

AGENDA
PUBLIC SAFETY & WELFARE COMMITTEE MEETING
Kenosha Municipal Building - Room 202
Monday, September 12, 2011 - 5:00 pm

Chairman:	Jesse L. Downing	Vice Chair:	Lawrence Green
Aldersperson:	Anthony Kennedy	Aldersperson:	Michael J. Orth
Aldersperson:	Rocco J. LaMacchia, Sr.		

Call to Order
Roll Call

A. APPROVAL OF MINUTES

A-1 Approval of the minutes of the meeting held on August 29, 2011.

C. REFERRED TO COMMISSION

C-1 Proposed Ordinance to Repeal and Recreate Various Sections of Chapter 15 (*of the Code of General Ordinances*) Related to Off-Premise Signs.

C-2 By Alderspersons Eric Haugaard, Rocco LaMacchia, Tod Ohnstad, Jan Michalski, Anthony Nudo, Steve Bostrom and Jesse Downing - To Renumber Sections 3.03 F., 3.03 G., and 3.03 H. (*of the Zoning Ordinance for the City of Kenosha*) as Sections 3.03 G., 3.03 H., and 3.03 I. and to Create Section 3.03 F. Entitled Accessory Building Exemptions for Residential Property. (*referred back from 9/7/11 Council meeting*) (CP-Ayes 8:Noes 1)

DIRECTOR AND/OR SUPERINTENDENT COMMENTS
CITIZEN COMMENTS/COMMISSIONER COMMENTS/OTHER BUSINESS AS AUTHORIZED BY LAW

IF YOU ARE DISABLED AND NEED ASSISTANCE, PLEASE CALL 653-4052 BEFORE THIS MEETING

NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE MEMBERS OF THE COMMON COUNCIL MAY BE PRESENT AT THE MEETING, AND ALTHOUGH THIS MAY CONSTITUTE A QUORUM OF THE COMMON COUNCIL, THE COUNCIL WILL NOT TAKE ANY ACTION AT THIS MEETING.

PUBLIC SAFETY & WELFARE COMMITTEE
MINUTES
Monday, August 29, 2011

The regular meeting of the Public Safety & Welfare Committee was held on Monday, August 29, 2011, in Room 202 of the Kenosha Municipal Building. The meeting was called to order at 5:22 pm. The following members were present: Chairman Downing, Aldermen Orth, Kennedy and LaMacchia. Alderman Green was excused. Alderman Kennedy left the meeting after item C-1. Staff members in attendance were Mike Lemens and Kevin Risch.

It was moved by Alderman Orth, seconded by Alderman LaMacchia, to approve the minutes of the regular meeting held on August 8, 2011. Motion passed 4-0.

B-1 Proposed Ordinance To Renumber Sections 3.03 F., 3.03 G., and 3.03 H as Sections 3.03 G., 3.03 H., and 3.03 I and To Create Section 3.03 F Entitled Accessory Building Exemptions for Residential Property. *(City Plan Commission approved 8:1) (Deferred from the June 27, 2011 and July 25, 2011 meetings)*
Paula Blise, Zoning Coordinator, was available to answer questions. It was moved by Alderman LaMacchia, Alderman Downing passed the gavel to second the motion to approve. Vote tied 2:2 No Recommendation.

B-2 Proposed Ordinance to Repeal and Recreate Subsection 3.05.A of the Code of General Ordinances Entitled "Duties". *(Deferred from the meetings held on April 11, 2011 and August 8, 2011) (Finance Committee approved 3:2)*
It was moved by Alderman Kennedy, seconded by Alderman Orth to approve. Motion passed 4-0.

C-1 Traffic Control at Lance Middle School on 80th Street. *(District 14) (Staff recommends approval)*
A public hearing was held. Chad Dahlk, Lance Principal, 7928 107th Avenue, Mike Conforti, 8546 21st Avenue, and Chief Morrissey all spoke. It was moved by Alderman Orth, seconded by Alderman Kennedy to approve placing signs for one year. Motion passed 4-0.

It was moved by Alderman Orth, seconded by Alderman LaMacchia to take items out of order and to take item C-2 last. Motion passed 3-0.

C-2 Proposed Ordinance to Repeal and Recreate Various Sections of Chapter 15 of the Code of General Ordinances Related to Off-Premise Signs.
A public hearing was held. Jason Saari, Adams Outdoor, 5732 95th Avenue, Suite 500, and Mark Rausch, Clean Channel Outdoor, spoke and handed out suggested revisions to the ordinance. The committee directed Matt Knight, Assistant City Attorney, to revise the proposed ordinance so it can go on the next council agenda as a first reading.

C-3 Previous Trial to Designate No Left Turn or Thru Traffic/Right Turn Only 7AM – 7:30AM on School Days EB 87th Place at 30th Avenue. *(District 9) (Staff recommends approval)*
It was moved by Alderman Orth, seconded by Alderman LaMacchia to approve. Motion passed 3-0.

- C-4 Previous Trial to Provide 4-Way Stop at 63rd Street & 37th Avenue. *(District 11) (Staff recommends approval)*
It was moved by Alderman Orth, seconded by Alderman LaMacchia to approve. Motion passed 3-0.
- C-5 Previous Trial to Remove 4-Way Stop 68th Place & 111th Avenue/69th Street/111th Court. *(District 17) (Staff recommends approval)*
Alderman of the district, David Bogdala, 7101 96th Avenue, spoke. It was moved by Alderman Orth, seconded by Alderman LaMacchia to approve as corrected to read place 4-way stop not remove. Motion passed 3-0.
- C-6 Previous Trial to Remove Existing No Parking East Side 5th Avenue 5700 Block. *(District 2) (Staff recommends approval)*
It was moved by Alderman Orth, seconded by Alderman LaMacchia to approve. Motion passed 3-0.
- C-7 Previous Trial to Designate South Side 63rd Street 2700 Block as No Parking Standing Stopping 7:30AM – 4:30PM on School Days. *(District 12) (Staff recommends approval)*
It was moved by Alderman Orth, seconded by Alderman LaMacchia to approve. Motion passed 3-0.
- C-8 Citizen Request for Handicapped Parking Space at 6016 42nd Avenue. *(District 15) (Staff recommends approval 90 day trial)*
It was moved by Alderman Orth, seconded by Alderman LaMacchia to approve. Motion passed 3-0.

INFORMATIONAL:

1. Police Department Proposed Organizational Chart Change – *Chief Morrissey handed out a proposal and briefly discussed it.*

CITIZEN COMMENTS:

1. Kier Powell, AFSCME 71 Vice President, 3560 21st Avenue, spoke about the Police Department Proposed Organizational Chart saying the union is opposed to the elimination of any AFSCME job positions.
2. Reese Kemen, 4405 81st Street, spoke for herself as a current Parking Enforcement Aide and pointed out the revenue she has generated for the City in her position.
3. Bob Danbeck, 7626 27th Avenue, said three years ago he proposed that the City have a seven day service for animal control. He spoke about his experience with the current animal control company. He said something must be done because what the City has now is not working.

ADJOURNMENT – There being no further business to come before the Public Safety & Welfare Committee, it was moved, seconded and unanimously carried to adjourn at 7:41 pm.

ORDINANCE NO. _____

DRAFT 08/31/11**SPONSOR: PUBLIC SAFETY & WELFARE COMMITTEE****TO REPEAL AND RECREATE VARIOUS SECTIONS OF
CHAPTER 15 OF THE CODE OF GENERAL ORDINANCES
RELATED TO OFF-PREMISE SIGNS.**

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

Section One: Section 15.07 F. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed.

Section Two: Section 15.12 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

15.12 PROHIBITED SIGNS

All Signs not expressly permitted are prohibited in any location in the City. The following Signs are specifically prohibited:

1. Signs containing statements, words or pictures of an obscene or pornographic nature.
2. A Sign, handbill, notice or poster affixed to a tree, fence, pole, Street Sign, Traffic Sign or other structure not constructed or intended for use as a Sign base, which is not authorized by this Ordinance.
3. Revolving Signs.
4. Roof Signs.
5. Signs which are structurally dangerous, or unsafe.
6. Abandoned/Obsolete Signs.
7. Flashing and Animated Signs.
8. Deteriorated Signs.
9. Signs used beyond time limits provided in this Ordinance.
- ~~10. Off-premise commercial signs.~~

Section Three: Section 15.15 A. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

15.15 OFF-PREMISE SIGNS

A. Purpose. This Section is intended to protect the public health, safety and welfare by regulating the construction, materials, placement/location, size, height, spacing and maintenance of Off-Premise Commercial Signs. This Section is designed to ensure that Off-Premise Commercial Signs are compatible with other Signs and land uses, and are not detrimental to the aesthetic quality of the community. All Off-Premise Commercial Signs existing in the City shall be maintained in accordance with the following conditions and restrictions.

Section Four: Sections 15.15 D.2., D.4. and D.5. of the Code of General Ordinances for the City of Kenosha, Wisconsin, are hereby repealed and recreated as follows:

2. The Sign may be sold, leased, or otherwise transferred without affecting its Nonconforming status,

but its location may not be changed. A nonconforming off-premise commercial sign removed as a result of a street Right-of-Way taking or for any other reason may be relocated only if the sign is made to conform to this ordinance.

4. In accordance with Section 62.23(7)(h), Wisconsin Statutes, ~~the Signs which are a nonconforming use~~ must remain ~~substantially~~ the same as ~~it was they were~~ on the effective date of this Ordinance and may not be enlarged or expanded. Any extension, enlargement, rebuilding, changing the materials of the Sign structure, changing the size of the Sign structure materials, adding catwalks, adding guys or struts for stabilization of the Sign or structure, adding lights to a nonilluminated Sign, changing the height of the Sign aboveground, structural alteration to prolong the life of the sign or re-erection of the Sign ~~is prohibited shall not during the sign's life~~ exceed 50 percent of the assessed value of the sign unless permanently changed to a conforming use. ~~The Sign may not be structurally altered so as to prolong the life of the Sign.~~

5. The Sign may continue in use as long as it is not ~~destroyed, extended, expanded, abandoned,~~ or discontinued. ~~A Sign is deemed destroyed when it is rendered any or all of the following descriptions: dismantled, removed or modified from its original state. A Sign shall be deemed expanded if any or all of the following standards are met: increase in size, mass, volume or scope in any direction; provide greater detail; to spread out; to increase or grow in extent; or, to increase in width or circumference.~~ A Sign is deemed abandoned or discontinued if for a period of twelve (12) months or longer, it is composed of obsolete advertising matter, or is without advertising matter, or is in need of substantial repair provided that any period of involuntary discontinuance which occurs during the period a street is closed shall not be considered. A Sign is deemed abandoned or discontinued if the name of the owner does not appear thereon and if the name and address of the current owner is not readily ascertainable from records on file with the Department of Neighborhood Services and Inspections.

An unsafe to abandoned Sign is declared a public nuisance, which shall be abated by the owner within sixty (60) days of receiving notice from the Department. After sixty (60) days, the Sign may be removed by the Department, and the cost thereof shall be placed on the tax roll as a special assessment and become a lien against the benefited property, unless paid sooner.

Section Five: Sections 15.15 G. and H. of the Code of General Ordinances for the

City of Kenosha, Wisconsin, are hereby renumbered, repealed and recreated as follows:

GH. Replacement Sign Credits. Off-Premise Signs constructed as a result of Replacement Sign Credits ~~granted prior to June 16, 2008,~~ shall be subject to the following Ordinance standards. ~~enacted March 6, 1995.~~ An Off-Premise Sign Permit shall be obtained prior to the expiration of subject credits.

1. Permitted Zoning Districts. Off-Premise Signs are permitted only in the B-2, M-1, M-2 Zoning Districts and are subject to the regulations of those districts.

2. Size Requirements. Off-Premise Signs shall not exceed ~~three hundred (300)~~ six hundred seventy-two (672) square feet of Sign Face area per Sign Face, not including any trim, supporting frame work, uprights or decorative fencing/apron, with no more than two (2) sides per Sign structure and only one (1) Sign Face per side, for a total Sign Face area of ~~six hundred (600)~~ one thousand three hundred forty-four (1,344) square feet to include both sides and faces. The Sign Face area per Sign Face shall be calculated on the basis of adding together the area of the Off-Premise Sign Face(s) that can be read from one (1) direction at one (1) time. Where two identical Off-Premise Signs are placed back-to-back on the same Sign supports, the Signs shall not be separated by more than four (4') feet so that both Sign Faces cannot be read from one direction simultaneously. A Sign extension comprising no more than ten (10%) percent of the allowable Sign Face area may be added providing the extension does not extend more than five (5') feet beyond the perimeter of the Sign Face.

3. **Setback Requirements.** Off-Premise Signs shall be set back ~~(30)thirty~~ ~~(fifteen (15'))~~ from the Street Right-Of-Way and shall be located so as to avoid any contact with communication and/or electrical lines. The distance will be measured from the area of the Sign structure closest to the Street Right-Of-Way. Off-Premise Signs shall also comply with setback and other requirements of State law when located abutting Federal or State highways, or interchanges.

4. **Spacing Between Off-Premise Signs.** Off-Premise Signs shall comply with the spacing requirements of State laws, rules, and regulations, and in no case shall Off-Premise Signs be permitted to be constructed, erected or installed within a ~~seven hundred fifty (750)~~ five hundred (500) foot radius of another Off-Premise Sign on the same side of the street.

5. **Height.** The maximum height to the top of any Off-Premise Sign shall be ~~twenty~~ thirty-five (25/35') feet. The height of a such Sign shall be computed as the distance from the base of the Sign at normal grade to the top of the highest attached component of the Sign. Normal grade shall be construed to be the higher of: the existing grade prior to construction; or the newly established grade after construction exclusive of any filling, berming or excavating solely for the purpose of locating the Sign. In cases in which the normal grade cannot reasonably be determined, height shall be computed on the assumption that the elevation of the normal grade at the base of the Sign is equal to the elevation of the nearest point of the crown of a public street. Off-Premise Signs located on a premise ~~adjacent to frontage roads, on interstates, expressways, or State highways where pavement grade may be higher due to bridges entrance/exit ramps may be allowed to achieve a maximum height of thirty-five (35') feet above the highest point of that pavement grade. or~~ within one thousand (1,000') feet of the Interstate Highway Right-of-Way shall have a maximum height of forty (40') feet above the center line of the roadway from which it is intended to be viewed, or grade at the sign structure, whichever is greater. If adjacent to an Interstate Highway bridge or viaduct shall have a maximum height of fifty (50') feet above the center line of the roadway from which it is intended to be viewed or grade at the sign structure, whichever is greater.

6. Off-Premise Signs are prohibited in any Historic District, on any bridge crossing, and shall not be located on or over the roof of a building.

7. Off-Premise Signs shall not be constructed, erected or installed within seventy-five (75') feet of the B-3 Central Business District.

Off-Premise Signs shall not be constructed, erected or installed one hundred fifty (150') feet of any Residential or IP Institutional Park District. This restriction shall not be applicable to any Residential or IP Institutional Park District Zoned properly located on State Highways.

Off-Premise Signs shall not be constructed, erected or installed within ~~five~~ two hundred (~~500~~200') feet of any Historic Site or Historic District, or any school, church, public park, Recreation Area, or public playground, ~~or environmental corridor.~~ This distance shall be measured from the outermost portion of the Off-Premise Sign structure.

8. No Off-Premise Sign shall be erected in a location prohibited by this Ordinance.

9. No Off-Premise Sign shall be erected so as to prevent ingress or egress from any door or window, or any other exitway required by the Building or Fire Codes of the City.

10. No Off-Premise Sign shall be located in such a manner as to obscure, or otherwise interfere with the effectiveness of a traffic Sign, signal or device, obstruct or physically interfere with a motor vehicle operator's view of approaching, merging or intersecting traffic.

11. No Off-Premise Sign shall be attached to a standpipe, gutter drain or fire escape.

12. No Off-Premise Sign shall be erected so to impair access to a roof.

HI. Off-Premises Signs in City Parks or Recreation Areas. This section does not apply to off-premise signs placed in City parks or recreational areas pursuant to authorization for non-permanent placement, from the Parks Commission.

Section Six: To create Section 15.15 G. of the Code of General Ordinances for the City of Kenosha, Wisconsin, as follows:

~~**G. Replacement Sign Credit.** The owner of a nonconforming an existing Off-Premise Sign may receive a Replacement Sign Credit upon removal of a Nonconforming an existing Off-Premise Sign. The owners or operators of Noneonforming Off-Premise Signs which are ordered to be removed by the Administrator to protect the public's welfare and safety, or Signs which are damaged or destroyed beyond twenty-five (25%) percent of its then current value, may also receive a Replacement Sign Credit.~~

~~The Replacement Sign Credit shall be subject to the following conditions:~~

- ~~1. The Replacement Sign Credit shall not expire. be valid for a period of one (19) year.~~
- ~~2. Replacement Sign Credits are not transferable.~~
- ~~3. The holder of the Replacement Sign Credit shall locate and construct, install and erect an Off-Premise Sign in accordance with this Ordinance as it exists at the time of construction, erection and installation.~~
- ~~4. A Replacement Sign Credit shall be awarded for each sign face removed.~~

Section Seven: To create Subsection J. of the Code of General Ordinances for the City of Kenosha, Wisconsin, as follows:

~~**J. Off-Premise Sign Cap.** The number of Off-Premise Signs in the City is limited to the number of such Signs in existence on the 1st day of October 3, 2011. The installation of an Off-Premise Sign is permitted only with Replacement Sign Credits. Upon expiration of each Replacement Sign Credit, the total number of allowable Off-Premise Sign Faces within the City of Kenosha shall be reduced by one.~~

Section Eight: To create and add a definition to Section 15.11 of the Code of General Ordinances for the City of Kenosha, Wisconsin, as follows:

~~**Digital Display Off-Premises Sign.** An off-premises advertising sign, display or device that changes the message copy on the sign by means of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area, and includes tri-vision signs and mechanically operated signs. may contain multiple or variable messages, including messages on louvers that are rotated and messages formed solely by use of lights or other electronic or digital displays, that may be changed by any electronic process.~~

Section SevenNine: To create the line pertaining to off-premises in Table 1 of Chapter 15 of the Code of General Ordinances for the City of Kenosha, Wisconsin, as follows:

SIGN DESCRIPTIONS	B-1/B-2/B-3/B-4	IP	M-1/M-2	RG/RS/RD/RR	RM
Digital Display Off-Premises Signs (Refer to Chapter 4 of the Zoning Ordinance)	CONDITIONAL only in B-2 NOT PERMITTED <u>B1, B3, B4</u>	NOT PERMITTED	CONDITIONAL	NOT PERMITTED	NOT PERMITTED

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
MATTHEW A. KNIGHT
Deputy City Attorney

City Plan Division 625 52 nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission FACT SHEET	August 4, 2011	Item 3
By: Alderpersons Eric Haugaard, Rocco LaMacchia and Tod Ohnstad - To Renumber Sections 3.03 F., 3.03 G., and 3.03 H. of the Zoning Ordinance for the City of Kenosha as Sections 3.03 G., 3.03 H., and 3.03 I., and To Create Section 3.03 F. entitled Accessory Building Exemptions for Residential Property. PUBLIC HEARING			

LOCATION/SURROUNDINGS:

City-Wide

NOTIFICATIONS/PROCEDURES:

This Ordinance was also referred to Public Safety and Welfare Committee before final approval by the Common Council.

ANALYSIS:

- The attached Ordinance creates a Section to allow residential accessory buildings, which do not meet the size requirements, to obtain a Special Exception.
- The Ordinance establishes criteria and restrictions for granting a Special Exception.
- The Public Safety and Welfare Committee will review the request and provide a recommendation to the Common Council. The Common Council has the authority to grant or deny the request.
- The Owners of property within 100 feet of the site are notified of any request.
- The Ordinance was deferred at the July 7th and July 21st meetings because the Commissioners had questions. The sponsors of the Ordinance have been working with the City Attorney's Office on revisions. A revised Ordinance is attached.

RECOMMENDATION:

For Commissioner review and recommendation.



Rich Schroeder, Assistant City Planner



Jeffrey B. Labahn, Director of City Development

DRAFT 07.19.11

DRAFT 07.26.11

Sponsors Added 08.02.11

Proposed Amendments by
Ald. Haugaard 09/09/11

BY: ALDERPERSON ERIC HAUGAARD
ALDERPERSON ROCCO LAMACCHIA
ALDERPERSON TOD OHNSTAD
ALDERPERSON JAN MICHALSKI
ALDERPERSON ANTHONY NUDO
ALDERPERSON STEVE BOSTROM
ALDERPERSON JESSE DOWNING

**TO RENUMBER SECTIONS 3.03 F., 3.03 G., AND 3.03 H. OF
THE ZONING ORDINANCE FOR THE CITY OF KENOSHA
AS SECTIONS 3.03 G., 3.03 H., AND 3.03 I AND TO CREATE
SECTION 3.03 F. ENTITLED ACCESSORY BUILDING
EXEMPTIONS FOR RESIDENTIAL PROPERTY.**

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

Section One: Sections 3.03 F., 3.03 G., and 3.03 H. of the Zoning Ordinance for the City of Kenosha, Wisconsin, are hereby renumbered as 3.03 G., 3.03 H., and 3.03 I.

Section Two: Section 3.03 F. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows:

F. Special Exceptions – Residential Accessory Building or Structures. A Special Exception from the terms of Section 3.03 D.4.d and the accessory building or structure size requirements of this ordinance, where such Special Exception will not be contrary to the spirit and purpose of this Ordinance, may be granted.

1. Exemption Criteria – A Special Exception shall meet the following criteria:

a. The architectural appearance and functional design of the building or structure and site shall not be so dissimilar to the existing principal buildings and area so as to cause impairment of property values or a blighting influence. All sides of the principal and accessory buildings or structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.

b. Relief cannot be contrary to covenants associated with the subject property.

c. For all residential districts, a maximum of two accessory buildings, structures or combination building and structure shall be permitted.

d. No accessory building or structure shall exceed the height of the principal building. However, in no case shall such accessory building or structure exceed twenty-five feet (25') in height in any residential district.

e. Residential Area Restrictions. Accessory buildings or structures ~~shall may~~ be permitted as accessory uses in residential areas subject to the following: in residential districts, the maximum square footage of ~~one all~~ accessory buildings or structures cannot exceed one thousand square feet (1,000 sq. ft.) ~~The maximum square footage for two accessory buildings or structures combined cannot exceed one thousand six hundred eighty square feet (1,680 sq. ft.).~~ In no case shall the total square footage of all detached covered accessory buildings and/or structures have a footprint larger than 80% of the footprint of the principal building's first floor livable space.

f. Doors. Doors shall not exceed nine feet (9') in height.

g. Drainage. No negative impacts on stormwater runoff. A grading plan may be required.

h. Notification of Surrounding Property Owners. Utilizing the list of surrounding property owners, within one hundred feet (100') of subject property, the Administrator shall mail to all such listed property owners, by regular mail, a copy of the public notice for the proposed appeal or application. It shall be sufficient that such

written notice is addressed to such owner at the address stated on said roll. If no owner is stated on the tax roll, or no address appears thereon, the written notice to such property shall not be required. Failure of a property owner to receive said notice shall not invalidate any action taken by the Common Council.

2. Additionally, in consideration of a Special Exception request, the City may impose additional conditions to protect the best interests of the surrounding area or the City as a whole. Violation of any such condition is a violation of this Section and Ordinance. Additional conditions imposed may include, but are not limited to the following:

a. Require the use of trim, lighting or other additional architectural detail to soften the impact of the bulk and height of the proposed structure(s) or building(s).

~~b. Require the structure be designed and placed on a lot so as to reasonably maintain a scale/size difference between the principal and accessory structure with the accessory structure being clearly subordinate to the principal structure.~~

~~eb.~~ Require the visibility of the accessory building(s) or structure(s) be minimized as viewed from adjacent lots and rights of way through the use of topography, increased setbacks, fencing, or existing or proposed vegetative landscaping.

~~ec.~~ Require garage door openings are placed so as to reduce their visibility from adjacent lots and rights-of-way.

~~ed.~~ Require the accessory building(s) or structure(s) be reasonably compatible with the architectural detail of the principal structure. The applicant holds the burden of proving the proposed building(s) or structure(s) ~~are~~ is reasonably compatible with the architectural detail of the principal structure.

~~fe.~~ Require the use of the same or similar window and exterior door proportion and type, as the principal building, to soften the impact of the bulk and height of the proposed structure(s).

~~gf.~~ Require general compatibility with adjacent and other property in the district.

3. Application Procedure. Any application for a Special Exception shall be submitted on forms provided by the Zoning Administrator. The application must be filed with the Zoning Administrator. In order to be accepted for filing, the application must be accompanied by a receipt from the Department of Neighborhood Services and Inspections indicating payment of the fee established therefore by the Common Council, from time to time, by resolution. The Zoning Administrator or designee thereof, shall prepare a written report and make a recommendation to the Committee on Public Safety and Welfare, said report and recommendation shall be submitted within thirty (30) days of receipt of the application. At its next regularly scheduled meeting, the Committee shall recommend to the Common Council either the granting or denial of the application. The Common Council, within sixty (60) days of receipt of the application, shall grant or deny a Special Exception after conducting a public hearing.

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
MATTHEW A. KNIGHT
Deputy City Attorney

ORDINANCE NO. _____

**BY: ALDERPERSON ERIC HAUGAARD
ALDERPERSON ROCCO LAMACCHIA
ALDERPERSON TOD OHNSTAD
ALDERPERSON JAN MICHALSKI
ALDERPERSON ANTHONY NUDO
ALDERPERSON STEVE BOSTROM
ALDERPERSON JESSE DOWNING**

**TO RENUMBER SECTIONS 3.03 F., 3.03 G., AND 3.03 H. OF
THE ZONING ORDINANCE FOR THE CITY OF KENOSHA
AS SECTIONS 3.03 G., 3.03 H., AND 3.03 I AND TO CREATE
SECTION 3.03 F. ENTITLED ACCESSORY BUILDING
EXEMPTIONS FOR RESIDENTIAL PROPERTY.**

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1. Exemption Criteria – A Special Exception shall meet the following criteria:

a. The architectural appearance and functional design of the building or structure and site shall not be so dissimilar to the existing principal buildings and area so as to cause impairment of property values or a blighting influence. All sides of the principal and accessory buildings or structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.

b. Relief cannot be contrary to covenants associated with the subject property.

c. For all residential districts, a maximum of two accessory buildings, structures or combination building and structure shall be permitted.

d. No accessory building or structure shall exceed the height of the principal building. However, in no case shall such accessory building or structure exceed twenty-five feet (25') in height in any residential district.

e. Residential Area Restrictions. Accessory buildings or structures may be permitted as accessory uses in residential areas subject to the following: in residential districts, the maximum square footage of all accessory buildings or structures cannot exceed one thousand square feet (1,000 sq. ft.). In no case shall the total square footage of all detached covered accessory buildings and/or structures have a footprint larger than 80% of the footprint of the principal building's first floor livable space.

f. Doors. Doors shall not exceed nine feet (9') in height.

g. Drainage. No negative impacts on stormwater runoff. A grading plan may be required.

h. Notification of Surrounding Property Owners. Utilizing the list of surrounding property owners, within one hundred feet (100') of subject property, the Administrator shall mail to all such listed property owners, by regular mail, a copy of the public notice for the proposed appeal or application. It shall be sufficient that such written notice is addressed to such owner at the address stated on said roll. If no owner is stated on the tax roll, or no address appears thereon, the written notice to such property shall not be required. Failure of a property owner

to receive said notice shall not invalidate any action taken by the Common Council.

2. Additionally, in consideration of a Special Exception request, the City may impose additional conditions to protect the best interests of the surrounding area or the City as a whole. Violation of any such condition is a violation of this Section and Ordinance. Additional conditions imposed may include, but are not limited to the following:

a. Require the use of trim, lighting or other additional architectural detail to soften the impact of the bulk and height of the proposed structure(s) or building(s).

b. Require the visibility of the accessory building(s) or structure(s) be minimized as viewed from adjacent lots and rights of way through the use of topography, increased setbacks, fencing, or existing or proposed vegetative landscaping.

c. Require garage door openings are placed so as to reduce their visibility from adjacent lots and rights-of-way.

d. Require the accessory building(s) or structure(s) be reasonably compatible with the architectural detail of the principal structure. The applicant holds the burden of proving the proposed building(s) or structure(s) are reasonably compatible with the architectural detail of the principal structure.

e. Require the use of the same or similar window and exterior door proportion and type, as the principal building, to soften the impact of the bulk and height of the proposed structure(s).

f. Require general compatibility with adjacent and other property in the district.

3. **Application Procedure.** Any application for a Special Exception shall be submitted on forms provided by the Zoning Administrator. The application must be filed with the Zoning Administrator. In order to be accepted for filing, the application must be accompanied by a receipt from the Department of Neighborhood Services and Inspections indicating payment of the fee established therefore by the Common Council, from time to time, by resolution. The Zoning Administrator or designee thereof, shall prepare a written report and make a recommendation to the Committee on Public Safety and Welfare, said report and recommendation shall be submitted within thirty (30) days of receipt of the application. At its next regularly scheduled meeting, the Committee shall recommend to the Common Council either the granting or denial of the application. The Common Council, within sixty (60) days of receipt of the application, shall grant or deny a Special Exception after conducting a public hearing.

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
MATTHEW A. KNIGHT
Deputy City Attorney