common Council shall adopt the Capital Improvement Plan.

~~**2.03 TAX AND APPROPRIATIONS**~~

~~**A. Determination.** Upon adoption of the yearly budget, the Council shall determine the amount of money to be raised by taxation for all City purposes for the ensuing fiscal year, and shall appropriate for~~

the city provided, however, that in any county where a regional planning department has been established, areas outside the boundaries of a city may not be included in the master plan without the consent of the county board of supervisors. The master plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the commission's recommendations for such physical development, and shall, as described in sub. (3) (b), contain at least the elements described in s. 66.1001 (2). The commission may from time to time amend, extend, or add to the master plan or carry any part or subject matter into greater detail. The commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

(3) **THE MASTER PLAN.** (a) The master plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development.

(b) The commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts of a master plan. Beginning on January 1, 2010, if the city engages in any program or action described in s. 66.1001 (3), the master plan shall contain at least all of the elements specified in s. 66.1001 (2). The adoption of the plan or any part, amendment, or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the city plan commission. The resolution shall refer expressly to the elements under s. 66.1001 and other matters intended by the commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part of the plan by the identifying signature of the secretary of the commission, and a copy of the plan or part of the plan shall be certified to the common council, and also to the commanding officer, or the officer's designee, of any military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the city. The purpose and effect of the adoption and certifying of the master plan or part of the plan shall be solely to aid the city plan commission and the council in the performance of their duties.

(4) **MISCELLANEOUS POWERS OF THE COMMISSION.** The commission may make reports and recommendations relating to the plan and development of the city to public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens. It may recommend to the mayor or council, programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work. The commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. In general, the commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.

(5) **MATTERS REFERRED TO CITY PLAN COMMISSION.** The council, or other public body or officer of the city having final authority thereon, shall refer to the city plan commission, for its consideration and report before final action is taken by the council, public body or officer, the following matters: The location and architectural design of any public building; the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the city or within the territory over which the

city is given platting jurisdiction by ch. 236; the location, character and extent or acquisition, leasing or sale of lands for public or semipublic housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any ordinance adopted pursuant to this section. Unless such report is made within 30 days, or such longer period as may be stipulated by the common council, the council or other public body or officer, may take final action without it.

(6) **OFFICIAL MAP.** (a) As used in this subsection, "waterways" includes rivers, streams, creeks, ditches, drainage channels, watercourses, lakes, bays, ponds, impoundment reservoirs, retention and detention basins, marshes and other surface water areas, regardless of whether the areas are natural or artificial.

(am) 1. In this paragraph:

a. "Airport" means an airport as defined under s. 114.002 (7) which is owned or operated by a county, city, village or town either singly or jointly with one or more counties, cities, villages or towns.

b. "Airport affected area" means the area established by an agreement under s. 66.1009. If a county, city, village or town has not established such an agreement, "airport affected area" in that county, city, village or town means the area located within 3 miles of the boundaries of an airport.

2. If the council of any city which is not located in whole or in part in a county with a population of 500,000 or more has established an official map under par. (b), the map shall show the location of any part of an airport located within the area subject to zoning by the city and any part of an airport affected area located within the area subject to zoning by the city.

(b) The council of any city may by ordinance or resolution establish an official map of the city or any part thereof showing the streets, highways, historic districts, parkways, parks and playgrounds laid out, adopted and established by law. The city may also include the location of railroad rights-of-way, waterways and public transit facilities on its map. A city may include a waterway on its map only if the waterway is included in a comprehensive surface water drainage plan. The map is conclusive with respect to the location and width of streets, highways, waterways and parkways, and the location and extent of railroad rights-of-way, public transit facilities, parks and playgrounds shown on the map. The official map is declared to be established to conserve and promote the public health, safety, convenience or general welfare. The ordinance or resolution shall require the city clerk at once to record with the register of deeds of the county or counties in which the city is situated a certificate showing that the city has established an official map. An ordinance or resolution establishing any part of an official map enacted prior to June 16, 1965, which would be valid under this paragraph is hereby validated.

(c) The city council may amend the official map of the city so as to establish the exterior lines of planned new streets, highways, historic districts, parkways, railroad rights-of-way, public transit facilities, waterways, parks or playgrounds, or to widen, narrow, extend or close existing streets, highways, historic districts, parkways, railroad rights-of-way, public transit facilities, waterways, parks or playgrounds. No such change may become effective until after a public hearing concerning the proposed change before the city council or a committee appointed by the city council from its members, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the public hearing shall be published as a class 2 notice under ch. 985. Before amending the map, the council shall refer the matter to the city plan commission for report, but if the city plan commission does not make its report within 60 days of reference, it forfeits the right to further suspend action. When adopted, amendments become a part of the official map of the city, and are conclusive with respect to the location and width of the streets, highways, historic districts, waterways and parkways and the location and extent of railroad rights-of-way, public transit facilities, parks and playgrounds shown on the map. The placing of any street, highway, waterway, parkway, railroad



DEPARTMENT OF
NEIGHBORHOOD SERVICES
AND
INSPECTIONS

JAMES M. SCHULTZ
Director

Building Inspection

Property Maintenance

Zoning Enforcement

TO: Chairman G. John Ruffolo and Members of the Stormwater Utility Committee

FROM: James M. Schultz, Director
Department of Neighborhood Services and Inspections

SUBJECT: Summary of Proposed Changes to Chapter 33 - Land-disturbing Erosion and Sediment Control

DATE: December 9, 2009

The proposed changes to the current ordinance address the ongoing issue of soil stockpiles. We also recognize and address the fact that it is increasingly difficult to find takers for the excess soil left after a construction project is completed.

Soil stockpiles when either left on site or graded out over the site compromise the approved grading and drainage plan; and, in either case, require an amendment to the grading and drainage plan as originally approved by the Department of Public Works, Engineering Division.

33.07-This section has a proposed definition of "Soil Stockpile" added.

33.10 (F) - This proposed change allows for a developer to submit for and after review and approval, obtain an extension to their Erosion Control Permit, for up to a year. This will allow the developer to take the additional time that may be required to facilitate either the removal of the stockpile or to regrade the site to meet the approved grading and drainage plan.

33.10 - This proposed change outlines the requirements to allow soil stockpiles to remain on site subject to the following conditions:

- ✓ Stockpiles shall only be allowed after review of plans and proper permitting; and, shall be located only as approved on the plan.
- ✓ Stockpiles cannot be located near a public street or alley. Any change from the approved location shall require re-submittal of plans and proper approval.
- ✓ All stockpiles shall be removed from the site or graded to meet the approved grading and drainage plan for the site prior to the expiration of the permit, or prior to occupancy of any building or project on the site - whichever occurs first.

Chairman Ruffolo and Members of the Stormwater Utility Committee
Proposed Changes to Chapter 33
December 9, 2009
Page Two

33.10(G)(H)(I)(ZJ) - Renumbered to accommodate proposed changes and additions to Chapter 33

33.15 - This proposed change clarifies that the appeal authority would be the Stormwater Utility Committee, and not the Public Works Committee.

These proposed changes will allow the City to maintain control of any soil stockpiles and insure the removal or displacement of them in a timely manner by means of permit restrictions and available permit extensions and escrows, before they become unsightly or in any way disrupt the approved grading and drainage plans and patterns.

NT/kah

ORDINANCE NO. _____

BY: THE MAYOR

TO AMEND SECTION 33.07 BY ADDING THE DEFINITION OF THE TERM "SOIL STOCKPILE" THERETO; TO RENUMBER SECTIONS 33.10 G., H., I. AND J. AS SECTIONS 33.10 I., J., K., AND L.; TO RENUMBER SECTION 33.10 F. AS SECTION 33.10 G.; TO CREATE SECTION 33.10 F. REGARDING EXTENSIONS OF TIME TO COMPLETE WORK REGARDING EROSION CONTROL; AND, TO CREATE SECTION 33.10 H. REGARDING SOIL STOCKPILES

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Section 33.07 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by adding the following definition thereto:

Soil Stockpile means an artificially created accumulation of earth that materially affects water flow across the soil surface in a manner that is inconsistent with the permanent drainage plan.

Section Two: Sections 33.10 G., H., I. and J. of the Code of General Ordinances for the City of Kenosha, Wisconsin, are hereby renumbered as Sections 33.10 I., J., K. and L.

Section Three: Section 33.10 F. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby renumbered as Section 33.10 G.

Section Four: Section 33.10 F. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows:

F. Extensions of Time To Complete Work. Any applicant who obtains a permit and fails to complete the work in the time specified in Subsection 33.10 E., may apply to the Code Official for a time extension not to exceed one (1) year. Extensions may be granted if the work commenced has proceeded in a professional and workmanlike manner which exhibits reasonably progress. Extended permits shall not impose new conditions unless required by this Ordinance, or any other State or local law, rule or regulation. In the event that the Code Official denies the request for extension, such denial may be appealed to the Stormwater Utility Committee. Such appeal must be filed in the office of the City Clerk/Treasurer within thirty (30) days of the denial. There is no fee for this appeal. Upon a violation of Subsection 33.10 E., no new work may commence without the issuance of an approved extension or a new permit.

Section Five: Section 33.10 H. of the Code of General Ordinances for the

City of Kenosha, Wisconsin, is hereby created as follows:

H. Soil Stockpiles.

1. **Review and Approval Required.** Soil stockpiles are permitted only when reviewed and approved as part of an Erosion Control Permit for site mass grading or new building construction, or other approved land-disturbing activities.

2. **Location.** Soil stockpiles shall not be located in close proximity to any public street or alley, and in all cases shall be located as indicated on the approved plan. Requested changes of location shall require a revised plan and approval of the Code Official.

3. **Removal.** All soil stockpiles shall be removed from the site or graded to meet the approved drainage plan at the time the permit expires, or at the time a Temporary Occupancy Permit is issued to any project connected with that particular site, whichever occurs sooner.

Section Six: This Ordinance shall become effective upon passage and

publication.

ATTEST: _____ City Clerk

APPROVED: _____ Mayor Date: _____

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN,
City Attorney

REDLINE VERSION

ORDINANCE NO. _____

BY: THE MAYOR

TO AMEND SECTION 33.07 BY ADDING THE DEFINITION OF THE TERM "SOIL STOCKPILE" THERETO; TO RENUMBER SECTIONS 33.10 G., H., I. AND J. AS SECTIONS 33.10 I., J., K., AND L.; TO RENUMBER SECTION 33.10 F. AS SECTION 33.10 G.; TO CREATE SECTION 33.10 F. REGARDING EXTENSIONS OF TIME TO COMPLETE WORK REGARDING EROSION CONTROL; AND, TO CREATE SECTION 33.10 H. REGARDING SOIL STOCKPILES

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Section 33.07 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by adding the following definition thereto:

Soil Stockpile means an artificially created accumulation of earth that materially affects water flow across the soil surface in a manner that is inconsistent with the permanent drainage plan.

Section Two: Sections 33.10 G., H., I. and J. of the Code of General Ordinances for the City of Kenosha, Wisconsin, are hereby renumbered as Sections 33.10 I., J., K. and L.

Section Three: Section 33.10 F. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby renumbered as Section 33.10 G.

Section Four: Section 33.10 F. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows:

F. Extensions of Time To Complete Work. Any applicant who obtains a permit and fails to complete the work in the time specified in Subsection 33.10 E., may apply to the Code Official for a time extension not to exceed one (1) year. Extensions may be granted if the work commenced has proceeded in a professional and workmanlike manner which exhibits reasonably progress. Extended permits shall not impose new conditions unless required by this Ordinance, or any other State or local law, rule or regulation. In the event that the Code Official denies the request for extension, such denial may be appealed to the Stormwater Utility Committee. Such appeal must be filed in the office of the City Clerk/Treasurer within thirty (30) days of the denial. There is no fee for this appeal. Upon a violation of Subsection 33.10 E., no new work may commence without the issuance of an approved extension or a new permit.

Section Five: Section 33.10 H. of the Code of General Ordinances for the

City of Kenosha, Wisconsin, is hereby created as follows:

H. Soil Stockpiles.

1. **Review and Approval Required.** Soil stockpiles are permitted only when reviewed and approved as part of an Erosion Control Permit for site mass grading or new building construction, or other approved land-disturbing activities.

2. **Location.** Soil stockpiles shall not be located in close proximity to any public street or alley, and in all cases shall be located as indicated on the approved plan. Requested changes of location shall require a revised plan and approval of the Code Official.

3. **Removal.** All soil stockpiles shall be removed from the site or graded to meet the approved drainage plan at the time the permit expires, or at the time a Temporary Occupancy Permit is issued to any project connected with that particular site, whichever occurs sooner.

Section Six: This Ordinance shall become effective upon passage and

publication.

ATTEST: _____ City Clerk

APPROVED: _____ Mayor Date: _____

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN,
City Attorney

VOTE SHEET	Kenosha City Plan Commission	Meeting of December 10, 2009	
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Zoning Ordinance to Repeal and Recreate Section 4.02, Entitled Review Authority "City Plan Division, City Plan Commission or Common Council"; To Repeal and Recreate Section 4.04 f.; To Repeal and Recreate the First Paragraph of Section 4.04 G.; and, To Repeal and Recreate Section 4.04 H., Removing the City Plan Commission as a Decision Making Authority.

ACTION TAKEN	AYES	NOES
APPROVE		
DENY 1 abstain (Lemens)	8	1
RECEIVE AND FILE		
FORWARD TO	DATE	COPIES
COMMON COUNCIL	12/21/09 01/04/10	partial 1
FINANCE	12/21/09	
LEGAL		
PUBLIC WORKS		
PARKS		
WATER UTILITY		
EMAIL TO CLERKS IN .pdf FORM		
PUBLIC NOTICE		

Rich Schroeder
Assistant City Planner

1CPC/2009/Dec10/action-zo-cup

FACT SHEET	City Plan Division 625 - 52 nd Street Kenosha, WI 53140 (262) 653-4030	December 10, 2009	Item 9
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Zoning Ordinance to Repeal and Recreate Section 4.02, Entitled Review Authority "City Plan Division, City Plan Commission or Common Council"; To Repeal and Recreate Section 4.04 f.; To Repeal and Recreate the First Paragraph of Section 4.04 G.; and, To Repeal and Recreate Section 4.04 H., Removing the City Plan Commission as a Decision Making Authority. PUBLIC HEARING

LOCATION/SURROUNDINGS:

City-wide

NOTIFICATIONS/PROCEDURES:

This item will also be reviewed by the Finance Committee before final action by the Common Council.

ANALYSIS:

- Chapter 4 of the Zoning Ordinance establishes the process for the submission, review and approval of developments requiring a Conditional Use Permit. The present ordinance reflects a "tiered" review authority framework which provides for decision making to occur at one of three pre-determined levels: City Development Staff, City Plan Commission or Common Council. The general premise is that the larger or more complex the projects, the higher the designated review authority. For example, an addition to an existing commercial building can be authorized by City Development Staff, while a power generating plant requires Common Council approval. This Conditional Use Permit framework was established in conjunction with the Zoning Ordinance adopted in 1984.
- The proposed Ordinance would modify the Conditional Use Permit approval process by eliminating the City Plan Commission as one of the three designated decision making authorities. Specifically, those Conditional Use Permits that are approved by the City Plan Commission will now require only Commission review with final action by the Common Council. Furthermore, any appeal of a decision made by City Staff would be acted on by the Common Council.
- The tiered review process for Conditional Use Permits has generally worked well and has been subject to only minor modifications over the years. The existing process was designed to be efficient and responsive to the development community. It should be noted that while the process is proposed to be revised, this would not change the applicable development requirements for a project requiring a Conditional Use Permit.

RECOMMENDATION:

For review and comment.


 Jeffrey B. Labahn, Director of City Development
 1CPC/2009/Dec 10/fact-zo-cup

ORDINANCE NO. _____

BY: ALDERPERSON ANTHONY NUDO
ALDERPERSON DAVID BOGDALA
ALDERPERSON RAY MISNER
ALDERPERSON JESSE DOWNING

TO REPEAL AND RECREATE SECTION 4.02 OF THE ZONING ORDINANCE, ENTITLED REVIEW AUTHORITY - CITY PLAN DIVISION, CITY PLAN COMMISSION OR COMMON COUNCIL"; TO REPEAL AND RECREATE SECTION 4.04 F. OF THE ZONING ORDINANCE; TO REPEAL AND RECREATE THE FIRST PARAGRAPH OF SECTION 4.04 G. OF THE ZONING ORDINANCE; AND, TO REPEAL AND RECREATE SECTION 4.04 H. OF THE ZONING ORDINANCE, REMOVING THE CITY PLAN COMMISSION AS A DECISION-MAKING AUTHORITY

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Section 4.02 of the Code of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

**4.02 REVIEW AUTHORITY - CITY PLAN DIVISION,
CITY PLAN COMMISSION OR COMMON COUNCIL**

A. Review Authority. Depending on the type of development, one of the following review authorities shall have final decision in the Development Standards Review of Conditional Use Permits.

Development Standards Review Authority-City Plan Division-CPD: Development Standards Review and decision by the City Plan Division.

Development Standards Review Authority Common Council-CC: Development Standards Review and decision by the Common Council.

B. Classification of Conditional Uses. Table 4.01 below, indicates the appropriate Review Authority, CPD or CC, for each development type.

TABLE 4.01
DEVELOPMENT STANDARDS REVIEW
AUTHORITY - - CLASSIFICATION OF

CONDITIONAL USES

GROUP 1

RESIDENTIAL CONDITIONAL USES

Development Type

Review Authority

Community living arrangements with a capacity for eight (8) persons in the Rs-1, Rs-2, Rs-3, Rd and Rg-1 Districts **CC**
Community living arrangements with a capacity for greater than fifteen (15) persons in the Rg-2, Rm-1 and Rm-2 Districts **CC**
Community living arrangements with a capacity for fifteen (15) or fewer persons in the RR-1, RR-2, A-1, and A-2 Districts **CC**
Elderly Campus Housing in the Rm-3 District **CC**
Manufactured/Mobile Home Parks in the Rm-1 & Rm-2 Districts **CC**
Multiple-family 11 units or less in the Rm-1 District **CPD**
Multiple-family 11 units or less in the Rm-2 District **CPD**
Multiple-family 12 units or greater in the Rm-2 District **CC**
Multiple-family 5 units or less in the Rg-2 District **CPD**
Planned developments in the Rs-1, Rs-2, Rd, Rm-1, and Rm-2 Districts **CC**
Residential structures in the FFO District **CC**
Rooming and boarding houses in the Rg-1, Rg-2, Rm-1, and Rm-2 Districts **CC**
Storm Water Detention & Retention Basins **CPD**
Transitional parking for business, manufacturing and institutional uses in the Rs-3, Rg-1 and Rg-2 Districts **CPD**
Transitional two-family residence in the Rs-3 District **CPD**
Utility substations **CPD**
Residential development in the HRPO District **CC**
Residential development in the PCNO District **CC**
Single Family attached residences in the B-4 District **CC**

GROUP 2

BUSINESS CONDITIONAL USES

Development Type

Review Authority

Aluminum collection center in the B-1, B-2 and B-3 Districts **CC**
Automobile body shop in the B-2 and B-3 Districts **CC**
Automobile or truck wash in the B-2 and B-3 Districts **CC**
Brewpub or winery, accessory for a restaurant tavern, cocktail lounge or package store in the B-2, B-3 and B-4 Districts **CPD**
Business structure in the FFO District **CC**
Community living arrangements in the B-1, B-2, B-3, and B-4 Districts **CC**

Commercial developments, such as shopping centers and malls in the B-2 District:

(a) New developments CC

(b) Additions, enlargements or expansions CPD

(c) Buildings detached from a principal building CPD

(d) Unified Business District CC

Convention center in the B-3 and B-4 District CC

Drive-in theaters in the B-2 District CC

Drive-thru facilities in the B-2, B-3 and B-4 Districts CC

Hotel or motel in the B-2, B-3 and B-4 Districts CC

Multiple-family residences at or above the second story containing 4 units or less in the B-1 District CPD

Multiple-family residences at or above the second story containing 11 units or less in the B-2 District CPD

Multiple-family residences at or above the second story containing 12 units or greater in the B-2 District CC

Multiple-family residences at or above the second story containing 11 units or less in the B-3 District CPD

Multiple-family residences at or above the second story containing 12 units or greater in the B-3 District CC

Outdoor commercial and recreational uses in the B-2 District CC

Recycling collection center in the B-1, B-2 and B-3 Districts CPD

Rooming and boarding houses in the B-1, B-2 and B-3 Districts CC

Storm Water Detention and Retention Basins CPD

Utility substations CPD

Communication towers and antennas in the B-2 District CPD

Self-service storage facilities in the B-2 District CC

Automobile fuel station or automobile fuel and service station, including combination convenience store in the B-2 and B-3 Districts CC

Commercial development in the HRPO District CC

Body-Piercing Establishment in the B-2 District CC

Tattoo Establishment in the B-2 District CC

Sexually-Oriented Business, as defined, in the B-2 District CC

Mixed-Use Development in B-4 District CC

Radio/Television/Relay Towers and Antennas in the B-2 and B-3 Districts CPD

Unified Business Center in the B-2, B-3 and B-4 Districts CC

Large Scale Commercial Development in the B-2, B-3 and B-4 Districts CC

Convenient Cash Businesses in the B-2 Districts CC

GROUP 3
MANUFACTURING USES

<u>Development Type</u>	<u>Review Authority</u>
Acid manufacturing in the M-2 District	CC

Airports and commercial heliports in the M-1
 and M-2 Districts **CC**
 Aluminum collection center in M-1 and
 M-2 Districts **CPD**
 Cement, lime and gypsum manufacturing
 in the M-2 District **CC**
 Concrete mixing plant in the M-2 District **CC**
 Explosives manufacturing in the M-2 District **CC**
 Fat & oil rendering & refining in the
 M-2 District **CC**
 Fertilizer manufacturing in the M-2 District **CC**
 Glue manufacturing in the M-2 District **CC**
 Hazardous waste sites and facilities
 in the M-2 District **CC**
 Incinerator in M-2 District **CC**
 Leather tanning & finishing in the M-2 District **CC**
 Manufacturing structures in the FFO District **CC**
 Mining operations in the M-2 District **CC**
 Petroleum manufacturing, refining and
 storage in the M-2 District **CC**
 Power generating plant in the M-2 District **CC**
 Recycling collection center in the M-1
 and M-2 Districts **CPD**
 Resource recovery plant in the M-2 District **CC**
 Salvage dealers, shops and yards
 in the M-2 District **CC**
 Smelting of metals, ores or alloys in the
 M-2 District **CC**
 Stockyards or slaughter houses in the
 M-2 District **CC**
 Storage yard for construction equipment and materials used by a contractor
 in the M-1 and M-2 Districts **CC**
 Storm Water Detention & Retention Basins **CPD**
 Tar and asphalt, including refining and
 batch plants in M-2 Districts **CC**
 Truck or freight terminal and/or bulk
 intermodal distribution center related to
 air, water and/or land transportation **CC**
 Utility substations **CPD**
 Waste disposal, treatment and transportation
 facility in the M-2 District **CC**
 Communication towers and antennas
 in the M-1 and M-2 Districts **CPD**
 Self-service storage facilities in the
 M-1 and M-2 Districts **CC**
 Radio/Television/Relay Towers and Antennas
 in the M-1 and M-2 Districts **CPD**

GROUP 4
INSTITUTIONAL AND OTHER
CONDITIONAL USES

Development Type

Review Authority

Accessory structures in the FW
 and FFO Districts **CC**
 Arena, auditorium, exhibition hall and stadium in the IP District **CC**
 Bed and breakfast establishments in the Rd, B-1,
 B-2, B-3, B-4 and IP Districts **CPD**
 Community living arrangements in the
 IP District **CC**
 Conditional uses within the C-2 Lowland
 Resource Conservancy District **CPD**
 Conference centers **CC**
 Filling within the FFO District **CC**
 Institutional structures in the FFO District **CC**
 Municipal water supply and sanitary sewerage
 systems in the FW and FFO Districts **CC**
 Open space & related uses
 in the FW District **CC**
 Penal, disciplinary, mental health and
 reform institutions in the IP District **CC**
 Rental or lease of pier or dock space in
 the Rg-2, Rm-1, Rm-2 and IP Districts **CC**
 Shelter facility in the IP District **CC**
 Storm Water Detention & Retention Basins **CPD**
 Utility substations **CPD**
 Financial institutions, including related drive-thru
 facilities in the IP District **CC**
 Communication towers and
 antennas in the IP District **CPD**
 Institutional development in
 the HRPO District **CC**
 Radio/Television/Relay Towers and Antenna in the IP District **CPD**
 Development consisting of 2 or more Buildings
 on a single parcel or contiguous parcels in the IP District **CC**
 A building with 20,000 gross sq. ft. or greater of floor
 area located in the IP District **CC**
 Off-Premise Signs in the B-2, M-1
 or M-2 Districts **CPD**

GROUP 5
AGRICULTURAL RELATED
CONDITIONAL USES

Development Type **Review Authority**

Air strips, landing fields, & hangars for personal
 or agricultural related uses in the A-1
 and A-2 Districts **CC**
 Community living arrangements with a
 capacity for greater than fifteen (15) persons
 in the A-1 and A-2 Districts **CC**
 Housing for farm laborers, seasonal or migratory
 farm workers in the A-1 and A-2 Districts **CC**
 Second single-family farm related residential
 dwellings in the A-1 and A-2 Districts **CPD**
 Storm Water Detention & Retention Basins **CPD**

Utility substations CPD
Wind energy conversion system CPD
Communication towers and antennas
in the A-1 and A-2 Districts CPD

Section Two: Section 4.04 F. of the Code of the Zoning Ordinance

for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

F. Review Authority Decision. Depending on the type of development, the appropriate Review Authority will review the application and shall either approve or deny the application utilizing §4.05 "Development Standards" of this Ordinance as a review guide. Refer to **Table 4.01** of this Section for the appropriate Review Authority. The Review Authority shall use the following procedures in making its decision:

1. Decision Authority.

a. Development Standards Review Authority-City Plan Division-CPD. For developments with conditional uses designated as CPD in Table 4.01, the City Planner will consider the recommendation from the City Plan Division and either approve or deny the application.

b. Development Standards Review Authority-Common Council-CC. For developments with conditional uses designated as CC in Table 4.01, the Common Council will hold a public hearing, consider the recommendation from the City Plan Division and the City Plan Commission, and approve or deny the application. Final action on floodland conditional uses shall not be taken for thirty (30) days or until the Wisconsin DNR has given its recommendation, whichever comes first. Copies of all decisions on conditional uses in a floodland district shall be transmitted to the DNR within ten (10) days following the decision.

2. Recommendations.

a. City Plan Division. As a part of the review process for the application subject to approval consideration by the Common Council, the City Plan Division shall make a recommendation to the City Plan Commission.

b. City Plan Commission. As a part of the review process for the application subject to approval consideration by the Common Council, the City Plan Commission shall make a recommendation to the Common Council, which recommendation shall include reference to the recommendation of the City Plan Division.

A copy of the decision of the Review Authority shall be mailed to the applicant.

Section Three: The first paragraph of Section 4.04 G. of the Zoning

Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

G. Approval. No building or construction permits shall be issued by the Administrator until the appropriate Review Authority (City Council or City Plan Division) has reviewed and approved the Conditional Use Permit plan. Footing and foundation permits may only be granted if each of the following conditions are met:

Section Four: Section 4.04 H. of the Zoning Ordinance for the City

of Kenosha, Wisconsin, is repealed and recreated as follows:

H. Appeals. Any petitioner/applicant objecting to any decision of Review Authority-City Plan Division CPD related to the Conditional Use Permit may appeal the decision to the Common Council. Such appeals shall be filed with the City Clerk/Treasurer within thirty (30) days of the decision by the City Plan Division, and shall include the payment of the fee therefor established by the Common Council, from time to time, by Resolution.

The Common Council shall fix a reasonable time for the hearing of an appeal. The Common Council shall notify the appellant of the hearing by mail. At the hearing the appellant shall appear in person or by agent or attorney.

Section Five: This Ordinance shall become effective upon passage and publication for initial review and decision of Conditional Use Permit applications filed on or after the effective date of this Ordinance, and for appeals filed on or after the effective date of this Ordinance.

ATTEST: _____ City Clerk

APPROVED: _____ Mayor Date: _____

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN,
City Attorney

REDLINE VERSION

ORDINANCE NO. _____

BY: ALDERPERSON ANTHONY NUDO
ALDERPERSON DAVID BOGDALA
ALDERPERSON RAY MISNER
ALDERPERSON JESSE DOWNING

TO REPEAL AND RECREATE SECTION 4.02 OF THE ZONING ORDINANCE, ENTITLED REVIEW AUTHORITY - CITY PLAN DIVISION, CITY PLAN COMMISSION OR COMMON COUNCIL"; TO REPEAL AND RECREATE SECTION 4.04 F. OF THE ZONING ORDINANCE; TO REPEAL AND RECREATE THE FIRST PARAGRAPH OF SECTION 4.04 G. OF THE ZONING ORDINANCE; AND, TO REPEAL AND RECREATE SECTION 4.04 H. OF THE ZONING ORDINANCE; REMOVING THE CITY PLAN COMMISSION AS A DECISION-MAKING AUTHORITY

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Section 4.02 of the Zoning Ordinance for the City of

Kenosha, Wisconsin, is repealed and recreated as follows:

**4.02 REVIEW AUTHORITY - CITY PLAN DIVISION,
CITY PLAN COMMISSION OR COMMON COUNCIL**

A. Review Authority. Depending on the type of development, one of the following review authorities shall have final decision in the Development Standards Review of Conditional Use Permits.

Development Standards Review Authority-City Plan Division-CPD: Development Standards Review and decision by the City Plan Division.

~~**Development Standards Review Authority-City Plan Commission-CPC:** Development Standards Review and decision by the City Plan Commission.~~

Development Standards Review Authority Common Council-CC: Development Standards Review and decision by the Common Council.

B. Classification of Conditional Uses. Table 4.01 below, indicates the appropriate Review Authority, CPD or CC, for each development type.

**TABLE 4.01
DEVELOPMENT STANDARDS REVIEW
AUTHORITY - - CLASSIFICATION OF**

CONDITIONAL USES

GROUP 1

RESIDENTIAL CONDITIONAL USES

Development Type

Review Authority

Community living arrangements with a capacity for eight (8) persons in the Rs-1, Rs-2, Rs-3, Rd and Rg-1 Districts **CC**

Community living arrangements with a capacity for greater than fifteen (15) persons in the Rg-2, Rm-1 and Rm-2 Districts **CC**

Community living arrangements with a capacity for fifteen (15) or fewer persons in the RR-1, RR-2, A-1, and A-2 Districts **CC**

Elderly Campus Housing in the Rm-3 District **CCCPC**

Manufactured/Mobile Home Parks in the Rm-1 & Rm-2 Districts **CC**

Multiple-family 11 units or less in the Rm-1 District **CPD**

Multiple-family 11 units or less in the Rm-2 District **CPD**

Multiple-family 12 units or greater in the Rm-2 District **CCCPC**

Multiple-family 5 units or less in the Rg-2 District **CPD**

Planned developments in the Rs-1, Rs-2, Rd, Rm-1, and Rm-2 Districts **CC**

Residential structures in the FFO District **CCCPC**

Rooming and boarding houses in the Rg-1, Rg-2, Rm-1, and Rm-2 Districts **CCCPC**

Storm Water Detention & Retention Basins **CPD**

Transitional parking for business, manufacturing and institutional uses in the Rs-3, Rg-1 and Rg-2 Districts **CPD**

Transitional two-family residence in the Rs-3 District **CPD**

Utility substations **CPD**

Residential development in the HRPO District **CCCPC**

Residential development in the PCNO District **CCCPC**

Single Family attached residences in the B-4 District **CCCPC**

GROUP 2

BUSINESS CONDITIONAL USES

Development Type

Review Authority

Aluminum collection center in the B-1, B-2 and B-3 Districts **CCCPC**

Automobile body shop in the B-2 and B-3 Districts **CCCPC**

Automobile or truck wash in the B-2 and B-3 Districts **CCCPC**

Brewpub or winery, accessory for a restaurant tavern, cocktail lounge or package store in the B-2, B-3 and B-4 Districts **CPD**

Business structure in the FFO District **CCCPC**

Community living arrangements in the B-1, B-2, B-3, and B-4 Districts **CC**

Commercial developments, such as shopping centers and malls in the B-2 District:

(a) New developments CCCPC

(b) Additions, enlargements or expansions CPD

(c) Buildings detached from a principal building CPD

(d) Unified Business District CCCPC

Convention center in the B-3 and B-4 District CC

Drive-in theaters in the B-2 District CCCPC

Drive-thru facilities in the B-2, B-3 and B-4 Districts CCCPC

Hotel or motel in the B-2, B-3 and B-4 Districts CCCPC

Multiple-family residences at or above the second story containing 4 units or less in the B-1 District CPD

Multiple-family residences at or above the second story containing 11 units or less in the B-2 District CPD

Multiple-family residences at or above the second story containing 12 units or greater in the B-2 District CCCPC

Multiple-family residences at or above the second story containing 11 units or less in the B-3 District CPD

Multiple-family residences at or above the second story containing 12 units or greater in the B-3 District . CCCPC

Outdoor commercial and recreational uses in the B-2 District CCCPC

Recycling collection center in the B-1, B-2 and B-3 Districts CPD

Rooming and boarding houses in the B-1, B-2 and B-3 Districts CCCPC

Storm Water Detention and Retention Basins CPD

Utility substations CPD

Communication towers and antennas in the B-2 District CPD

Self-service storage facilities in the B-2 District CCCPC

Automobile fuel station or automobile fuel and service station, including combination convenience store in the B-2 and B-3 Districts CCCPC

Commercial development in the HRPO District CCCPC

Body-Piercing Establishment in the B-2 District CCCPC

Tattoo Establishment in the B-2 District CCCPC

Sexually-Oriented Business, as defined, in the B-2 District CC

Mixed-Use Development in B-4 District CCCPC

Radio/Television/Relay Towers and Antennas in the B-2 and B-3 Districts CPD

Unified Business Center in the B-2, B-3 and B-4 Districts CCCPC

Large Scale Commercial Development in the B-2, B-3 and B-4 Districts CCCPC

Convenient Cash Businesses in the B-2 Districts CCCPC

GROUP 3
MANUFACTURING USES

<u>Development Type</u>	<u>Review Authority</u>
Acid manufacturing in the M-2 District	CC

Airports and commercial heliports in the M-1 and M-2 Districts	CC	
Aluminum collection center in M-1 and M-2 Districts	CPD	
Cement, lime and gypsum manufacturing in the M-2 District	CC	
Concrete mixing plant in the M-2 District	CC	
Explosives manufacturing in the M-2 District	CC	CC
Fat & oil rendering & refining in the M-2 District	CC	
Fertilizer manufacturing in the M-2 District	CC	CC
Glue manufacturing in the M-2 District	CC	
Hazardous waste sites and facilities in the M-2 District	CC	
Incinerator in M-2 District	CC	
Leather tanning & finishing in the M-2 District	CC	CC
Manufacturing structures in the FFO District	CC	CCCPCE
Mining operations in the M-2 District	CC	
Petroleum manufacturing, refining and storage in the M-2 District	CC	
Power generating plant in the M-2 District	CC	CC
Recycling collection center in the M-1 and M-2 Districts	CPD	
Resource recovery plant in the M-2 District	CC	CC
Salvage dealers, shops and yards in the M-2 District	CC	
Smelting of metals, ores or alloys in the M-2 District	CC	
Stockyards or slaughter houses in the M-2 District	CC	
Storage yard for construction equipment and materials used by a contractor in the M-1 and M-2 Districts	CC	CCCPCE
Storm Water Detention & Retention Basins	CPD	
Tar and asphalt, including refining and batch plants in M-2 Districts	CC	
Truck or freight terminal and/or bulk intermodal distribution center related to air, water and/or land transportation	CC	CC
Utility substations	CPD	
Waste disposal, treatment and transportation facility in the M-2 District	CC	
Communication towers and antennas in the M-1 and M-2 Districts	CPD	
Self-service storage facilities in the M-1 and M-2 Districts	CC	CCCPCE
Radio/Television/Relay Towers and Antennas in the M-1 and M-2 Districts	CPD	

**GROUP 4
INSTITUTIONAL AND OTHER
CONDITIONAL USES**

Development Type

Review Authority

Accessory structures in the FW
 and FFO Districts **CCCPC**
 Arena, auditorium, exhibition hall and stadium in the IP District **CC**
 Bed and breakfast establishments in the Rd, B-1,
 B-2, B-3, B-4 and IP Districts **CPD**
 Community living arrangements in the
 IP District **CC**
 Conditional uses within the C-2 Lowland
 Resource Conservancy District **CPD**
 Conference centers **CCCPC**
 Filling within the FFO District **CCCPC**
 Institutional structures in the FFO District **CCCPC**
 Municipal water supply and sanitary sewerage
 systems in the FW and FFO Districts **CCCPC**
 Open space & related uses
 in the FW District **CCCPC**
 Penal, disciplinary, mental health and
 reform institutions in the IP District **CC**
 Rental or lease of pier or dock space in
 the Rg-2, Rm-1, Rm-2 and IP Districts **CC**
 Shelter facility in the IP District **CC**
 Storm Water Detention & Retention Basins **CPD**
 Utility substations **CPD**
 Financial institutions, including related drive-thru
 facilities in the IP District **CCCPC**
 Communication towers and
 antennas in the IP District **CPD**
 Institutional development in
 the HRPO District **CCCPC**
 Radio/Television/Relay Towers and Antenna in the IP District **CPD**
 Development consisting of 2 or more Buildings
 on a single parcel or contiguous parcels in the IP District **CC CPC**
 A building with 20,000 gross sq. ft. or greater of floor
 area located in the IP District **CC CPC**
 Off-Premise Signs in the B-2, M-1
 or M-2 Districts **CPD**

GROUP 5
AGRICULTURAL RELATED
CONDITIONAL USES

<u>Development Type</u>	<u>Review Authority</u>
Air strips, landing fields, & hangars for personal or agricultural related uses in the A-1 and A-2 Districts	CCCPC
Community living arrangements with a capacity for greater than fifteen (15) persons in the A-1 and A-2 Districts	CC
Housing for farm laborers, seasonal or migratory farm workers in the A-1 and A-2 Districts	CCCPC
Second single-family farm related residential dwellings in the A-1 and A-2 Districts	CPD
Storm Water Detention & Retention Basins	CPD

Utility substations CPD
Wind energy conversion system CPD
Communication towers and antennas
in the A-1 and A-2 Districts CPD

Section Two: Section 4.04 F. of the Zoning Ordinance for the City of

Kenosha, Wisconsin, is repealed and recreated as follows:

F. Review Authority Decision. Depending on the type of development, the appropriate Review Authority will review the application and shall either approve or deny the application utilizing §4.05 "Development Standards" of this Ordinance as a review guide. Refer to **Table 4.01** of this Section for the appropriate Review Authority. The Review Authority shall use the following procedures in making its decision:

1. Decision Authority.

a. **Development Standards Review Authority-City Plan Division-CPD.** For developments with conditional uses designated as CPD in Table 4.01, the City Planner will consider the recommendation from the City Plan Division and either approve or deny the application.

b. ~~2. Development Standards Review Authority- City Plan Commission-CPC.~~ Common Council-CC. For developments with conditional uses designated as CC in Table 4.01, the Common Council ~~City Plan Commission~~ will hold a public hearing, consider the recommendation from the City Plan Division and the City Plan Commission, and approve or deny the application. Final action on floodland conditional uses shall not be taken for thirty (30) days or until the Wisconsin DNR has given its recommendation, whichever comes first. Copies of all decisions on conditional uses in a floodland district shall be transmitted to the DNR within ten (10) days following the decision.

~~3. Development Standards Review Authority Common Council-CC. The Common Council will hold a public hearing, consider the recommendation of the City Plan Division and the City Plan Commission, and either approve or deny the application.~~

2. Recommendations.

a. City Plan Division. As a part of the review process for the application subject to approval consideration by the Common Council, the City Plan Division shall make a recommendation to the City Plan Commission.

b. City Plan Commission. As a part of the review process for the application subject to approval consideration by the Common Council, the City Plan Commission shall make a recommendation to the Common Council, which recommendation shall include reference to the recommendation of the City Plan Division.

A copy of the decision of the Review Authority shall be mailed to the applicant.

Section Three: The first paragraph of Section 4.04 G. of the Zoning

Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

G. Approval. No building or construction permits shall be issued by the Administrator until the appropriate Review Authority (City Council, ~~City Plan Commission~~ or City Plan Division) has reviewed and approved the Conditional Use Permit plan. Footing and foundation permits may only be granted if each of the following conditions are met:

Section Four: Section 4.04 H. of the Zoning Ordinance for the City

of Kenosha, Wisconsin, is repealed and recreated as follows:

H. Appeals. Any petitioner/applicant objecting to any decision of Review Authority-City Plan Division CPD related to the Conditional Use Permit may appeal the decision to the ~~City Plan Commission~~. ~~Any petitioner/applicant objecting to any decision of Review Authority-City Plan Commission-CPC related to the Conditional Use Permit may appeal the decision to the~~ Common Council. Such appeals shall be filed with the City Clerk/Treasurer within thirty (30) days of the decision by the City Plan Division ~~Review Authority~~, and shall include the payment of the fee therefor established by the Common Council, from time to time, by Resolution.

The ~~Plan Commission or~~ Common Council shall fix a reasonable time for the hearing of an appeal. The ~~Plan Commission or~~ Common Council shall notify the appellant of the hearing by mail. At the hearing the appellant shall appear in person or by agent or attorney.

Section Five: This Ordinance shall become effective upon passage

and publication for initial review and decision of Conditional Use Permit applications filed on or after the effective date of this Ordinance, and for appeals filed on or after the effective date of this Ordinance.

ATTEST: _____ City Clerk

APPROVED: _____ Mayor Date: _____

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN,
City Attorney

DEPARTMENT OF CITY DEVELOPMENT
625 - 52ND STREET - ROOM 308
KENOSHA, WISCONSIN 53140
(262) 653-4030
FAX (262) 653-4045
www.kenosha.org



CITY PLAN
REAL ESTATE
HISTORIC PRESERVATION
COMMUNITY DEVELOPMENT BLOCK GRANT
REDEVELOPMENT

JEFFREY B. LABAHN
Director of City Development

MEMO

TO: Mayor Keith Bosman
Members of the Common Council

FROM: Jeffrey B. Labahn, Department of City Development 

RE: **Conditional Use Permit Reviews**

DATE: December 29, 2009

At the December 21, 2009 Finance Committee meeting, Alderman Marks requested that Staff forward information on the designated approval body for a Conditional Use Permit in other cities. Staff previously reviewed Ordinances from comparably-sized Wisconsin cities with a 2000 census population between approximately 50,000 and 100,000 people.

There were ten Wisconsin cities in this range. Six of the cities, Green Bay, Racine, West Allis, La Crosse, Appleton and Oshkosh have the Common Council as the final decision body for all Conditional Use Permits. Four cities, Janesville, Waukesha, Eau Claire and Sheboygan have the Plan Commission as the final decision body for all Conditional Use Permits.

Staff also checked with the Village of Pleasant Prairie. Under their Ordinance, the Village of Pleasant Prairie Plan Commission is the final decision body for all Conditional Use Permits.

If you have any questions on this information, please contact me at 653.4030.

JBL:kas
c: Frank Pacetti, City Administrator

VOTE SHEET	Kenosha City Plan Commission	Meeting of December 10, 2009	
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Petition to rezone properties located at 5414, 5420 and 5422 22nd Avenue from B-2 Community Business District to RG-2 General Residential District, District #7. (City of Kenosha)

ACTION TAKEN	AYES	NOES
APPROVE	9	0
DENY		
RECEIVE AND FILE		
FORWARD TO		
	DATE	COPIES
COMMON COUNCIL	12/21/09 1/04/10	partial 1
FINANCE		
LEGAL	NEW OLD	ORD 1
PUBLIC WORKS		
PARKS		
WATER UTILITY		
EMAIL TO CLERKS		
PUBLIC NOTICE	12/18/09	12/25/09


 Rich Schroeder
 Assistant City Planner

1CPC/2009/Dec10/action-rezone-city

FACT SHEET	City Plan Division 625 - 52 nd Street Kenosha, WI 53140 (262) 653-4030	December 10, 2009	Item 2.
Petition to rezone properties located at 5414, 5420 and 5422 22nd Avenue from B-2 Community Business District to RG-2 General Residential District, District #7. (City of Kenosha) PUBLIC HEARING			

LOCATION/SURROUNDINGS:

Site: 5414, 5420 and 5422 22nd Avenue
Neighborhood: Columbus West

Vicinity Zoning/Land Use

North: B-2/Mixed Residential
South: B-2, RG-2/Residential, Vacant
East: IP/Columbus Park
West: RG-2/Mixed Residential

NOTIFICATIONS/PROCEDURES:

The alderman of the district, Alderman Juliana, has been notified. Property owners within 100 feet of the proposed rezoning have also been notified. This item will also be reviewed by the Common Council.

ANALYSIS:

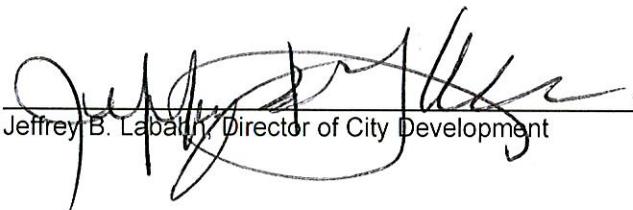
- The City has petitioned to rezone the City-owned property from B-2 Community Business District to RG-2 General Residential District. The purpose of the rezoning is to construct three (3) City single-family homes on the existing under utilized parking lot.
- Rezoning of the property to RG-2 General Residential is consistent with the existing land uses in the area and the adopted *Columbus Neighborhood Plan*. Per Section 10.05 of the Zoning Ordinance, the development of the property will be required to be consistent with the attached development plans. The three (3) City homes proposed for the site are attached for reference.
- The final development will be required to be in compliance with the applicable City and State Ordinances, Codes and development standards.
- The rezoning will be compatible with the surrounding land uses and the adopted *Columbus Neighborhood Plan*.

RECOMMENDATION:

A recommendation is made to approve the rezoning.



Brian Wilke, Development Coordinator
1CPC/2009/Dec10/fact-rezone-city

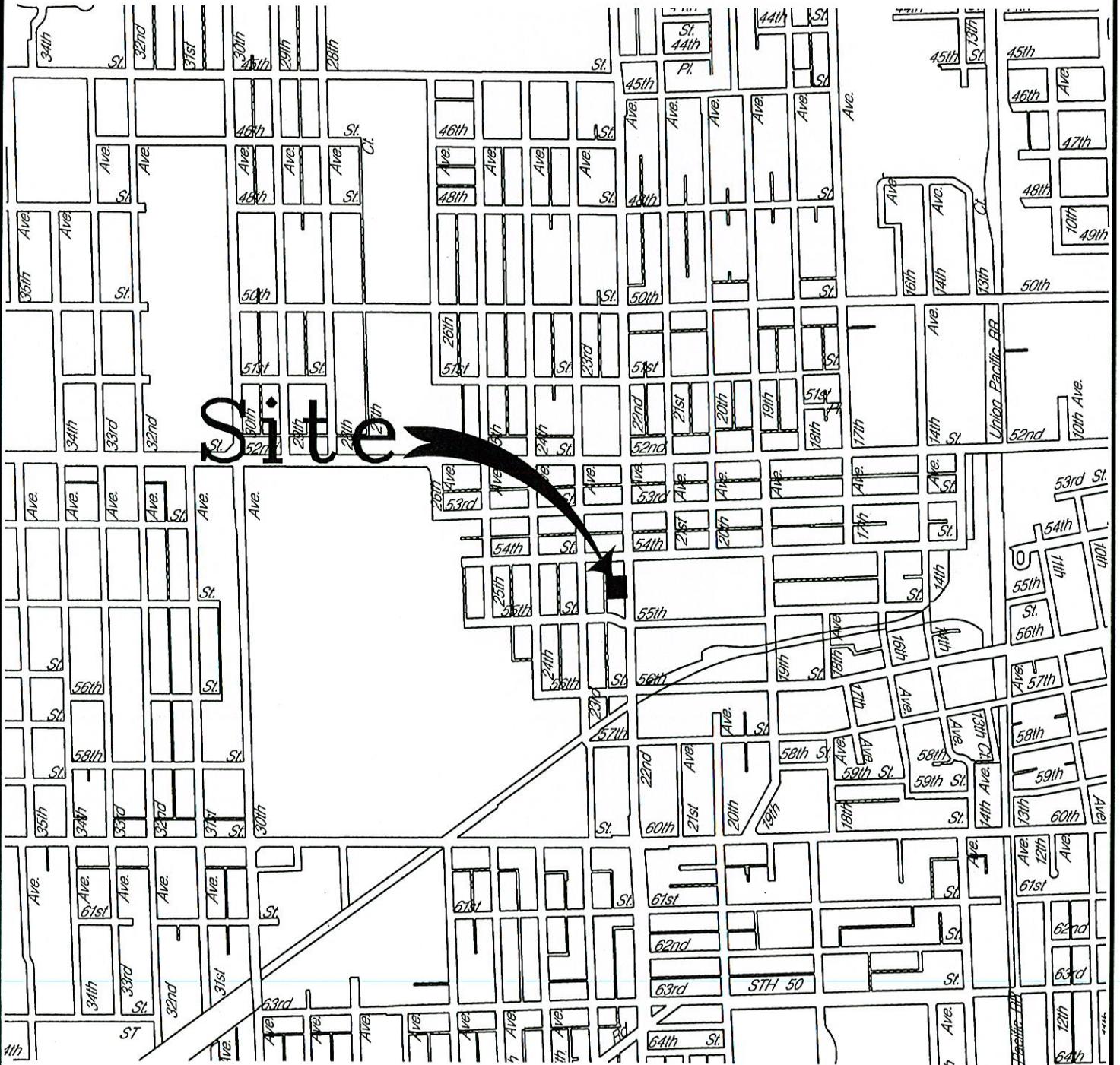


Jeffrey B. Labadie, Director of City Development

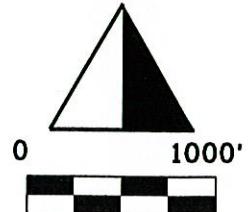
CITY OF KENOSHA

Vicinity Map

City of Kenosha Rezoning



NORTH



CITY OF KENOSHA

District Map

Rezoning

City of Kenosha Petition

SUPPLEMENT NO. Z17-09

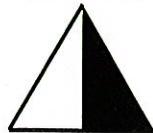
ORDINANCE NO. _____



Property to be rezoned from:

 B-2 Community Business to
 RG-2 General Residential

NORTH



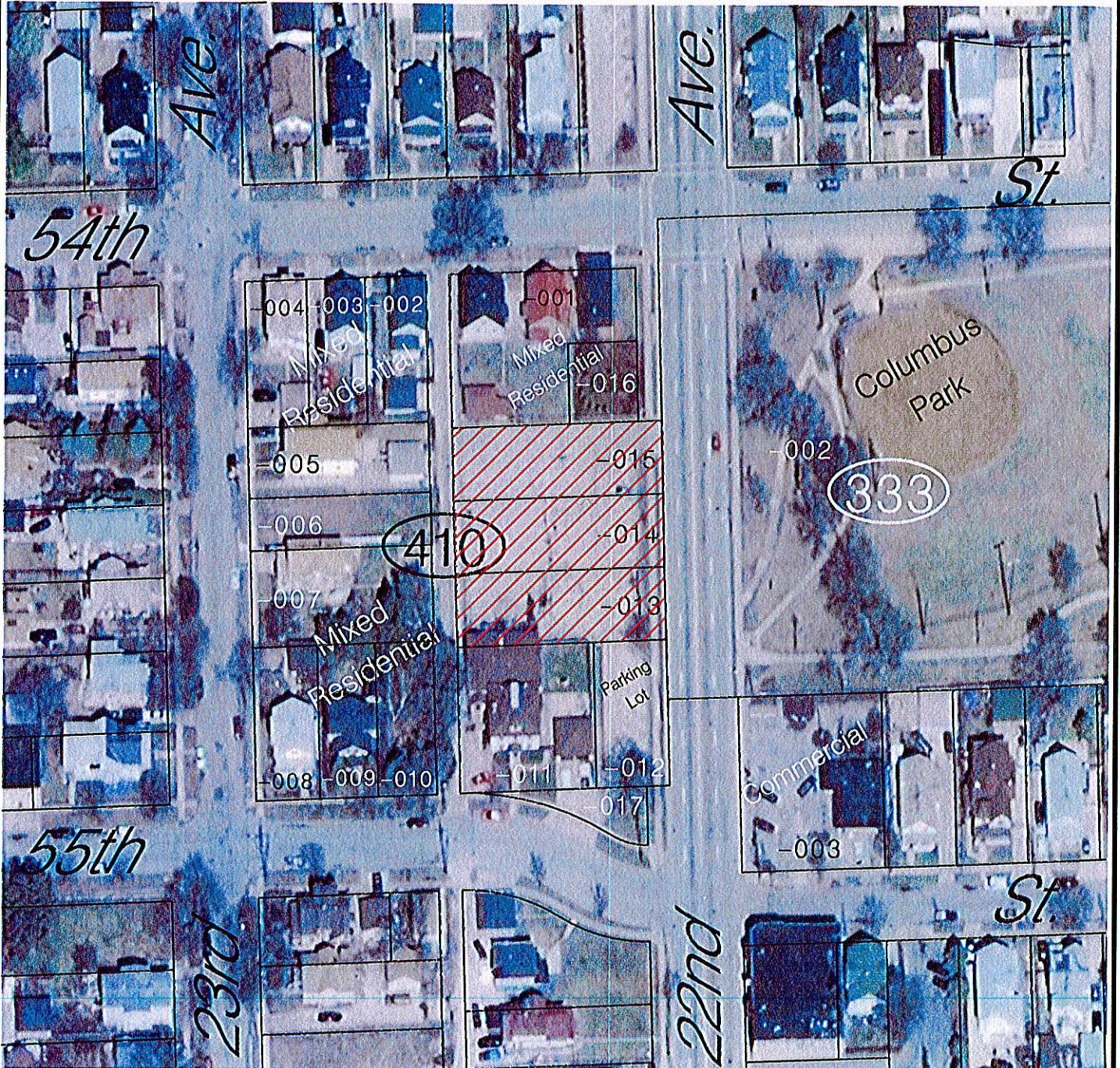
0 100'



CITY OF KENOSHA

Land Use Map

City of Kenosha Rezoning



 *Property to be rezoned*

NORTH



0 100'



222-36-4
223-31-3

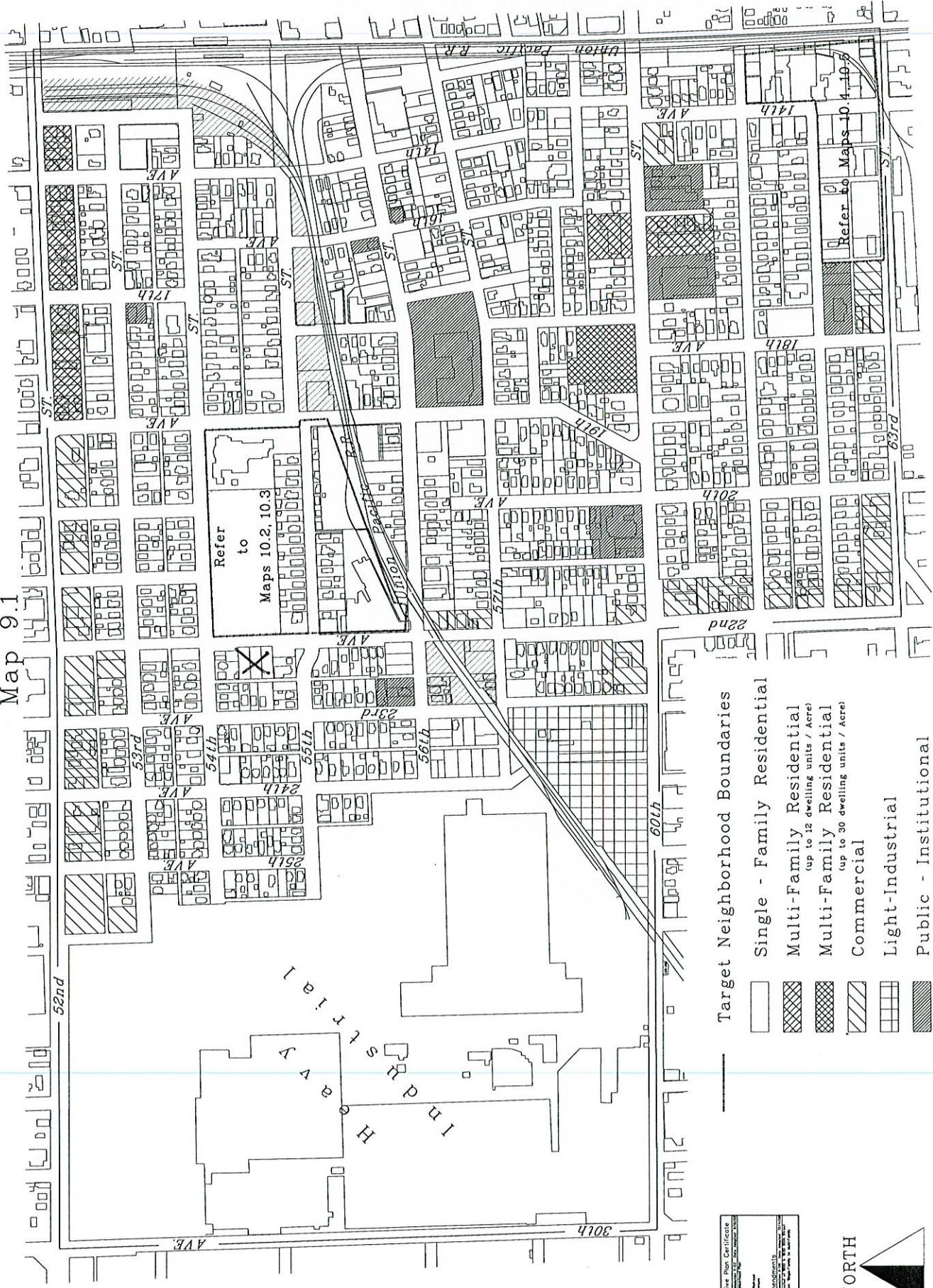
DCD ~ City Plan Division ~ JBL ~ BRW ~ 11-11-2009 ~ mc

Common Council Agenda Item #G.2.

ADOPTED COLUMBUS NEIGHBORHOOD PLAN

Recommended Land Use Plan

Map 9.1



- Target Neighborhood Boundaries
- Single - Family Residential
 - Multi-Family Residential (up to 12 dwelling units / Acre)
 - Multi-Family Residential (up to 30 dwelling units / Acre)
 - Commercial
 - Light-Industrial
 - Public - Institutional
 - Parks / Open Space

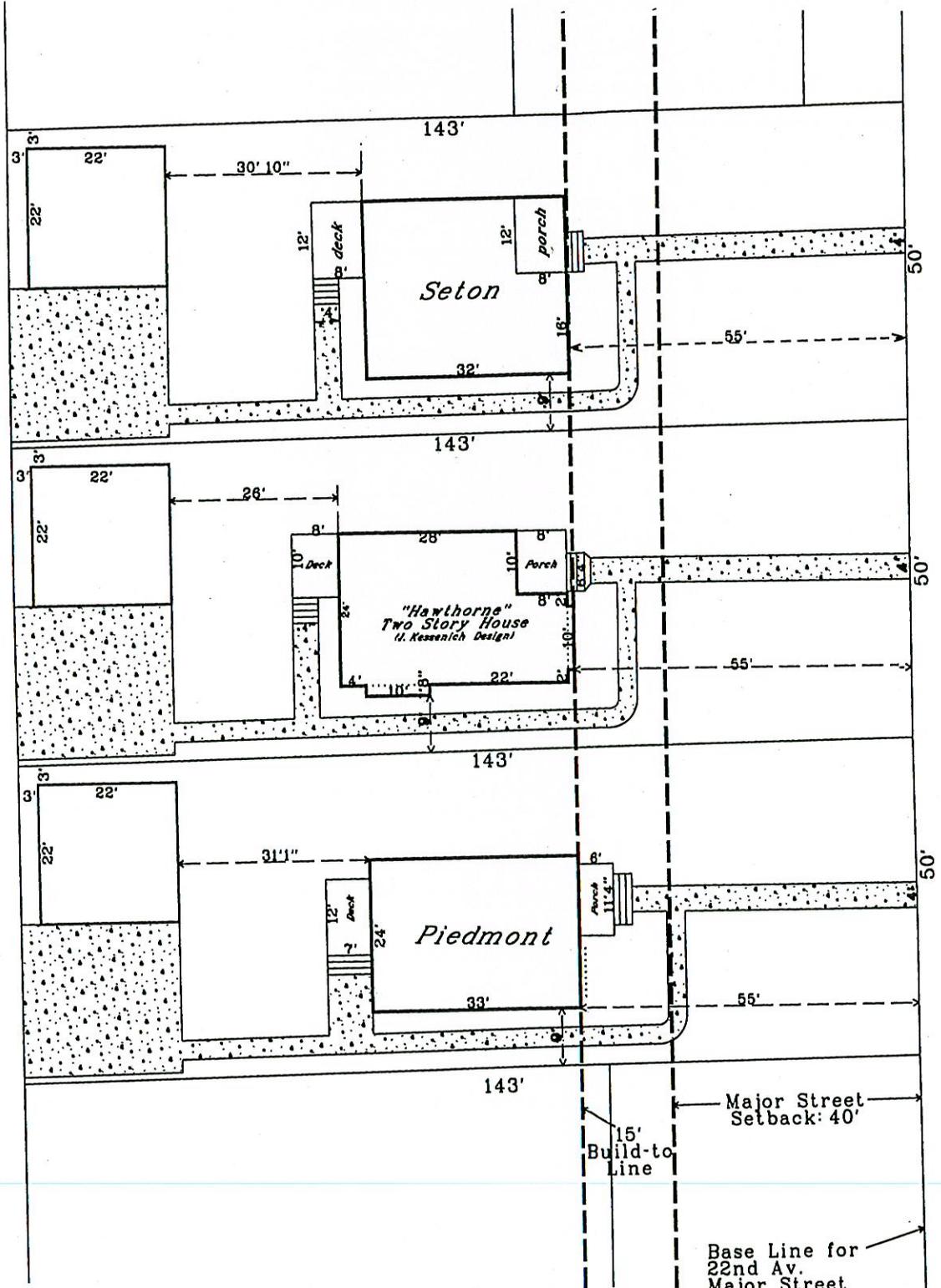
Comprehensive Plan Certificate
 City of Kenosha, Wisconsin
 Department of City Development



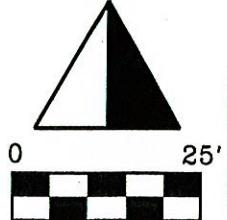
CITY OF KENOSHA
 Proposed Housing Layout
 5400 Block of 22nd Avenue

Alley

22nd Avenue



NORTH



VOTE SHEET	Kenosha City Plan Commission	Meeting of December 10, 2009	
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Petition to rezone property located at 5504 22nd Avenue from B-2 Community Business District to RG-2 General Residential District, District #7. (Kenosha Housing Authority)

ACTION TAKEN	AYES	NOES
APPROVE	9	0
DENY		
RECEIVE AND FILE		
FORWARD TO		
COMMON COUNCIL	12/21/09 1/04/10	partial 1
FINANCE		
LEGAL NEW OLD	ORD	1
PUBLIC WORKS		
PARKS		
WATER UTILITY		
EMAIL TO CLERKS		
PUBLIC NOTICE	12/18/09	12/25/09


 Rich Schroeder
 Assistant City Planner

1CPC/2009/Dec10/action-rezone-kha

FACT SHEET	City Plan Division 625 - 52 nd Street		
Kenosha City Plan Commission	Kenosha, WI 53140 (262) 653-4030	December 10, 2009	Item 1
Petition to rezone property located at 5504 22nd Avenue from B-2 Community Business District to RG-2 General Residential District, District #7. (Kenosha Housing Authority) PUBLIC HEARING			

LOCATION/SURROUNDINGS:

Site: 5504 22nd Avenue
Neighborhood: Columbus West

Vicinity Zoning/Land Use

North: RG-2, B-2/Residential, Vacant
South: B-2/Commercial
East: B-2/Commercial
West: RG-2/Mixed Residential

NOTIFICATIONS/PROCEDURES:

The alderman of the district, Alderman Juliana, has been notified. Property owners within 100 feet of the proposed rezoning have also been notified. This item will also be reviewed by the Common Council.

ANALYSIS:

- The owner of the property has requested to rezone the property from B-2 Community Business to RG-2 General Residential District. The purpose of the rezoning is to construct one single-family City home on the existing vacant lot.
- Rezoning of the property to RG-2 General Residential is consistent with the existing land uses in the area and the adopted *Columbus Neighborhood Plan*. Per Section 10.05 of the Zoning Ordinance, the development of the property will be required to be consistent with the attached development plans. The City home proposed for this site is attached for reference.
- The final development will also be required to be in compliance with the applicable City and State Ordinances, Codes and development standards.
- The rezoning will be compatible with the surrounding land uses and the adopted *Columbus Neighborhood Plan*.

RECOMMENDATION:

A recommendation is made to approve the rezoning.



Brian Wilke, Development Coordinator
1CPC/2009/Dec10/fact-rezone-kha



Jeffrey B. Labanni, Director of City Development

CITY OF KENOSHA

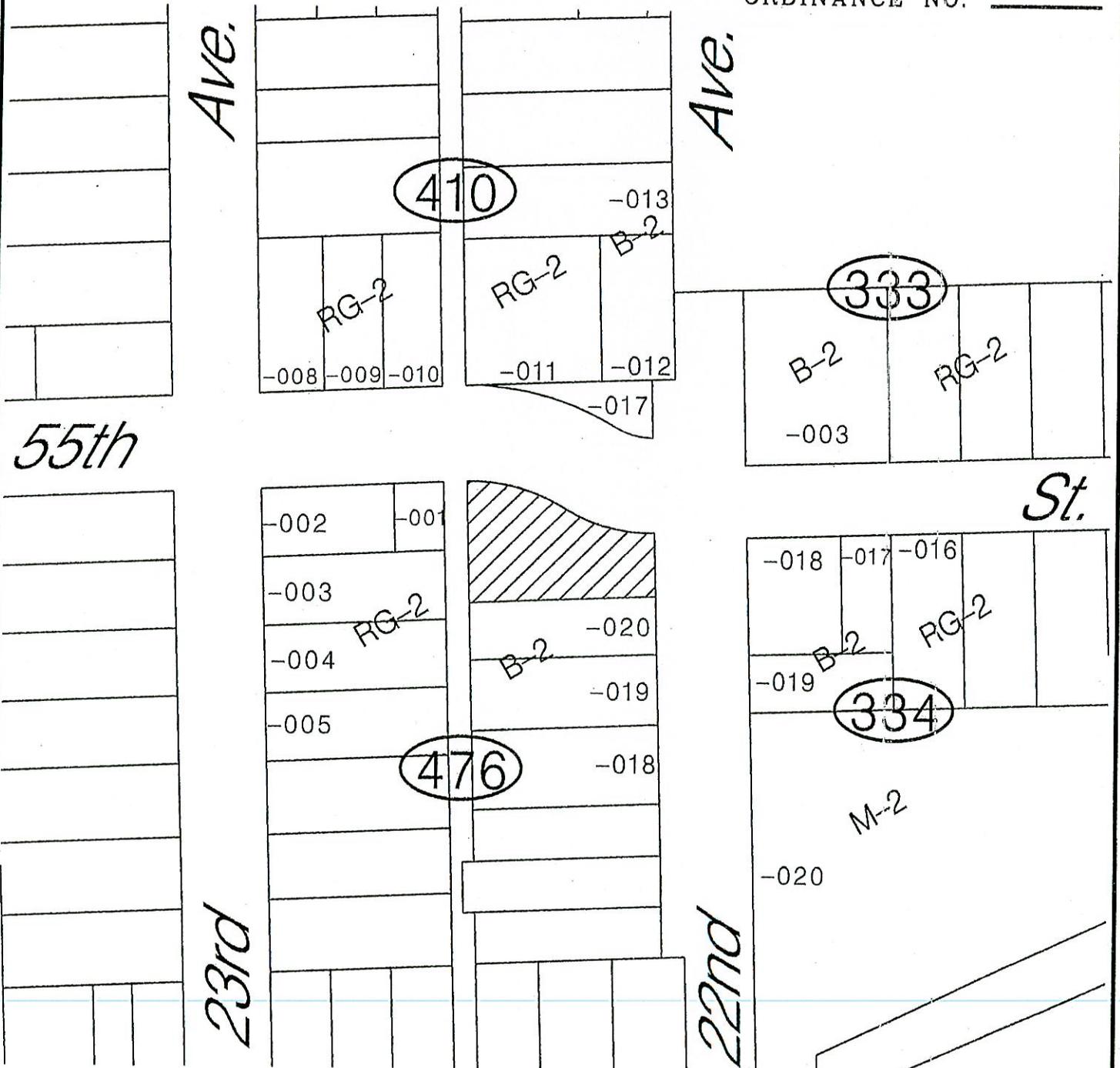
District Map

Rezoning

Kenosha Housing Authority Petition

SUPPLEMENT NO. Z16-09

ORDINANCE NO. _____



Property to be rezoned from:

 B-2 Community Business to
 RG-2 General Residential

NORTH



0 100'



223-36-4
223-31-3

DCD ~ City Plan Division ~ JBL ~ BRW ~ 11-10-2009 ~ mc

CITY OF KENOSHA

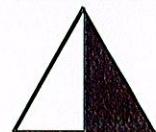
Land Use Map

Kenosha Housing Authority Rezoning



 *Property to be rezoned*

NORTH

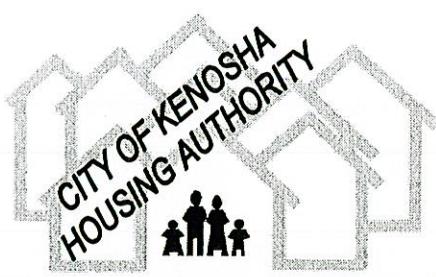


0 100'



222-36-4
223-31-3

DCD ~ City Plan Division ~ JBL ~ BRW ~ 11-10-2009 ~ mc



COMMISSIONERS

Edward Gray, Chair
Thomas Hartley, Vice-Chair
Aldus Gladney, Treasurer
Shawnelle Gross,
Commissioner
David Robinson, Commissioner

November 11, 2009

The Honorable Mayor
and Members of the Common Council
Kenosha, WI 53140

Dear Mayor Keith Bosman and Member of the Common Council:

RE: 5504 22nd Avenue - Kenosha Housing Authority Petition

This letter is to request that our City of Kenosha Housing Authority property at 5504 22nd Avenue, Parcel #09-222-36-476-024 be rezoned from B-2 Community Business District to RG-2 Single Family Residential District. The purpose of the rezoning is to permit the construction of a single family home.

Enclosed is a conceptual development plan, including building and site development as required by Section 10 of the City of Kenosha Zoning Ordinance. I understand that development of the referenced property proposed for rezoning is required to be consistent with the conceptual development plans submitted with my rezoning petition.

Please inform me of the date this item will be reviewed by the City Plan Commission. The meeting notice should be sent to my attention at 625 52nd Street, Kenosha, WI 53140.

Sincerely,

Kenosha Housing Authority

A handwritten signature in black ink, appearing to read "Donna Cook".

Donna Cook
Executive Director

DK:kas
Enclosure

Kenosha Housing Authority

Minutes of November 17, 2009

MEMBERS PRESENT: Ed Gray / Chair
Tom Hartley / Vice-Chair
Aldus Gladney / Treasurer
David Robinson / Commissioner

OTHERS PRESENT: Donna Cook
Lyn Elvetici
Sharon Krewson
Mark McCarthy

ITEM #1 **REVIEW AND APPROVAL OF OCTOBER 20, 2009 MEETING MINUTES**

A motion to approve the October 20, 2009 Meeting Minutes as written was made by Mr. Robinson and seconded by Mr. Hartley. All were in favor and the motion carried.

ITEM #2 **RESIDENTIAL OFFER TO PURCHASE FOR THE PROPERTY LOCATED AT 6638-16TH AVENUE IN THE AMOUNT OF \$25,000 WITH THE KENOSHA HOUSING AUTHORITY AS THE BUYER**

Ms. Krewson informed the Board that an Offer to Purchase has been accepted from the Seller, Wells Fargo Bank, for the property located at 6638-16th Avenue for \$35,000. This is a residential, single family home that is vacant. It is in the Lincoln Neighborhood. This property is going to be razed and a new single family home will be built. This purchase will be funded with Neighborhood Stabilization Project funding and is assessed for \$125,200.

A motion to approve the Offer to Purchase in the amount of \$25,000 for the acquisition of the property at 6638-16th Avenue from Wells Fargo Bank was made by Mr. Hartley and seconded by Mr. Gladney. All were in favor and the motion carried.

ITEM #3 **AUTHORIZATION TO SUBMIT REZONING REQUEST TO CITY PLAN COMMISSION FOR 5504-22ND AVENUE (REZONED FROM B-2 COMMUNITY BUSINESS DISTRICT TO RG-2 SINGLE FAMILY RESIDENTIAL DISTRICT)**

Mr. McCarthy presented to the Board, a request that the City of Kenosha Housing Authority property at 5504-22nd Avenue Parcel #09-222-36-476-024 be rezoned from B-2 Community Business District to RG-2 Single Family

Residential District. The purpose of the rezoning is to permit the construction of a single-family home.

A motion to approve the request to Submit a Rezoning Request to City Plan Commission for 5504-22nd Avenue (from B-2 Community Business to RG-2 Single Family Residential) was made by Mr. Robinson and seconded by Mr. Hartley. All were in favor and the motion carried.

ITEM #4 SEPTEMBER 2009 EXPENDITURE AND REVENUE REPORTS

Ms. Cook reviewed the September 2009 Expenditure and Revenue Reports.

A motion to approve the September 2009 Expenditure and Revenue Reports was made by Mr. Gladney and seconded by Mr. Robinson. All were in favor and the motion carried.

ITEM #5 OCTOBER 2009 ADMINISTRATIVE PAYMENTS

Ms. Cook explained the October 2009 Administrative Payments to the Board.

A motion to approve the October 2009 Administrative Payments was made by Mr. Hartley and seconded by Mr. Gladney. All were in favor and the motion carried.

ITEM #6 OCTOBER 2009 HOUSING ASSISTANCE PAYMENTS.

Ms. Cook explained the October 2009 Housing Assistance Payments to the Board.

A motion to approve the October 2009 Housing Assistance Payments was made by Mr. Robinson and seconded by Mr. Hartley. All were in favor and the motion carried.

ITEM #7 REPORT ON PROGRAM ACTIVITIES

Ms. Cook reviewed the Report on Program Activities. The 2009 year-to-date occupancy rate for all programs is at 97.98%. Ms. Cook presented the report for the FSS and HTW programs, and updates on the Section 8 and WHEDA Waiting Lists. Ms. Cook informed the Board that she and Ms. Elvetici would be attending a court hearing on the Norma Guerrero case on Thursday, November 19, 2009.

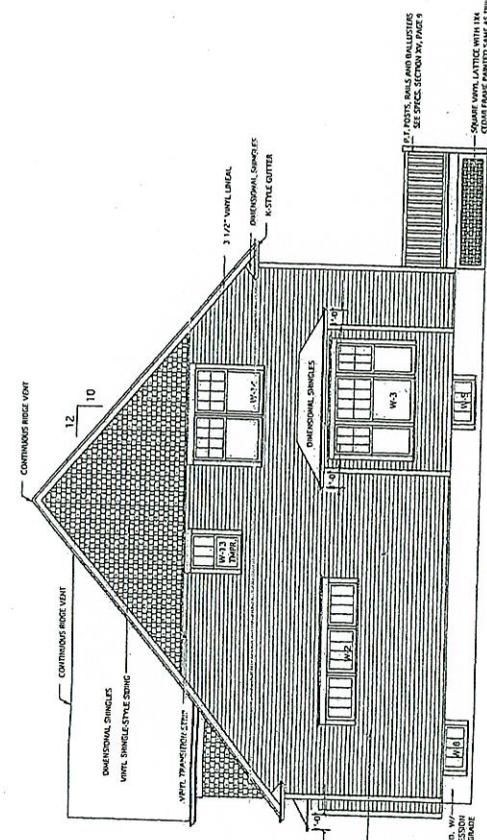
MESEK-NICH-TEAMED DESIGN
CLARK HOUSE
 Regional Architecture
 920-568-0722
 www.clarkhouse.com
 1000 Wisconsin Ave., Suite 100
 Park Shore, WI 53090

CITY OF KENOSHA
 THE HATHAWAY
 NEW RESIDENCE FOR
 KENOSHA, WISCONSIN

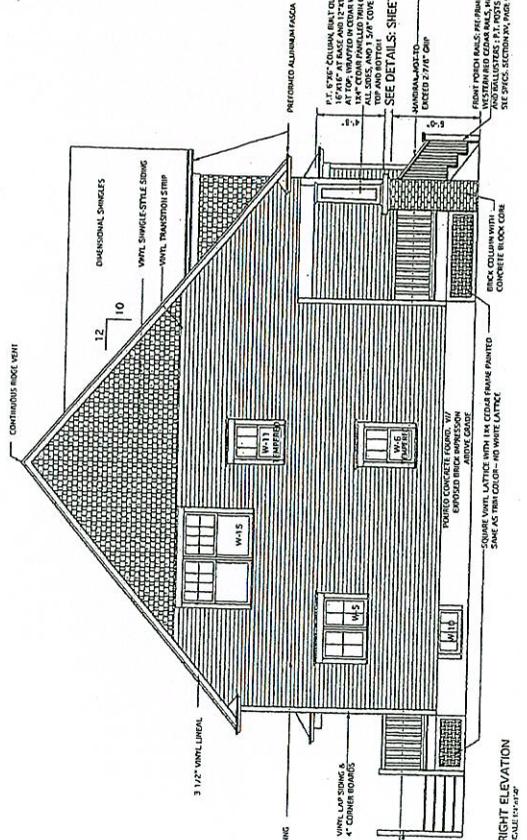
NOTES:
 1. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE CITY OF KENOSHA.
 2. ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH ALL CITY ORDINANCES.
 3. ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH ALL CITY ORDINANCES.
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 9. ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH ALL CITY ORDINANCES.
 10. ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH ALL CITY ORDINANCES.

DATE	REVISION
01/08	REVIEW SET
02/08	REVISIONS
03/08	REVISIONS

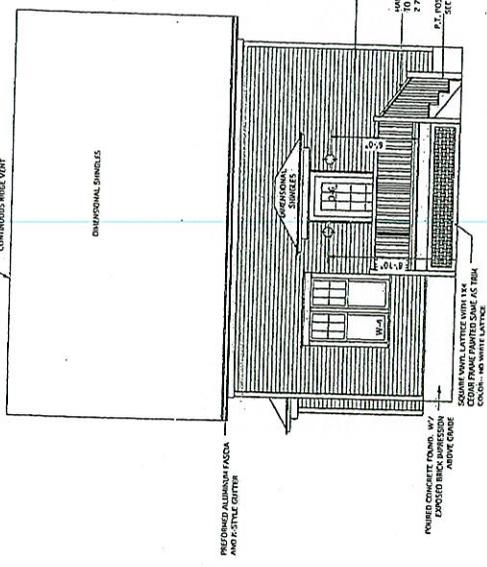
DRAWING: **PLAN/THORNE 24P**
ELEVATIONS
 SHEET NO: **A-2.0**



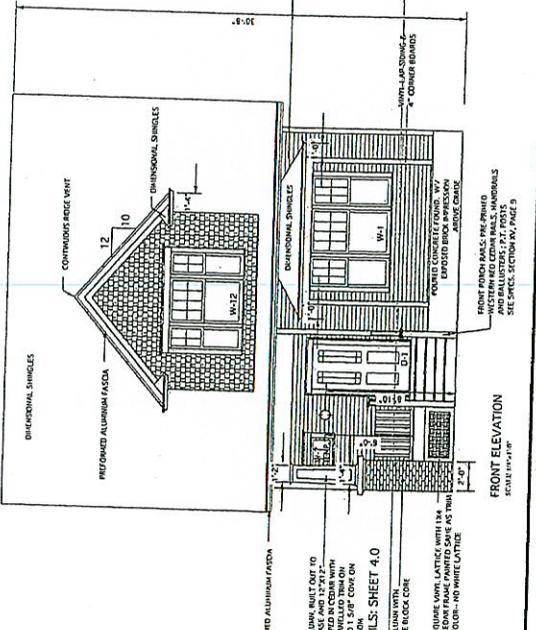
LEFT ELEVATION
 SCALE 1/4" = 1'-0"



RIGHT ELEVATION
 SCALE 1/4" = 1'-0"



REAR ELEVATION
 SCALE 1/4" = 1'-0"



FRONT ELEVATION
 SCALE 1/4" = 1'-0"

RESOLUTION NO. _____

BY: ALDERMAN CASEY

**TO REESTABLISH RELATIONSHIP BETWEEN
NEIGHBORHOOD HOUSING SERVICES OF
SOUTHEAST WISCONSIN, INC., AND
THE CITY OF KENOSHA, WISCONSIN**

WHEREAS, Neighborhood Housing Services of Southeast Wisconsin (NHS), Inc. f/k/a Neighborhood Housing Services of Kenosha, Inc. was incorporated as a non-stock corporation on July 20, 1982; and,

WHEREAS, NHS is a community development organization, governed by a representative board of directors, that transforms lives by growing innovative reinvestment partnerships that revitalize affordable neighborhoods; and

WHEREAS, NHS provides valuable service to the community in which it works by building affordable housing; rehabilitating old and dilapidated housing; providing full cycle community lending, including mortgage assistance through managed, subordinated second mortgages; providing community building and organizing services; facilitating community-based economic development; and as a homebuyer counseling agency certified therefor by the United States Department of Housing and Urban Development, providing home buyer education; and

WHEREAS from 1994 through 2001, NHS entered into contracts with the City of Kenosha whereby NHS provided its services to citizens of the City of Kenosha through grant administration; and,

WHEREAS in 2002, the relationship between the City of Kenosha and NHS was severed, after which, NHS has continued to provide its services to the City of Racine, Wisconsin,

NOW, THEREFORE, BE IT RESOLVED that the City of Kenosha begin negotiations with NHS toward re-establishing its relationship through which the services of NHS, including, but not limited to assuming any and all home-building responsibilities of the City and

implementing a home-buyer education program, as well as providing neighborhood revitalization and community development services, may be provided to residents of the City of Kenosha.

Adopted this ____ day of _____, 2009.

ATTEST: _____ City Clerk

APPROVED: _____ Mayor Date: _____

Drafted By:
EDWARD R. ANTARAMIAN,
City Attorney