

AGENDA
PUBLIC SAFETY & WELFARE COMMITTEE MEETING
Kenosha Municipal Building - Room 202
Monday, October 10, 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 September 26, 2011.

B. DEFERRED

B-1 Proposed Ordinance to Create Section 1.06 A.A. (*of the Code of General Ordinances*) Entitled "Ethics Board" and to Repeal and Recreate Various Sections of Chapter 30 (*of the Code of General Ordinances*) Entitled "Code of Ethics". (*Also referred to Finance, Public Works, Licensing/Permit and Stormwater Utility Committees*) (*Deferred from the 9/26/11 meeting*)

B-2 Proposed Ordinance to Repeal Chapter 28 (*of the Code of General Ordinances*) for the City Entitled "Vacant Building Code" in its Entirety. (*Finance-DEFERRED*) (*Deferred from the 9/26/11 meeting*)

C. REFERRED TO COMMISSION

C-1 Proposed Ordinance To Repeal and Recreate Section 1.05 K. as "Department of Community Development"; to Repeal Section 1.05 N. Entitled "Department of Neighborhood Services and Inspections"; to Repeal and Recreate Sections 1.15 B. and 1.15 C. Entitled "Annexation Ordinances Preliminary Reports"; to Repeal and Recreate Paragraph 17.11 A.7 Entitled "Enforcement"; to Amend Various Sections (*of the Code of General Ordinances*) to Reflect a Change in Name by Substituting "Department of Community Development" for the "Department of City Development" and the "Department of Neighborhood Services and Inspections" or Similar Terminology Wherever those Phrases Appear; and to Amend Various Sections (*of the Code of General Ordinances*) to Reflect a Change in Name by Substituting "Director of Community Development" for "City Planner" or Similar Terminology Wherever that Phrase may Appear. (*Finance-DEFERRED*)

C-2 Proposed Ordinance To Repeal and Recreate Various Sections of Chapter 15 (*of the Code of General Ordinances*) Related to Off-Premise Signs.

C-3 Evaluation and Consideration of Zoning Coordinator Paula Blise's Qualifications to Oversee the combined Departments of Neighborhood Services and Inspections and City Development

C-4 Proposed Resolution To Reorganize Certain Operations of the City with Respect to the Departments of City Development and Neighborhood Services and Inspections and to Subsequently Create the Department of Community Development and Inspections. (*Also referred to Finance*)

DISCUSSION ITEMS:

1. Review of compliance efforts associated with Zoning Ordinance 2.02(B)(8): Certificate of No Past Due Real Estate Taxes or Special Assessments.
2. Discussion to analyze the concept of amending the City Sign Ordinance to allow temporary sandwich board signs on private property.

CITIZEN COMMENTS/ALDERMEN 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 of Meeting held Monday, September 26, 2011

A meeting of the Public Safety & Welfare Committee held on Monday, September 26, 2011 in Room 202 of the Kenosha Municipal Building. The meeting was called to order at 5:30 pm by Chairman Downing.

At roll call, the following members were present: Alderpersons Green, Orth, Kennedy, and LaMacchia. Staff members in attendance were Ed Antaramian, City Attorney; Michael Lemens, Interim Director of Public Works; Kevin Risch, Assistant City Engineer; and Martha Swartz, Property Maintenance Inspector.

It was moved by Alderperson LaMacchia, seconded by Alderperson Green, to approve the minutes from the meeting held on Monday, September 12, 2011. Motion passed unanimously.

- C-1. Alderman Request for a 4-Way Stop at 31st Street & 14th Avenue. (*District 6*) (*Staff recommends approval 90 day Trial*)
Public Hearing: Kerry Raymond, 1820-21st Ave, was present and spoke.
Staff/Alderman: Kevin Risch spoke.
It was moved by Alderperson Orth, seconded by Alderperson Green, to approve.
Motion passed unanimously.
- C-2 Staff Request for a Southbound Stop Sign at 68th Avenue & 56th Street. (*District 16*) (*Staff recommends approval 90 day Trial*)
Public Hearing: No one spoke.
Staff/Alderman: Kevin Risch spoke.
It was moved by Alderperson Kennedy, seconded by Alderperson Orth, to approve.
Motion passed unanimously.
- C-3 Proposed Ordinance by Alderperson Patrick Juliana - To Create Section 1.06 A.A. (*of the Code of General Ordinances*) Entitled "Ethics Board" and to Repeal and Recreate Various Sections of Chapter 30 (*of the Code of General Ordinances*) Entitled "Code of Ethics". (*Also referred to Finance, Public Works, Licensing/Permit and Stormwater Utility Committees*)
Public Hearing: No one spoke.
Staff/Alderman: Ed Antaramian spoke.
It was moved by Alderperson Orth, seconded by Alderperson LaMacchia, to defer for two weeks. Motion passed unanimously.
- C-4 Proposed Ordinance by Alderperson Steve Bostrom - To Repeal Chapter 28 (*of the Code of General Ordinances*) for the City of Kenosha, Entitled "Vacant Building Code" in its Entirety. (*Also referred to Finance Committee*)
Public Hearing: No one spoke.
Staff/Alderman: Ed Antaramian and Martha Swartz spoke.
It was moved by Alderperson Orth, seconded by Alderperson LaMacchia, to defer for two weeks. Motion passed unanimously.

- C-5 Proposed Ordinance Regarding 13.0112 (*of the General Code of Ordinances*) Entitled "Non-Structural Demolition."
Public Hearing: No one spoke.
Staff/Alderman: Ed Antaramian spoke.
It was moved by Alderperson Orth, seconded by Alderperson Kennedy, to approve.
Motion passed unanimously.
- C-6 Proposed Ordinance Regarding 9.17 B.3 (*of the General Code of Ordinances*) Entitled "Foundation of Razed Building Relating to Alternate Forms of Security, Operating Requirements, and Exceptions and Exemptions to the Requirements."
Public Hearing: No one spoke.
Staff/Alderman: Ed Antaramian spoke.
It was moved by Alderperson Orth, seconded by Alderperson LaMacchia, to approve.
Motion passed unanimously.

DISCUSSION ITEM:

1. Parking Lot Lights – Chairman Downing and Alderperson Green commented on the parking lot lights not being on in certain locations after dark and how it's a safety issue.

CITIZENS COMMENTS: Sharon Szarbaiko, 4108 45th St, spoke regarding Ordinance 3.03 F, 3.03 G, and 3.03 H.

ADJOURNMENT - There being no further business to come before the Public Safety & Welfare Committee, it was moved, seconded and unanimously carried to adjourn at 6:18 pm.

ORDINANCE NO. _____

Draft 09/12/11

BY: ALDERPERSON PATRICK JULIANA

TO CREATE SECTION 1.06 A.A. OF THE CODE OF GENERAL ORDINANCES ENTITLED “ETHICS BOARD” AND TO REPEAL AND RECREATE VARIOUS SECTIONS OF CHAPTER 30 OF THE CODE OF GENERAL ORDINANCES ENTITLED “CODE OF ETHICS”

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

Section One: SECTION 1.06 A.A. of the Code of General Ordinances for the City of

Kenosha, Wisconsin, is hereby created as follows:

1.06 A.A. ETHICS BOARD.

1. Title. There is hereby created an Ethics Board.

2. Purpose. The purpose of the Ethics Board is to render advisory opinions regarding the application of the City of Kenosha Code of Ethics, receive and investigate verified complaints alleging violations of the Code of Ethics, conduct hearings concerning alleged violations of the Code of Ethics, and make written findings of fact conclusions of law, determinations and recommendations regarding violations of the Code of Ethics.

3. Members. There shall be five (5) members who are residents of the City, one of whom shall be an attorney licensed to practice law in this State. Members of the Ethics Board shall not be elected officials, persons appointed to elective office, full-time appointed officials, or City employees, nor shall they be currently serving on any other City Board, Commission or Authority. All members shall be appointed by the Mayor and confirmed by the Common Council.

4. Term. The term of members shall be five (5) years, which shall be staggered by creating initial terms for a period of one (1), two (2), three (3), four (4) and five (5) years, respectively.

5. Officers. The Board shall elect a chairperson and a vice-chairperson from among its members at its initial meeting and annually at its first meeting of each calendar year.

6. By-Laws. The Board may, from time to time, adopt by-laws and rules of procedure fixing the time and place of meeting, prescribing the manner of keeping records, and treating other matters.

7. Duties. The Board shall have the duties specified in Chapter 30 of the Code of General Ordinances as may be amended from time to time.

Section Two: Sections 30.08 through 30.13 of the Code of General Ordinances for

the City of Kenosha, Wisconsin are hereby repealed.

Section Three: Sections 30.08 through 30.20 of Chapter XXX of the Code of General

Ordinances for the City of Kenosha, Wisconsin are hereby created as follows:

30.08 ADMINISTRATION AND ENFORCEMENT

Except as otherwise provided in this Chapter, the Code of Ethics shall be administered and enforced by the Ethics Board.

30.09 ADVISORY OPINIONS

Any covered person or the Office of the City Attorney may make a written request of the Ethics Board for an advisory opinion regarding the propriety of any matter or matters to which the covered person is or may become a party. Any appointing officer, with the consent of the prospective appointee, may make a written request of the Ethics Board for an advisory opinion regarding the propriety of any matter to which the prospective appointee is or may become a party. The Ethics Board shall review a written request for an advisory opinion and advise the person making the request. Advisory opinions of the Ethics Board shall be in writing. It shall be prima facie evidence of intent to comply with the Code of Ethics when a person making a written request for an advisory opinion abides by the advisory opinion of the Ethics Board provided the material facts are as stated in the advisory opinion request.

The identity of the person requesting the written advisory opinion, the request for an advisory opinion, any documents or records obtained or filed in connection with the request for an advisory opinion and any written advisory opinion of the Ethics Board shall not be made public and shall be closed in whole to public inspection unless the individual requesting the advisory opinion consents in writing to make public the individual's identity, the request, documents, records and/or advisory opinion. Meetings of the Ethics Board at which deliberations and actions are taken in connection with a written request for an advisory opinion shall not be open to the public. A person who makes or purports to make public the substance of or any portion of an advisory opinion requested by or on behalf of the person waives the confidentiality of the request for an advisory opinion, documents or records obtained or prepared by the Ethics Board, including the Ethics Board advisory opinion, in connection with the request for an advisory opinion. Notwithstanding the foregoing, the Ethics Board may, but is not obligated to, make public a summary of an advisory opinion after making sufficient alterations in the summary to prevent disclosing the identities of individuals involved in the opinion.

30.10 COMPLAINTS

A. Filing of Complaints. Any person may file a complaint against any covered person alleging a violation of the Code of Ethics with the Ethics Board. The complaint shall be filed with the City Department of Human Resources. The complaint shall be in writing and shall be verified. A separate written verified complaint shall be requested for each named covered person. The complaint shall state with specificity the date of the alleged offense, the provision of the Code of Ethics alleged to have been violated, and the facts and circumstances upon which the allegations are based. Allegations shall be deemed to be made upon personal knowledge unless stated as being made upon information and belief.

B. Sufficiency of Complaints. Within ten (10) working days of the receipt of the verified complaint, the Ethics Board shall forward by regular mail to the accused covered person a copy of the verified complaint and a general statement of the applicable provisions of the Code of Ethics. Within twenty (20) working days after mailing, the Ethics Board shall meet to determine whether based upon the face of the verified complaint sufficient facts are alleged to constitute a violation of the Code of Ethics. If the Ethics Board determines that the verified complaint does not allege facts sufficient to constitute a violation of the Code of Ethics, the Ethics Board shall dismiss the complaint and notify the complainant and the accused covered person. If the Ethics Board determines that the verified complaint was brought for harassment purposes, the Ethics Board shall so state.

If the Ethics Board determines that the verified complaint alleges facts sufficient to constitute a violation

of the Code of Ethics, the Ethics Board shall conduct an investigation. The Ethics Board shall authorize any investigation by a motion which shall state the nature and purpose of the investigation and the actions or activities to be investigated. Upon adoption of a motion, the Ethics Board shall notify each accused covered person who is the subject of the investigation. Within ten (10) working days of the adoption of the motion, the Ethics Board shall forward by regular mail a copy of the motion to each accused covered person identified in the motion together with a notice informing the accused covered person that he or she is the subject of the investigation together with a general statement of the applicable provisions of the Code of Ethics involved in the investigation. Service of the notice is complete upon mailing.

If during the course of an investigation, the Ethics Board finds probable cause to believe that a violation of the Code of Ethics other than one contained in the verified complaint has occurred, the Ethics Board may amend the complaint upon its own motion to include such violations and to conduct an investigation. Within ten (10) working days of the adoption of the motion amending the complaint, the Ethics Board shall forward by regular mail to the accused covered person a copy of the motion, the amended complaint and a general statement of the applicable provisions of the Code of Ethics involved in the amended complaint and investigation. Service is complete upon mailing.

C. Limitations. No action may be taken by the Ethics Board on any complaint which is filed with the Ethics Board later than two (2) years after a violation of the Code of Ethics is alleged to have occurred. Any complaint, investigation or prosecution regarding violations of the Code of Ethics initiated prior to the effective date of this ordinance and any proceedings arising therefrom shall proceed pursuant to the provisions of Chapter XXX in effect prior to the effective date of this Ordinance and shall be unaffected by the adoption of this Ordinance.

30.11 POWERS

Pursuant to any investigation or hearing conducted under this Chapter, the Ethics Board has the power to:

A. Require any person to submit in writing such reports, documents, information and answers to questions in connection with the proceedings conducted under this Chapter as the Ethics Board may prescribe, such submission to be made within such period and under oath or otherwise as the Ethics Board may determine.

B. Require all persons who are the subject of the investigation or hearing to execute releases, authorizations and/or waivers to permit the Ethics Board to obtain information and documents in connection with the proceedings conducted under this Chapter as the Ethics Board may prescribe.

C. Administer oaths and issue subpoenas signed by the chairperson, or vice-chairperson in the absence of the chairperson, compelling the attendance and testimony of individuals and the production of any documentary evidence relating to the investigation or hearing being conducted.

D. Request and obtain from the Wisconsin Department of Revenue copies of state income tax returns and access to other appropriate information under Section 71.78 Wis. Stats. regarding all persons who are the subject of the investigation or hearing.

E. Retain the services of a court reporter, investigator, outside legal counsel, or other experts and staff as may be necessary from time to time in the administration of this Chapter.

30.12 PROBABLE CAUSE OF VIOLATION

Upon conclusion of the investigation, the Ethics Board shall make a determination of whether or not

probable cause exists to believe that a violation of the Code of Ethics has occurred. If the Ethics Board determines that no probable cause exists, the Ethics Board shall send written notice of such determination to the accused covered person and the complainant as soon as practicable. If the Ethics Board determines that there is probable cause to believe that a violation of the Code of Ethics has occurred, the Ethics Board shall issue written findings of fact and conclusions setting forth the basis for the probable cause finding which may also contain a referral to the district attorney recommending further investigation and possible prosecution and /or an order setting a date for a hearing to determine whether a violation of the Code of Ethics has occurred. The notice of hearing, probable cause findings and conclusions and a copy of the complaint shall be served upon the accused covered person. The hearing shall be held within forty-five (45) days after the date it is ordered unless the accused covered person petitions for and the Ethics Board consents to a later date. The Board of Ethics shall provide the accused covered person or his or her counsel exculpatory evidence in the possession of the Ethics Board.

30.13 INVESTIGATION AND HEARING PROCEDURE

The Ethics Board shall have the power to adopt by-laws and rules of procedure, including those related to the manner of conducting investigations and hearings. Any hearing before the Ethics Board shall be presided over by the chairperson or vice-chairperson in the absence of the chairperson. The Ethics Board may retain counsel and other experts and staff as needed in accordance with its by-laws to assist and advise the Ethics Board. The accused covered person may be represented by counsel. The accused covered person may present evidence, call and examine witnesses and cross-examine any witnesses called. All witnesses shall be sworn and all testimony shall be recorded by a court reporter. Upon request the Ethics Board shall issue subpoenas to compel the attendance of witnesses. The formal rules of evidence will not apply although basic principles of relevance, materiality, hearsay and probative value will be observed. The Ethics Board shall not find a violation of the Code of Ethics except upon a preponderance of the evidence admitted at the hearing. The hearing shall be conducted in closed session unless the accused covered person requests in writing that the hearing be open to the public.

30.14 DETERMINATIONS

Deliberations of the Ethics Board during or following a hearing shall be in closed session. Unless otherwise extended, within forty-five (45) days following the conclusion of the hearing, the Ethics Board shall issue written findings, determinations, orders and recommendations. If the Ethics Board determines that no violation of the Code of Ethics occurred, the Ethics Board shall as soon as practicable send written notice of such determination to the accused covered person and the complainant. If the Ethics Board determines that a violation of the Code of Ethics has occurred, the findings and determinations may contain one or more of the following orders or recommendations:

A. In the case of a covered person who is a City officer as defined by Wisconsin Statute a recommendation that the City officer be reprimanded, censured, suspended or removed from office. The recommendation shall be made to the appropriate disciplinary authority who may reprimand, censure, suspend or remove the City officer from office.

B. In the case of a covered person who is a City employee a recommendation that the City employee be discipline or discharged. The recommendation shall be made to the appropriate disciplinary authority.

C. An order requiring the covered person to conform his or her conduct to the Code of Ethics.

D. A recommendation that the City Attorney commence a civil forfeiture action in Municipal Court for a violation of the Code of Ethics..

E. A recommendation that the district attorney investigate and/or prosecute.

Notwithstanding the foregoing, no covered person subject to the jurisdiction of the Civil Service Commission or the Board of Police and Fire Commissioners shall be suspended or removed other than in accordance with the rules and regulations thereof.

30.15 REIMBURSEMENT OF LEGAL EXPENSES

In the event a complaint against an accused covered person is dismissed in its entirety the Ethics Board, the accused covered person shall be paid by the City for the reasonable cost of the defense upon assigning to the City any cause of action to recover the legal expenses incurred by the accused covered person from the complainant. The City in its discretion may pursue such assigned cause of action to recover the legal expenses from the complainant where the complaint has been dismissed in its entirety by the Ethics Board.

30.16 PUBLIC INSPECTION OF RECORDS

Except as provided in this Section, all records in the possession of the Ethics Board shall be open to public inspection at all reasonable times. The following records in the possession of the Ethics Board are not open to public inspection:

A. Records obtained in connection with a request for an advisory opinion other than summaries of advisory opinions that do not disclose the identity of individuals requesting such opinions. The Ethics Board may however, make such records public with the consent of the person requesting the advisory opinion. A person who makes or purports to make public the substance of or any portion of an advisory opinion requested by or on behalf of the person is deemed to have waived the confidentiality of the request for an advisory opinion and of any record obtained or prepared by the Ethics Board, including the advisory opinion, in connection with the request for an advisory opinion.

B. Records obtained or prepared by the Ethics Board in connection with an investigation, except that the Ethics Board shall permit inspection of records that are made public in the course of a hearing by the Ethics Board to determine if a violation of the Code of Ethics has occurred. Whenever the Ethics Board refers investigation and hearing records to the appropriate disciplinary authority under Section 30.14 the records may be made public in the course of prosecution initiated under this Ordinance.

30.17 FAILURE TO COOPERATE

The failure of any accused covered person to cooperate with the Ethics Board in the investigation, hearing and disposition of complaints filed under this Ordinance shall be deemed a violation of the Code of Ethics subject to enforcement as provided in this Ordinance.

30.18 SEVERABILITY

If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, as finally determined by a court of record, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

30.19 PENALTY

In addition to any other action, any covered person who violates the Code of Ethics shall be subject upon conviction to a forfeiture of not more than One Thousand (\$1,000.00) Dollars plus the cost of prosecution

for each violation, including actual reasonable attorney fees and expenses, and in the event of failure to make timely payment thereof shall be committed to the County Jail for a period not to exceed thirty (30) days.

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
JONATHAN A. MULLIGAN
Assistant City Attorney

ORDINANCE NO. _____

BY: ALDERPERSON STEVE BOSTROM

TO REPEAL CHAPTER 28 OF THE CODE OF GENERAL ORDINANCES FOR THE CITY OF KENOSHA, ENTITLED "VACANT BUILDING CODE" IN ITS ENTIRETY

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

Section One: Chapter 28 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed in its entirety.

Section Two: 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. _____

SPONSOR: THE MAYOR

To repeal and recreate Section 1.05 K. as “Department of Community Development ”; to repeal Section 1.05 N. entitled “ Department of Neighborhood Services and Inspections”; to repeal and recreate Sections 1.15 B. and 1.15 C. entitled “Annexation Ordinances Preliminary Reports”; to repeal and recreate Paragraph 17.11 A.7 entitled “Enforcement”; to amend various sections of the Code of General Ordinances to reflect a change in name by substituting “Department of Community Development” for the “Department of City Development” and the “Department of Neighborhood Services and Inspections” or similar terminology wherever those phrases appear; to amend various sections of the Code of General Ordinances to reflect a change in name by substituting “Director of Community Development” for “City Planner” or similar terminology wherever that phrase may appear

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

Section One: Section 1.05 K. of the Code of General Ordinances for the City of

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

K. Department of Community Development.

1. The Department of Community Development shall be under the general supervision of the Mayor and City Administrator and the Public Safety and Welfare Committee. The department is charged with the duties of administering various programs and activities including, but not limited to, planning, zoning, Community Development Block Grant program, administers Home Investment Partnership Act (HOME) program, redevelopment, historic preservation programs, property maintenance, building inspection and Minimum Housing and Sign Code enforcement.

2. The Administrative Head of the Department of Community Development shall be the Director, who shall hold his/her office under Civil Service. Any vacancy occurring in said office shall be filled through appointment by the Mayor, subject to confirmation by the Common Council in accordance with the Civil Service System Ordinance and Personnel Rules and Regulations. The Director of Community Development shall serve as Secretary of the City Plan Commission and Redevelopment Authority of the City of Kenosha.

Section Two: Section 1.05 N. of the Code of General Ordinances for the City of

Kenosha, Wisconsin, is hereby repealed.

Section Three: Sections 1.15 B. and 1.15 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, are hereby repealed and recreated as follows:

1.15 ANNEXATION ORDINANCES PRELIMINARY REPORTS

B. Report of City Attorney. Within three weeks after the filing of a petition for annexation of territory to the City, the City Attorney shall examine the petition, notices, reports of City Plan Commission, City Engineer, and the State Department of Administration and give his written opinion to the Council as to whether there has been such compliance with the Wisconsin Statutes as to authorize the enactment of an Ordinance annexing the territory.

C. Report of City Engineer. Within three weeks after the filing of a petition for annexation of territory to the City, the City Engineer shall report to Council, in writing, as to the cost and benefits, if any to the City based on reports made to him by the heads of departments who are in a position to estimate such costs and benefits

Section Four : Paragraph 17.11 A.7 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

7. Enforcement. Occupancy Permits may be withheld with respect to any parcel of property within an approved Subdivision Plat or Certified Survey Map until the Department of Community Development certifies that the requirements of this Ordinance have been met. In the event any work specified in the Development Agreement is not completed in accordance with the Development Agreement and this Ordinance, the City and/or Kenosha Water Utility may do or cause said work to be done, and charge the cost thereof against any posted assurance or charge the benefited property through a special assessment where there is no applicable or insufficient assurance. Any guarantee or warranty shall remain in effect and be enforced to the full extent of the law.

Section Five: Chapters One; Two; Three; Four; Five; Eight; Nine; Ten; Eleven; Twelve; Thirteen; Fourteen; Fifteen; Sixteen; Seventeen; Twenty; Twenty-Two; Twenty-Seven; Twenty-Eight; Thirty-Two; Thirty-Three; Thirty-Four and Thirty-Five of the Code of General Ordinances for the City of Kenosha, Wisconsin, are amended by substituting therein the phrases “Department of Community Development”

for the “Department of City Development”, the “Department of Neighborhood Services and Inspections”, City Plan Division of the Department of City Development”, combinations and variations thereof, or similar terminology wherever those phrases appear.

Section Six: Chapters Two, Five and Seventeen of the Code of General Ordinances for the City of Kenosha, Wisconsin, are amended by substituting therein the phrase “Director of the Department of Community Development” for “City Planner” or similar terminology wherever those phrases appear.

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney

DRAFT 09/26/11

SPONSOR: THE MAYOR

To repeal and recreate Section 1.05 K. as “Department of Community Development”; to repeal Section 1.05 N. entitled “ Department of Neighborhood Services and Inspections”; to repeal and recreate Sections 1.15 B. and 1.15 C. entitled “Annexation Ordinances Preliminary Reports”; to repeal and recreate Paragraph 17.11 A.7 entitled “Enforcement”; to amend various sections of the Code of General Ordinances to reflect a change in name by substituting “Department of Community Development” for the “Department of City Development” and the “Department of Neighborhood Services and Inspections” or similar terminology wherever those phrases appear; to amend various sections of the Code of General Ordinances to reflect a change in name by substituting “Director of Community Development” for “City Planner” or similar terminology wherever that phrase may appear

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

Section One: Section 1.05 K. of the Code of General Ordinances for the City of

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

K. Department of City Community Development.

~~1. The Department of City Development shall be under the general supervision of the Mayor and City Administrator and the Committee on Finance, and is charged with the duties of administering the City Community Development program and the City Plan Department. The Director of City Development shall serve as Secretary of the City Plan Commission, administer the City of Kenosha Housing Authority policies, supervise personnel assigned to the Housing Authority, administer the City of Kenosha economic development policies, and perform related work as required.~~

~~2. The administrative head of this department shall be known as the Director of City Development and shall hold said office under Civil Service. Any vacancy occurring in said office shall be filled through appointment by the Mayor, subject to the approval of the Common Council from an eligible list supplied according to the Ordinances and Rules of Civil Service.~~

1. The Department of Community Development shall be under the general supervision of the Mayor and City Administrator and the Public Safety and Welfare Committee. The department is charged with the duties of administering various programs and activities including, but not limited to, planning, zoning, Community

Development Block Grant program, administers Home Investment Partnership Act (HOME) program, redevelopment, historic preservation programs, property maintenance, building inspection and Minimum Housing and Sign Code enforcement.

2. The Administrative Head of the Department of Community Development shall be the Director, who shall hold his/her office under Civil Service. Any vacancy occurring in said office shall be filled through appointment by the Mayor, subject to confirmation by the Common Council in accordance with the Civil Service System Ordinance and Personnel Rules and Regulations. The Director of Community Development shall serve as Secretary of the City Plan Commission and Redevelopment Authority of the City of Kenosha.

Section Two: Section 1.05 N. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed.

N. Department of Neighborhood Services and Inspections.—

~~1. The Department of Neighborhood Services and Inspections shall be under the general supervision of the Mayor and City Administrator and shall be charged with the development, implementation, and administration of the City's Inspection, Code Enforcement and Housing Programs.—~~

~~2. The Administrative Head of the Department of Neighborhood Services and Inspections shall be the Director, who shall hold his/her office under Civil Service and any vacancy in his/her office shall be filled by appointment of the Mayor, subject to confirmation by the Common Council, from an eligibility list supplied by the Personnel Department in accordance with the Civil Service System Ordinance and Personnel Rules and Regulations.—~~

Section Three: Sections 1.15 B. and 1.15 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, are hereby repealed and recreated as follows:

1.15 ANNEXATION ORDINANCES PRELIMINARY REPORTS

B. Report of City Attorney. Within three weeks after the filing of a petition for annexation of territory to the City, the City Attorney shall examine the petition, notices, reports of City Plan Commission, City Engineer, and ~~Director of Planning in the Department of Resource Development~~ the State Department of Administration and give his written opinion to the Council as to whether there has been such compliance with

the Wisconsin Statutes as to authorize the enactment of an Ordinance annexing the territory.

C. Report of City Engineer. Within three weeks after the filing of a petition for annexation of territory to the City, the City ~~Plan~~ Engineer shall report to Council, in writing, as to the cost and benefits, if any to the City based on reports made to him by the heads of departments who are in a position to estimate such costs and benefits

Section Four : Paragraph 17.11 A.7 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

7. Enforcement. Occupancy Permits may be withheld with respect to any parcel of property within an approved Subdivision Plat or Certified Survey Map until the Department of ~~City~~Community Development certifies ~~to the Department of Neighborhood Services and Inspections~~ that the requirements of this Ordinance have been met. In the event any work specified in the Development Agreement is not completed in accordance with the Development Agreement and this Ordinance, the City and/or Kenosha Water Utility may do or cause said work to be done, and charge the cost thereof against any posted assurance or charge the benefited property through a special assessment where there is no applicable or insufficient assurance. Any guarantee or warranty shall remain in effect and be enforced to the full extent of the law.

Section Five: Chapters One; Two; Three; Four; Five; Eight; Nine; Ten; Eleven; Twelve; Thirteen; Fourteen; Fifteen; Sixteen; Seventeen; Twenty; Twenty-Two; Twenty-Seven; Twenty-Eight; Thirty-Two; Thirty-Three; Thirty-Four and Thirty-Five of the Code of General Ordinances for the City of Kenosha, Wisconsin, are amended by substituting therein the phrases “Department of Community Development” for the “Department of City Development”, the “Department of Neighborhood Services and Inspections”, City Plan Division of the Department of City Development”, combinations and variations thereof, or similar terminology wherever those phrases appear.

Section Six: Chapters Two, Five and Seventeen of the Code of General Ordinances for the City of Kenosha, Wisconsin, are amended by substituting therein the phrase “Director of the Department of Community Development” for “City Planner” or similar terminology wherever those phrases appear.

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney

ORDINANCE NO. _____

DRAFT 08/31/11**REVISED CHANGES OF PSW COMM 09/12/11****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. Table 2 of this ordinance identifies off-premise sign review procedure requirements.

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 ~~thirty (30)~~ (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 property 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 ~~Noneonforming~~ 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 12 of Chapter 15 of the Code of General Ordinances for the City of Kenosha, Wisconsin, ~~pertaining to off-premise signs~~ 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	CONDITIONAL	NOT PERMITTED	NOT PERMITTED

SIGN DESCRIPTIONS	B-1/B-2/B-3/B-4	IP	M-1/M-2	RG/RS/RD/RR/TR D	RM
Off-Premises Sign Replacement (Same location/Same size)	OFF-PREMISE SIGN PERMIT	NOT PERMITTED	OFF-PREMISE SIGN PERMIT	NOT PERMITTED	NOT PERMITTED
Off-Premises Sign – New location or relocation	SITE PLAN REVIEW	NOT PERMITTED	SITE PLAN REVIEW	NOT PERMITTED	NOT PERMITTED
Off-Premises Sign – Bulletin Size (14' x 48')	CONDITIONAL USE PERMIT	NOT PERMITTED	CONDITIONAL USE PERMIT	NOT PERMITTED	NOT PERMITTED
Off-Premises Sign – Not in Compliance with 15.15 H.7. of G.C.	CONDITIONAL USE PERMIT	NOT PERMITTED	CONDITIONAL USE PERMIT	NOT PERMITTED	NOT PERMITTED
Digital Display Off-Premises Sign	CONDITIONAL USE PERMIT	NOT PERMITTED	CONDITIONAL USE PERMIT	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

ORDINANCE NO. _____

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.

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. Table 2 of this ordinance identifies off-premise sign review procedure requirements.

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 off-premise commercial sign removed as a result of a street Right-of-Way taking or for any other reason may be relocated.

4. In accordance with Section 62.23(7)(h), Wisconsin Statutes, Signs which are a nonconforming use must remain the same as 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 shall not during the sign's life exceed 50 percent of the assessed value of the sign unless permanently changed to a conforming use.

5. The Sign may continue in use as long as it is not abandoned or discontinued. 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:

H. Replacement Sign Credits. Off-Premise Signs constructed as a result of Replacement Sign Credits shall be subject to the following Ordinance standards.

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 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, or a total Sign Face area of 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 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 five hundred (500) foot 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 thirty-five (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 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 property located on State Highways.

Off-Premise Signs shall not be constructed, erected or installed within two hundred (200') feet of any Historic Site or Historic District, or any school, church, public park, Recreation Area or public playground. 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.

I. 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 an existing Off-Premise Sign may receive a Replacement Sign Credit upon removal of a an existing Off-Premise Sign. The owners or operators of 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.
2. Replacement Sign Credits are 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.

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 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 Nine: To create Table 2 of Chapter 15 of the Code of General Ordinances

for the City of Kenosha, Wisconsin, pertaining to off-premise signs as follows:

SIGN DESCRIPTIONS	B-1/B-2/B-3/B-4	IP	M-1/M-2	RG/RS/RD/RR/TR D	RM
Off-Premises Sign Replacement (Same location/Same size)	OFF-PREMISE SIGN PERMIT	NOT PERMITTED	OFF-PREMISE SIGN PERMIT	NOT PERMITTED	NOT PERMITTED
Off-Premises Sign – New location or relocation	SITE PLAN REVIEW	NOT PERMITTED	SITE PLAN REVIEW	NOT PERMITTED	NOT PERMITTED
Off-Premises Sign – Bulletin Size (14' x 48')	CONDITIONAL USE PERMIT	NOT PERMITTED	CONDITIONAL USE PERMIT	NOT PERMITTED	NOT PERMITTED
Off-Premises Sign – Not in Compliance with 15.15 H.7. of G.C.	CONDITIONAL USE PERMIT	NOT PERMITTED	CONDITIONAL USE PERMIT	NOT PERMITTED	NOT PERMITTED
Digital Display Off-Premises Sign	CONDITIONAL USE PERMIT	NOT PERMITTED	CONDITIONAL USE PERMIT	NOT PERMITTED	NOT PERMITTED

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
MATTHEW A. KNIGHT
Deputy City Attorney

October 6, 2011

David F. Bogdala, Chairman, Finance Committee

Jesse L. Downing, Chairman, Public Safety & Welfare Committee / Common Council President

Gentlemen;

This is an official request to evaluate my job classification with consideration for an upgrade to oversee the Department of Neighborhood Services and Inspections, as a part of the Committee/Council discussions as my request and concerns coincide with the Zoning and General Code Ordinances being proposed by Administration.

I previously and currently continue to perform the duties of the former Director of Neighborhood Services and Inspections / Zoning Administrator, in addition to additional duties that were previously performed by the Supervisor of Building Inspection, which were either conveyed to me by the former department Director or are not being building inspection staff.

- Responsible for coordination of inspections related to new development projects (examples: Palmen Fiat, Girls and Boys Club, Expedited Freight)
- Responsible for approval of OCCO permits (construction-related/CUP projects)
- Responsible for monitoring escrows for development projects
- Enforcement of building code violations
- Enforcement of pool code violations
- Assist Building Inspection staff with code enforcement issues
- Formulate special assessment information regarding zoning and building re-inspection fees
- Researched and drafted verbiage for ordinances to enable citizens to appeal non-conforming uses, fences, and accessory structure restrictions.

With the exception of signing leave slips, preparing the operating budget, and personnel-oriented activities, I am performing all of the responsibilities listed within the job description of the Director of Neighborhood Services and Inspections. As Administrative Coordinator at the Airport, and Acting Clerical Supervisor in Public Works (in the absence of the Clerical Supervisor), I did perform all of the above-referenced functions. Therefore, I do have experience in this regard. In June, I observed and resolved a departmental error whereby applicants were undercharged for building permits for an 18 month period (from January 2010 through June 2011). I also ended the departmental practice of charging property owners for raze permits associated with structures less than 500 square feet. This was done contrary to Building Code ordinance standards. I am currently enforcing building code requirements for illegal construction work associated with a 25,000 square foot corporate project. This required meeting with corporate officials of the firm, and resolving the issue in a diplomatic and amicable manner. It was imperative that the strong and positive relationship between the business and the City of Kenosha not be hampered or undermined by this action.

I am cognizant of the department operations and have a solid track record of getting the job done. The current state of the department is dismal. The morale of the majority of the employees is deflated, while observing a lack of productivity among co-workers, and no leadership in place to resolve such issues.

Inspection staff is ignoring obvious illegal construction activities, which has sent a message to the construction community that not obtaining required permits for building projects (electrical, building, plumbing) will have no adverse impact and that enforcement is virtually nonexistent. A prime example of the lack of enforcement would be a local company's construction of an illegal building over a year ago, with City staff's knowledge, but with no initiative by staff to bring the property into compliance. Based on a complaint that came to my attention, I performed building and zoning enforcement activities, resulting in \$6,114.00 in permit fees/penalties, and current review of the project under the Conditional Use Permit process.

Failure to have staff conduct pro-active enforcement adversely impacts the consumer in that he/she does not have the assurance that the work has been performed to code, and the safety of their homes and/or businesses are at risk. It is no secret that the economic situation has resulted in an increase in individuals' repairing and/or rehabbing their properties. The lack of pro-active enforcement leaves our current inspect staff with what they call "gaps" in their days, waiting to go out on inspection calls. This is a misuse of our resources and a dilemma that I can remedy.

As a 14 year NSI employee, and 32 year City employee, I believe that I have the strength, knowledge, education (Master's Degree: Business Administration) to oversee the department efficiently and effectively. I, respectfully, would like to point out that the Director of Neighborhood Services and Inspections' job description listed the highest level of education as a Bachelor's Degree, while the Zoning Coordinator job description lists that a Master's Degree is preferred. The attached January 31, 2000 communication from the former Mayor, set forth that the Zoning Administrator position would be evaluated. Zoning Administrative duties were conveyed to me in 2000 by the former Director, however that evaluation never took place. A copy of the former Director of Neighborhood Services and Inspections formal job description, as well as the Zoning Coordination job description is attached for your review.

I would be my objective to bring the department to a first-class level, with a staff that feels appreciated and willing to do the best job that they can. The leader of the department must have the experience to understand every aspect of the different divisions, so that assignments can be carried out to the satisfaction of the public, elected officials and the Administration.

This issue is relevant to the ordinance and organization chart proposals that propose the elimination of the Zoning Administrator title within the Zoning Ordinances, and proposed changes to my duties, as well as the creation of positions to oversee the divisions. There is no rationale for the elimination of the Zoning Administrator title, which has been, in existence with associated job responsibilities since the 1980s. Those Zoning Administrator duties were conveyed to me, upon the departure of the former Chief of Inspection, Vernon Gerth, in 2000. In 2008, following my inquiries for recognition in performing those duties, the Zoning Administrator title was conveyed to the former Director of Neighborhood Services and Inspections by embedding it into an 11-page Floodplain ordinance (attached). In addition to the above proposed changes, I have been verbally advised by Administration that there will be changes to my job responsibilities and I shall be relocated to the third floor. No explanation has been provided as to the rationale of this objective.

I look forward to your consideration in this matter.

Sincerely,



**JOHN M. ANTARAMIAN
MAYOR**



**CITY OF KENOSHA
625 - 52nd Street
Kenosha, Wisconsin 531
(414) 653-4000
Fax (414) 653-4010**

January 31, 2000

Mr. James Schultz,
Director,
Department of Neighborhood Services
And Inspections,
Kenosha, Wisconsin 53140.

Re: Zoning Administrator

Dear Mr. Schultz:

The Zoning Administration function in your Department is currently under review. This function was previously performed by the Chief of Inspection (a position which no longer exists). We will study the Zoning Administrator function and recommend appropriate position assignment, as well as changes to the Zoning Ordinance.

In the interim, you are designated as the Zoning Administrator and you will fulfill these duties under the Zoning Ordinance. You may designate one or more employees in your Department to assist you in performing this task.

Sincerely,

CITY OF KENOSHA, WISCONSIN


JOHN M. ANTARAMIAN, Mayor

JMA:JWC:ri

cc: Nickolas Arnold, City Administrator
James W. Conway, City Attorney
Raymond Forgianni, Director, Dept. Of City Development
Charles Grapentine, Director of Personnel

Director of Neighborhood Services & Inspections

DEPT: NSI

CHARACTERISTICS OF THE CLASS

Under administrative direction of the Mayor and City Administrator, plans, directs and coordinates the delivery of City services that protect and promote the health, safety and general welfare of the public; preserve and improve City neighborhoods, and provide affordable housing opportunities to lower income people. Work is reviewed through conferences and written reports for results obtained. Performs other work as requested or assigned.

EXAMPLES OF ESSENTIAL FUNCTIONS (illustrative only)

- Prepares departmental and operating budgets.
- Effectively supervises and recommends the hiring, discharge, assignment, evaluation, discipline and adjustment of grievances of subordinate department employees.
- Attends Council and Committee meetings; makes public presentations.
- Prepares and maintains records and correspondence; responds to inquiries from departmental personnel and the general public.
- Performs interior and exterior inspections.
- Assigns projects; reviews development and building plans; plans, directs and coordinates programs and activities.
- Interprets City Ordinances and codes; maintains fiscal records.
- Prepares and negotiates contracts/agreements.

(NOTE: The duties listed above are intended as illustrations of the various types of work performed by persons in positions covered by this classification specification. This list is not all inclusive. The omission of a particular job duty does not mean that the duty is not one of the essential functions of the position. Management reserves the right to assign employees in this classification to duties not listed above, if the duties are fairly within the scope of responsibilities applicable to the level of work performed by employees in positions covered by this classification specification. This classification

Job Description: Director of Neighborhood Services & Inspections

specification does not create an employment contract between the City and the employee and is subject to change by the City as the needs of the City change over time.)

REQUIREMENTS

Training and Experience:

Bachelor's degree in engineering, planning, public or business administration; supplemented by five (5) years of experience in public housing with two (2) years in a supervisory capacity; or an equivalent combination of training and experience.

Knowledge, Abilities, and Skills:

Knowledge of housing construction, maintenance, rehabilitation, repair and related funding.

Knowledge of federal, state and local funding sources and legislative changes affecting the department.

Ability to manage a complex department.

Ability to plan, organize, coordinate and control a diverse staff of professional, technical and clerical employees.

Ability to establish and maintain effective relationships with the general public, neighborhood groups and officials in the private and public sectors.

Ability to handle reasonably necessary stress.

Physical Requirements:

Task is essentially sedentary, with occasional walking, bending, light lifting, or other restricted physical activities.

Environmental Requirements:

Task is regularly performed without exposure to adverse environmental conditions.

Sensory Requirements:

Job Description: Director of Neighborhood Services & Inspections

ZONING COORDINATOR

DEPARTMENT: NEIGHBORHOOD SERVICES AND INSPECTIONS

CHARACTERISTICS OF THE CLASS

Under general direction of the Director of Neighborhood Services and Inspections, is responsible for the administration and enforcement of City laws, ordinances and regulations pertaining to zoning, signage and the use and development of private property. Performs site inspections affiliated with commercial and residential activities to ensure compliance with these ordinances. Professional and operational activities involving the exercise of independent judgment and discretion. In addition to essential duties and responsibilities, directives are received in the form of specific and/ or continuing assignments by the Director of Neighborhood Services and Inspections. Work is evaluated based on the expediency by which results are achieved relative to facilitating ordinance compliance efforts, project completion and departmental objectives. Performs other work as required.

EXAMPLES OF ESSENTIAL FUNCTIONS (Illustrative only):

Reviews site plans and agreements for zoning related issues; provides recommendations, comments.

Provides technical advice to engineers, surveyors, architects, developers and property owners on City ordinances, standards and related permits and procedures.

Assists property owners with zoning related inquiries via office, on-site or telephone; interprets, explains and administers enforcement efforts which coincide with state and local laws, codes and ordinances; investigates complaints, violations, disputes and participates in the resolution thereof; drafts correspondence in response to inquiries, complaints and notification of violations.

Investigates all complaints/inquiries related to location and use of structures, lands, waters, signage and nuisance conditions; provides notice of zoning and signage ordinance violations to the owner, resident, agent or occupants of the premises and reports uncorrected violations to the City Attorney and administrative staff; conducts inspections of buildings and land as necessary to ensure that standards are met and maintained.

Drafts documentation and compiles evidence for prosecution of zoning violations and for code compliance; represents the City in court appearances related to zoning violations that are not in compliance.

Conducts permit related inspections; issues fence, sign, home occupancy and existing commercial building occupancy permits; ~~prepares a variety of reports of investigations and inspections, and maintains related reports; responds to complaints.~~

Provides administrative assistance to various boards and committees, including the Board of Zoning Appeals (BOZA), to include recommendations, reports, analysis, agenda preparation, meeting scheduling and coordination.

Reviews site development and conditional use permit plans for adherence to City codes, ordinances and safety regulations.

2a

~~Formulate information to be disseminated to contractors, general public, media and inter-departmental~~

Personnel; coordinates and corresponds with other departments, government officials, citizens and agencies regarding ordinance interpretation and enforcement to achieve consistency in code interpretations and compliance.

Evaluates the effectiveness of operating procedures related to zoning issues; revises forms and procedures to enhance efficiency; researches, drafts and evaluates zoning/general code of ordinances; recommends to Director new policy amendments and changes.

Presents to Common Council and standing committees information related to zoning and general code of ordinances as directed by Department Director.

NOTE: The duties listed above are intended as illustrations of the various types of work performed by persons in positions covered by this classification specification. This list is not all inclusive. The omission of a particular job duty does not mean that the duty is not one of the essential functions of the position. Management reserves the right to assign employees in this classification to duties not listed above, if the duties are fairly within the scope of responsibilities applicable to the level of work performed by employees in positions covered by this classification specification. This classification specification does not create an employment contract between the City and the employee and is subject to change by the City as the needs of the City and the Department change over time.

REQUIREMENTS:

Training & Experience:

Bachelor's Degree from an accredited college or university in urban planning, public administration or closely related field; Master's Degree preferred; •
Supplemented by five (5) years increasingly responsible work experience in zoning, community development or related code enforcement; or an equivalent combination of training and experience.

Knowledge, Skills and Abilities:

Knowledge of City, Municipal and State codes and ordinances applicable to zoning administration; •
Knowledge of methods and techniques of construction; •
Knowledge of business English and mathematics; •
Knowledge of methods and techniques of land development and usage; •
Knowledge of legal description of real estate property and code requirements relating to placement of structures on the property; •
Knowledge of supervisory techniques; •
Ability to analyze and interpret zoning ordinances, building codes and other local ordinances; •
~~Ability to review and interpret plans and specifications for accuracy, feasibility and compliance with zoning regulations; •~~
Ability to do arithmetic calculations accurately and rapidly; •
Ability to exercise sound judgment in the impartial application of department policies and procedures; •
Ability to prepare clear and concise reports; •
Ability to communicate effectively in writing and orally; •
Ability to select, train, direct and evaluate the work of others; •
Ability to respond to inquiries with tact and courtesy; •
Ability to establish and maintain effective working relationships with staff, public officials and the general public; •
~~Ability to use telephone and roomer.~~

**COMMON COUNCIL
OFFICIAL PROCEEDINGS
February 4, 2008**

John M. Antaramian, Mayor Michael K. Higgins, City Clerk

floodway which comply with the regulations for the floodplain area occupied.

Section Seven: Section 3.21 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

3.21 GFP GENERAL FLOODPLAIN DISTRICT

A. Applicability. The provisions for this district shall apply to all floodplains for which flood profiles are not available, or where flood profiles are available, but floodways have not been delineated. Floodway and Floodplain Fringe Overlay Districts shall be delineated when adequate data is available.

B. Permitted Uses. Pursuant to Section 3.21 D., it shall be determined whether the proposed use is located within a floodway or Floodplain Fringe area.

Those uses permitted in Floodway (Section 3.20 B.) and Floodplain Fringe areas (Section 17.02 B.) are allowed within the General Floodplain District according to the standards of Section 3.21 C., provided that all permits or certificates required under Section 8.05 have been issued.

C. Standards For Development In The General Floodplain District. Section 3.20 applies to floodway areas; Section 17.02 applies to Floodplain Fringe areas. The rest of this Ordinance applies to either district.

D. Determining Floodway and Floodplain Fringe Limits. Upon receiving an application for development within the General Floodplain District, the Zoning Administrator shall:

1. Require the applicant to submit two (2) copies of an aerial photograph or a plan that shows the proposed development with respect to the General Floodplain District limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and floodproofing measures.

2. Require the applicant to furnish any of the following information deemed necessary by the Wisconsin Department of Natural Resources to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:

a. A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;

b. Plan (surface view) showing elevations or contours of the ground; pertinent; structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply and sanitary facilities; soil types and other pertinent information;

c. Profile showing the slope of the bottom of the channel or flow line of the stream; and/or,

d. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

3. Transmit one (1) copy of the information described in Subsections 3.21 D.1. and D.2. to the Department Regional Office of the Wisconsin Department of Natural Resources, along with a written request for technical assistance to establish regional flood elevations; and, where applicable, floodway data. Where the provisions of Subsection 4.03 B.3. apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

Section Eight: Section 4.03 B.3. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

3. The Drainage Plan shall show existing topography at a contour interval of not less than two (2') feet; spot elevations of existing buildings, structures, high points, depressions, and wet areas, with any previous flood elevations; floodplain boundaries, if applicable; location of any existing or proposed on-site sewage systems or private water supply systems; the elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study - either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD); Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Sections 3.20 and 17.02 are met; data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to Section 2.08 A. (this may include any of the information noted in Section 3.20 C.; and soil characteristics, where applicable. The Drainage Plan shall show proposed topography of the site denoting elevations and natural drainage after construction, and the location of any proposed storm water detention/retention areas.

In addition to the above, for all subdivision proposals, as "subdivision" is defined in Section 236, Wisconsin Statutes, and other proposed developments exceeding five (5) acres in area, or where the estimated cost exceeds One Hundred Twenty-five Thousand (\$125,000) Dollars, the applicant shall provide:

a. All survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage;

b. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;

c. A map showing location and details of vehicular access to lands outside the floodplain; and,

d. A surface drainage plan showing how flood damage will be minimized.

The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.

Section Nine: Section 4.03 B.6. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows:

6. The Floodproofing Plan shall, for all sites subject to floodlands - zoning - district requirements be certified by a registered professional engineer or architect that floodproofing measures will protect the structure or development to the flood protection elevation.

Floodproofing measures shall be designed to:

a. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;

b. Protect structures to the flood protection elevation;

c. Anchor structures to foundations to resist flotation and lateral movement; and,

d. Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.

Floodproofing measures could include:

a. Reinforcing walls and floors to resist rupture or collapse caused by water pressure;

b. Adding mass or weight to prevent flotation;

c. Placing essential utilities above the flood protection elevation;

d. Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressure;

e. Constructing water supply wells and waste treatment systems to prevent the entry of flood waters; or,

f. Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

Section Ten: Section 7.07 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows:

7.07 NONCONFORMING USES AND STRUCTURES WITHIN THE FLOODWAY AND/OR FLOODPLAIN

A. General.

1. Applicability. If these standards conform with Section 62.23(7)(h), Wisconsin Statutes, for cities and villages, they shall

**COMMON COUNCIL
OFFICIAL PROCEEDINGS
February 4, 2008**

John M. Antaramian, Mayor Michael K. Higgins, City Clerk

apply to all modifications or additions to any nonconforming use or structure, and to the use of any structure or premises which was lawful before passage of this Ordinance or any amendment thereto.

2. Conditions For Existing Use of Structure To Continue When Not In Conformity With Ordinance. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this Ordinance may continue subject to the following conditions:

a. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this Ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition. These include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components, and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.

The construction of a deck that does not exceed two hundred (200) square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

b. If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this Ordinance.

c. The City shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent.

d. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would exceed fifty (50%) percent of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 17.02 C.1. The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the fifty (50%) percent provisions of this Section.

e. (1) Except as provided in subsection e.(2), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current Ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition exceeds fifty (50%) percent of the structure's present equalized assessed value.

(2) For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore if after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder.

B. Floodway Areas. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:

1. Has been granted a permit or variance which meets all Ordinance requirements.

2. Meets the requirements of Section 7.0.

3. Will not increase the obstruction to flood flows or regional flood height.

4. Any addition to the existing structure shall be floodproofed pursuant to Section 4.03 B.6. and Section 7.05 B., by means other than the use of fill, to the flood protection elevation.

5. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exist of flood waters without human intervention. A minimum of two (2) openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than twelve (12") inches above the adjacent grade.

b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials.

c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation.

d. The use must be limited to parking or limited storage.

6. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all City Ordinances and Chapter 83, Wisconsin Administrative Code.

7. No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all City Ordinances and Chapters NR 811 and NR 812, Wisconsin Administrative Code.

C. Floodfringe Areas.

1. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the City, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in Section 17.0, except where Section 7.0 is applicable.

2. Where compliance with the provisions of Section C.1. above would result in unnecessary hardship, and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Zoning Appeals, using the procedures established in Section 9.0, may grant a variance from those provisions of Section C.1. for modifications or additions using the criteria listed below.

Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

a. No floor is allowed below the regional flood elevation for residential or commercial structures;

b. Human lives are not endangered;

c. Public facilities, such as water or sewer, will not be installed;

d. Flood depths will not exceed two (2') feet;

e. Flood velocities will not exceed two (2') feet per second; and,

f. The structure will not be used for storage of materials as described in Section 17.0.

3. If neither the provisions of Sections C.1. and 2. Above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe if the addition:

a. Meets all other regulations and will be granted by permit or variance;

b. Does not exceed sixty (60) square feet in area; and,

**COMMON COUNCIL
OFFICIAL PROCEEDINGS
February 4, 2008**

John M. Antaramian, Mayor Michael K. Higgins, City Clerk

c. In combination with other previous modifications or additions to the building, does not exceed fifty (50%) percent of the present equalized assessed value of the building.

4. All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system, shall meet all the applicable provisions of all City Ordinances and Chapter COMM 83, Wisconsin Administrative Code.

5. All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this Ordinance and Chapters NR 811 and NR 812, Wisconsin Administrative Code.

Section Ten: Section 8.02 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

8.02 ZONING ADMINISTRATOR DESIGNATED

The Director of the Department of Neighborhood Services and Inspections is hereby designated as the administrative and enforcement officer for the provisions of this Ordinance and hereafter shall be referred to as the Zoning Administrator or Administrator. The duty of the Zoning Administrator shall be to interpret and administer this Ordinance and to issue, following on-site inspection, all permits required by this Ordinance. The Zoning Administrator shall, to the best of his/her ability:

A. Establish that all necessary permits that are required for floodland uses by State and Federal Law have been secured.

B. Inspect all structures, lands, and waters as often as necessary to assure compliance with this Ordinance.

C. Investigate all complaints made relating to the location of structures and the use of structures, lands and waters, give notice of all violations of this Ordinance to the owner, resident, agent or occupant of the premises and report uncorrected violations to the City Attorney in a manner specified by him.

D. Assist the City Attorney in the prosecution of Ordinance violations.

E. Seek access to premises and structures during reasonable hours to make those inspections as deemed necessary by him or her to ensure compliance with this Ordinance. If, however, the Administrator is refused entry after presentation of his/her identification, the Administrator may procure a Special Inspection Warrant in accordance with §66.0119 of the Wisconsin Statutes.

F. Prohibit the use or erection of any structure, land or water until he/she has inspected and approved such use or erection.

G. Request assistance and cooperation from any governmental office or agency as deemed necessary.

H. Advise applicants of the Ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

I. Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.

J. Keep records of all official actions, such as:

1. All permits issued, inspections made, and work approved;

2. Documentation of certified lowest floor and regional flood elevations for floodplain development;

3. Records of water surface profiles, floodplain zoning maps and Ordinances, nonconforming uses and structures, including changes, appeals, variances and amendments.

4. All substantial damage assessment reports for floodplain structures.

K. Submit copies of the following items to the Regional Office of the Wisconsin Department of Natural Resources:

1. Within ten (10) days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;

2. Copies of any case-by-case analyses, and any other information required by the Department of Natural Resources, including an annual summary of the number and types of floodplain zoning actions taken.

3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

4. Copies or reports of violations of this Ordinance involving floodlands.

L. Submit copies of text and map amendments and biennial reports to the FEMA Regional Office.

Section Eleven: Section 8.05 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

8.05 SHORELAND, WETLANDS, AND FLOODLANDS: ADMINISTRATION

A. Zoning Permits. Unless another section of this Ordinance specifically exempts certain types of development from this requirement, a Zoning Permit shall be obtained from the Zoning Administrator before any new development, as defined in §12.0

B. of this Ordinance, or any change in the use of an existing building or structure is initiated.

1. An application for a Zoning Permit shall be made to the Zoning Administrator upon forms furnished by the municipality and shall include, for the purpose of proper enforcement of these regulations, the following information:

a. Name, address, and telephone number of applicant, property owner and contractor, where applicable.

b. Legal description of the property and a general description of the proposed use or development.

c. Whether or not a private water supply or sewage system is to be installed.

2. The Site Development Plan shall be submitted as a part of the permit application and shall contain the following information drawn to scale:

a. Dimensions and area of the lot;

b. Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways;

c. Description of any existing or proposed on-site sewage systems or private water supply systems;

d. Location of the ordinary high-water mark of any abutting navigable waterways;

e. Boundaries of all wetlands;

f. Existing and proposed topographic and drainage features and vegetative cover;

g. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps;

h. Location of existing or future access roads; and,

i. Specifications and dimensions for areas of proposed wetland alteration.

3. All permits issued under the authority of this Ordinance shall expire six (6) months from the date of issuance.

4. When a Zoning Permit is approved, an appropriate record shall be made by the Zoning Administrator of the use and structures permitted.

5. When the conditions of a Zoning Permit are violated, the permit shall be revoked by the Board of Appeals.

B. Certificate of Compliance.

1. Except where no Zoning Permit is required, no land shall be occupied or used, and no building which is thereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a Certificate of Compliance is issued by the Zoning Administrator subject to the following conditions:

a. The Certificate of Compliance shall show that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this Ordinance.

b. Application for such certificate shall be concurrent with the application for a Zoning or Conditional Use Permit.

c. The Certificate of Compliance shall be issued within ten (10) days after notification of the completion of the work specified in the Zoning or Conditional Use Permit, providing the building or premises and proposed use thereof conform with all the

**COMMON COUNCIL
OFFICIAL PROCEEDINGS
February 4, 2008**

John M. Antaramian, Mayor Michael K. Higgins, City Clerk

provisions of this Ordinance.

2. The Zoning Administrator may issue a temporary Certificate of Compliance for a building, premises or part thereof pursuant to rules and regulations established by the municipal governing body.

3. Upon written request from the owner, the Zoning Administrator shall issue a Certificate of Compliance for any building or premises existing at the time of Ordinance adoption, certifying after inspection, the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this Ordinance.

C. Certificate of Compliance in FW, FFO, and GFD Districts. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced, shall be occupied if such land or building is subject to FW Floodway District, FFO Floodplain Fringe Overlay, or GFD General Floodplain District, until a Certificate of Compliance is issued by the Zoning Administrator, except where no permit is required, subject to the following provisions:

1. The Certificate of Compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this Ordinance.

2. Application for such certificate shall be concurrent with the application for a permit.

3. If all Ordinance provisions are met, the Certificate of Compliance shall be issued within ten (10) days after written notification that the permitted work is completed.

4. The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that floodproofing measures meet the requirements of Section 4.03 B.6.

Section Twelve: Section 9.05 B.5. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

5. Additional Requirements in the Floodland Districts.

a. No variance shall be granted where:

(1) Filling and development contrary to the purpose and intent of the FW Floodway District would result.

(2) A change in the boundaries of the FW Floodway District or FFO Floodplain Fringe Overlay District would result.

(3) A lower degree of flood protection at a point two (2') feet above the regional flood height for the particular area would result.

(4) Any action contrary to the provisions of Chapter NR 116 of the Wisconsin Administrative Code would result.

(5) The variance is contrary to the public interest.

(6) The variance is inconsistent with the purpose of this Ordinance as stated in Section 1.04.

(7) The variance may cause any increase in the Regional Flood Elevation.

(8) The lot is either more than one-half acre or is not contiguous to existing structures constructed below the Regional Flood Elevation.

(9) There has not been a showing of good and sufficient cause; is more than the minimum relief necessary; or, use pursuant to the variances may cause increased risks to public safety or nuisances, or may increase costs for rescue and relief efforts.

(10) The variance would grant, extend or increase any use prohibited in the zoning district.

(11) The hardship is based solely on an economic gain or loss.

(12) The hardship is self-created.

(13) The variance would damage the rights or property values of other persons in the area.

(14) The variance would allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

b. When a floodplain variance is granted, the Board shall notify the applicant in writing that actions taken by the applicant pursuant to the variance may increase risks to life and property, and may increase flood insurance premiums. A copy of the notification shall be maintained with the variance record.

Section Thirteen: Section 9.06 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

9.06 FLOODLAND BOUNDARY DISPUTES

The following procedure shall be used by the Board in hearing disputes concerning floodland district boundaries:

A. If a floodland district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.

B. In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.

C. If the boundary is incorrectly mapped, the Board should inform the Zoning Administrator or the person contesting the boundary location to petition the governing body for a map amendment according to Section 10.06.

Section Fourteen: Section 9.07 B. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

B. Hearings. The Board shall fix a reasonable time for the hearing of the appeal or application, and shall publish a notice in the official City newspaper, listing the time, place and proposed appeal or application. The Board shall also notify the appellant or applicant of the hearing by mail. At the hearing, the appellant or applicant shall appear in person, or by agent or attorney.

A copy of such notice shall also be mailed to the appropriate district office of the Department of Natural Resources at least ten (10) days prior to all public hearings on issues involving shoreland-wetland zoning or floodland zoning.

Section Fifteen: Section 9.08 C. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

C. Notice to Department of Natural Resources. The Board shall transmit a copy of each application for a variance to floodland regulations to the Wisconsin Department of Natural Resources (DNR) for review and comment. Final action on the application shall not be taken for thirty (30) days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions relating to variances or appeals to floodland regulations shall be transmitted to the DNR within ten (10) days of the effective date of such decision.

A copy of a decision on issues involving shoreland-wetland or floodland zoning shall be mailed to the appropriate district office of DNR within ten (10) days after the decision is issued.

Section Sixteen: Section 10.06 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

A. Authority. The Common Council may change or supplement the Floodland Zoning District boundaries and this Ordinance in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

1. Any change to the Official Floodplain Zoning Map, including the floodway line or boundary of any floodplain area.

2. Correction of discrepancies between the water surface profiles and floodplain zoning maps.

COMMON COUNCIL
OFFICIAL PROCEEDINGS
February 4, 2008

John M. Antaramian, Mayor Michael K. Higgins, City Clerk

3. Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
4. Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.
5. Any upgrade to a Floodland Zoning District ordinance text required by Section 116.05, Wisconsin Administrative Code, or otherwise required by law, or for changes by the City.
6. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodland fringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.
- B. Changes in the FW Floodway District Boundaries shall not be permitted where the change will increase the flood stage elevation to equal or more than one hundredth (0.01) foot, unless the petitioner for such a change has made appropriate legal arrangements with all property owners affected by the flood stage increase. Petitions for FW Floodway District changes shall show the affects of the change within the associated flood fringe utilizing the single degree of hydraulic encroachment principle, and shall provide adjusted water surface profiles and adjusted floodland limits to reflect the increased flood elevations.
- C. Removal of Land from the Floodland Districts. Compliance with the provisions of this Ordinance shall not be grounds for removing land from the floodland unless it is filled at least two (2') feet above the regional or base flood elevation, the fill is contiguous to land outside the floodland, and the map is amended pursuant to Section 10.06. Removal of land from the floodland districts shall not be permitted where the development of the land will increase flood stage to equal or more than one hundredth (0.01) foot, unless the petitioner or developer has made appropriate legal arrangements with all property owners affected by the flood stage increase. Under no circumstances shall the flood stage increase to equal or more than one hundredth (0.01) foot. Petitions to remove lands from the floodland district shall show the affects upon flood storage utilizing the single degree of hydrologic encroachment principle, and shall provide adjusted water surface profiles and adjusted floodland limits to reflect the increased flood elevations. Petitions to remove lands from the floodland districts shall include certification from the petitioner that the petitioner has requested a Letter of Map Change from FEMA consistent with petitioner's petition. Unless the property owner has received a letter of map changes from FEMA, removal of land from floodland will not relieve the property owner of the Federal provisions for mandatory purchase of flood insurance.
- D. Amendment of Unnumbered A Zones shall not be permitted unless the petitioner provides the City with engineering data showing the flood profile, necessary river cross-sections, flood elevations, and any affect the establishment of a floodway/flood fringe will have on flood stages. The effects shall be limited as set forth earlier in this Section to less than one-hundredth (0.01) foot increase in flood stage unless appropriate legal arrangements have been made. If an unnumbered A Zone is less than five (5) acres in area and where the cost of the proposed development is less than Seventy-five Thousand (\$75,000) Dollars, the Wisconsin Department of Natural Resources (DNR) may assist the petitioner in determining the required flood elevations.
- E. No river or stream shall be altered or relocated until a floodland zoning change has been applied for and granted in accordance with the requirements of this Section, and until all adjacent communities have been requested to review and comment on the proposed alteration or relocation. The flood-carrying capacity within an altered or relocated watercourse shall not be reduced to less than the flood-carrying capacity of the river or stream prior to the alteration or relocation.
- F. Special Additional Procedures For Amendment of Floodland Districts. In addition to all other procedures for amending the Ordinance, in the event an amendment is proposed that will either amend the text of provisions of this Ordinance specifically limited to floodland zoning districts or amend floodland zoning district boundaries, the following must also be satisfied before the amendment is effective:
1. The proposed amendment shall be referred to the City Plan Commission for a public hearing and recommendation to the Common Council. The amendment and notice of public hearing shall be submitted to the Regional Office of the Wisconsin Department of Natural Resources for review prior to the hearing.
 2. No amendments shall become effective until reviewed and approved by the Wisconsin Department of Natural Resources.
 3. All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the City.
 4. For amendments in areas with no water surface profiles, the zoning agency or board shall consider data submitted by the Wisconsin Department of Natural Resources, the Zoning Administrator's visual on-site inspections and other available information.
- Section Seventeen: Section 12.0 B. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is amended by adding the following definitions thereto:
- Base Flood. Means the flood having a one (1%) percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM. Base flood elevations are derived from the flood profiles in the FIS.
- Bulkhead Line. A geographic line along a reach of navigable water that has been adopted by a City Ordinance and approved by the Wisconsin Department of Natural Resources pursuant to Section 30.11, Wisconsin Statutes, and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this Ordinance.
- Crawlways or Crawl Space. An enclosed area below the first usable floor of a building, generally less than five (5') feet in height, used for access to plumbing and electrical utilities.
- Dryland Access. A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- Encroachment. Any fill, structure, equipment, building, use or development in the floodway.
- FEMA. See Federal Emergency Management Agency".
- Federal Emergency Management Agency. The Federal agency that administers the National Flood Insurance Program.
- FIRM. See Flood Insurance Rate Map".
- FIS. See Flood Insurance Study".
- Flood Frequency. The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.
- Flood Insurance Rate Map. A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency (FEMA).
- Flood Hazard Boundary Map. A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the national Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
- Floodplain. See Floodlands".

**COMMON COUNCIL
OFFICIAL PROCEEDINGS
February 4, 2008**

John M. Antaramian, Mayor Michael K. Higgins, City Clerk

Floodplain Island. A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

Floodplain Management. Policies and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

Flood Protection Elevation. An elevation of two (2') feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: Freeboard".)

Flood Storage. Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

Freeboard. A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development, and aggregation of the river or stream bed.

Habitable Structure. Any structure or portion thereof used or designed for human habitation.

Hearing Notice. Publication or posting meeting the requirements of Chapter 985, Wisconsin Statutes. For appeals, a Class 1 Notice, published once at least one week (7 days) before the hearing, is required. For all Zoning Ordinances and amendments, a Class 2 Notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local Ordinances or bylaws may require additional notice, exceeding these minimums.

High Flood Damage Potential. Damage that could result from flooding that includes any danger to life or health, or any significant economic loss to a structure or building and its contents.

Increase In Regional Flood Height. A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain, but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

Land Use. Any nonstructural use made of unimproved or improved real estate. (Also see Development".)

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

National Geodetic Vertical Datum. Elevations referenced to mean sea level datum, 1929 adjustment.

NAVD. See "North American Vertical Datum".

NGVD. See "National Geodetic Vertical Datum".

North American Vertical Datum. Elevations referenced to mean sea level datum, 1988 adjustment.

New Construction. For Floodplain Management purposes, "New Construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by the City, and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the Start of Construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

Obstruction To Flow. Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

Official Floodplain Zoning Map. That map, adopted and made part of this Ordinance, as described in Section 3.02, which has been approved by the Wisconsin Department of Natural Resources and FEMA.

Person. An individual or group of individuals, corporation, limited liability corporation, partnership, association, municipality or State agency.

Private Sewage System. A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

Public Utilities. Those utilities using underground or overhead transmission lines, such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

Reasonably Safe From Flooding. Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area, and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

Start of Construction. The date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a Manufactured/Mobile Home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual Start of Construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Subdivision. Has the meaning given in Section 236.02(12), Wisconsin Statutes.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty (50%) percent of the equalized assessed value of the structure before the damage occurred.

Unnecessary Hardship. Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the Ordinance.

Watershed. The entire region contributing runoff or surface water to a watercourse or body of water.

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

Well. Means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater, regardless of its intended use.

**COMMON COUNCIL
OFFICIAL PROCEEDINGS
February 4, 2008**

John M. Antaramian, Mayor Michael K. Higgins, City Clerk

Section Eighteen: Section 12.0 B. of the Zoning Ordinance for the City of Kenosha, is hereby amended by repealing and recreating the following definitions:

A Zones. Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

Basement. A story partly or wholly underground. A basement shall be counted as a story for purposes of height measurement where more than one-half (1/2) of its height is above the average level of the surrounding grounds. Any enclosed area of a building having its floor subgrade; i.e., below ground level, on all sides.

Certificate Of Compliance. A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this Ordinance.

Channel. A natural or artificial watercourse with definite bed and banks to confine and conduct the normal flow of water.

Development. (Relative To Floodlands) Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- The overflow or rise of inland waters;
- The rapid accumulation or runoff of surface waters from any source;
- The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or,

■ The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

Floodplain Fringe. Those floodlands, excepting the floodway, subject to inundation by the regional flood. For the purpose of this Ordinance, the floodplain fringe includes the Floodplain Fringe Overlay (FFO) District.

Flood Insurance Study. A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A Zones. Flood Insurance Rate Maps that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the national Flood Insurance Program.

Floodlands. Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodplain fringe, and may include other designated floodplain areas for regulatory purposes.

Flood Profile. A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

Floodproofing. Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

Floodway. The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

Nonconforming Building or Structure. Any building or structure that lawfully existed on the effective date of this Ordinance, or for the area of the floodplain which it occupies, and which does not conform to the area, height, yard, open space or visual clearance provisions of this Ordinance.

Nonconforming Use. Any building, structure or land that was lawfully occupied or used on the effective date of this Ordinance, or for the area of the floodplain which it occupies, which does not conform to the use provisions of this Ordinance.

Ordinary High-Water Mark. Means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

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

Structure. Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, streambed or lakebed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

Section Nineteen: Section 17.0 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows:

SECTION 17.0

OVERLAY DISTRICTS

17.01 OVERLAY DISTRICTS

In addition to the restrictions and requirements of the basic district applicable to a particular site, the restrictions of the applicable Overlay District or Districts shall also apply. To the extent there is a conflict between the restrictions or requirements associated with the applicable districts, the restrictions or requirements that most restrictively limit the use of the site shall apply.

17.02 FLOODPLAIN FRINGE OVERLAY DISTRICT (FFO)

A. Applicability. This Section applies to all Floodplain Fringe areas shown on the Floodplain Zoning Maps and those identified pursuant to Section 3.21 D.

B. Permitted Uses. Any structure, land use or development is allowed in the Floodplain Fringe Overlay District if the standards in Section 17.02 C. are met, the use is not prohibited by this or any other Ordinance or regulation and all permits or certificates specified in Section 8.05 have been issued.

C. Conditional Uses/Standards For Development In Floodplain Fringe Overlay Areas. Section 3.20 A, shall apply in addition to the following requirements according to the use requested.

1. Residential Uses. Any habitable structure, including a manufactured/mobile home, which is to be erected, constructed, reconstructed, altered or moved into the Floodplain Fringe Overlay Area shall meet or exceed the following standards:

a. The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one (1) foot or more above the regional flood elevation extending at least fifteen (15') feet beyond the limits of the structure. The Wisconsin Department of Natural Resources may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance with the fill standards impractical.

COMMON COUNCIL
OFFICIAL PROCEEDINGS
February 4, 2008

John M. Antaramian, Mayor Michael K. Higgins, City Clerk

- b. The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation.
- c. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subsection d. below.
- d. In developments where existing street or sewer line elevations make compliance with subsection c. impractical, the City may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:
- (1) The City has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or,
 - (2) The City has a natural disaster plan approved by the Wisconsin Emergency Management and the Wisconsin Department of Natural Resources.
2. Accessory Structures or Uses.
- a. Accessory Structure Not Connected To A Principal Structure. Except as provided in subsection 2.b. below, an accessory structure that is not connected to a principal structure, may be constructed with its lowest floor at or above the regional flood elevation.
- b. Accessory Structure Not Connected To A Principal Structure Less Than Six Hundred Square Feet. An accessory structure that is not connected to the principal structure, and which is less than six hundred (600) square feet in size and valued at less than Ten Thousand (\$10,000.00) Dollars, may be constructed with its lowest floor no more than two (2') feet below the regional flood elevation if it is subject to flood velocities of not more than two (2') feet per second and it meets all the provisions of Sections 3.20 C.2. and 17.02 C.5.
3. Commercial Uses. Any commercial structure which is erected, altered or moved into the floodplain fringe area shall meet the requirements of Section 17.02 C.1. Subject to the requirements of Section 17.02 C.5., storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
4. Manufacturing and Industrial Uses. Any manufacturing or industrial structure which is erected, altered or moved into the floodplain fringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other floodproofing measures in Section 4.03 B.6. Subject to the requirements of Section 17.02 C.5., storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
5. Storage of Materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with Section 4.03 B.6. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
6. Public Utilities, Streets and Bridges. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans.
- a. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with Section 4.03 B.6. to the flood protection elevation.
- b. Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
7. Sewage Systems. All on-site sewage disposal systems shall be floodproofed pursuant to Section 4.03 B.6. to the flood protection elevation and shall meet the provisions of all local Ordinances and Chapter COMM 83, Wisconsin Administrative Code.
8. Wells. All wells shall be floodproofed pursuant to Section 4.03 B.6., to the flood protection elevation and shall meet the provisions of Chapters NR 811 and NR 812, Wisconsin Administrative Code.
9. Solid Waste Disposal Sites. Disposal of solid or hazardous waste is prohibited in Floodplain Fringe Overlay Districts.
10. Deposition of Materials. Any deposited material must meet all the provisions of this Ordinance.
11. Manufactured and Mobile Homes.
- a. Owners or operators of all Manufactured and Mobile Home Community shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
- b. In existing Manufactured or Mobile Home Communities, all new manufactured or mobile homes, replacement manufactured or mobile homes on existing pads, and substantially improved manufactured or mobile homes, shall:
- (1) Have the lowest floor elevated to the flood protection elevation; and,
 - (2) Be anchored so they do not float, collapse or move laterally during a flood.
- c. Outside of existing Manufactured or Mobile Home Communities, including new Manufactured or Mobile Home Communities and all single units outside of existing parks, all new, replacement and substantially improved manufactured/mobile homes shall meet the residential development standards for the floodplain fringe in Section 17.02 C.1.
12. Mobile Recreational Vehicles. Mobile Recreational Vehicles are prohibited within this district.

Section Twenty: This Ordinance shall become effective upon passage, publication and approval by the State of Wisconsin Department of Natural Resources.

APPROVED:

JOHN M. ANTARAMIAN

ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

PASSED: FEBRUARY 4, 2008

PUBLISHED: FEBRUARY 15, 2008

RESOLUTIONS

It was moved by Alderman Pacetti, seconded by Alderman Sinclair to approve Resolutions 13-08 through 16-08. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

15. RESOLUTION NO. 13-08

BY: THE COMMITTEE ON FINANCE

TO AUTHORIZE THE INSURING OF ALL CITY OF KENOSHA, WISCONSIN, BUILDINGS AND OTHER PROPERTY IN THE LOCAL GOVERNMENT PROPERTY INSURANCE FUND PURSUANT TO CHAPTER 605, WISCONSIN STATUTES, AND ANY AMENDMENTS THERETO

WHEREAS, pursuant to Chapter 605, Wisconsin Statutes, local governmental units may insure all buildings and other property in their possession in the Local Government Property Insurance Fund; and,
WHEREAS, Resolution No. 31-87, adopted February 2, 1987, withdrew certain City property from the Local Government Property Insurance; and,
WHEREAS, the City of Kenosha, Wisconsin, desires to participate in said Local Government Property Insurance Fund to

COMMON COUNCIL
OFFICIAL PROCEEDINGS
February 4, 2008

John M. Antaramian, Mayor Michael K. Higgins, City Clerk

TO REPEAL AND RECREATE VARIOUS SECTIONS OF THE ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN,
REGARDING FLOODPLAINS AND ASSOCIATED DISTRICTS

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 1.04 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows: 1.04 INTENT It is the general intent of this Ordinance to: A. Lessen the hazard from fire, flooding, pollution, contamination, and other dangers; B. Stabilize and protect property values; C. Preserve and protect the natural and manmade aesthetic characteristics of the City of Kenosha; D. Prevent and control erosion, sedimentation, and other pollution of the surface and subsurface waters; E. Further the maintenance of safe and healthful water conditions; F. Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects; G. Provide for and protect a variety of suitable business and manufacturing sites; H. Protect the traffic-carrying capacity of existing and proposed major streets and highways. I. Protect life, health and property; J. Minimize expenditures of public funds for flood control projects; K. Minimize rescue and relief efforts undertaken at the expense of the taxpayers; L. Minimize business interruptions and other economic disruptions; M. Minimize damage to public facilities in the floodplain; N. Minimize the occurrence of future flood blight areas in the floodplain; O. Discourage the victimization of unwary land and home buyers; P. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; R. Regulate lot coverage and the size, height and location of all buildings and structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage; S. Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public service and utilities; T. Regulate parking, loading, and traffic visibility so as to lessen congestion in and promote the safety and efficiency of streets and highways; U. Implement those municipal, County, watershed, and regional Comprehensive Plans or components of such plans adopted by the City of Kenosha; and, V. Provide for the administration and enforcement of this Ordinance; and to provide penalties for the violation of this Ordinance. Section Two: Section 1.07 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows: 1.07 INTERPRETATION In their interpretation and application, the provisions of this Ordinance are the minimum requirements liberally construed in favor of the City of Kenosha and are not a limitation on or repeal of any other powers granted to the City of Kenosha by the Wisconsin Statutes. If a provision of this Ordinance, required by Chapter NR 116, Wisconsin Administrative Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this Ordinance or in effect on the date of the most recent text amendment to this Ordinance. Section Three: Section 1.11 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows: 1.11 MUNICIPALITIES AND STATE AGENCIES REGULATED Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this Ordinance and obtain all necessary permits. State agencies are required to comply if §13.48(13), Wisconsin Statutes, applies. The construction, reconstruction, maintenance and repair of State highways and bridges by the Wisconsin Department of Transportation are exempt when §30.2022, Wisconsin Statutes, applies. Section Four: Section 2.07 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows: 2.07 GENERAL DEVELOPMENT STANDARDS The City of Kenosha shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this Ordinance. Section Five: Section 2.08 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows: 2.08 GENERAL STANDARDS APPLICABLE TO ALL FLOODLANDS A. Hydraulic And Hydrologic Analyses. 1. Except as allowed in Section 2.08 A.3., no floodland development shall: a. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or, b. Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot. 2. The Zoning Administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of subsection 3 are met. 3. Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this Ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Section 10.06. B. Watercourse Alterations. No Land Use Permit to alter or relocate a watercourse in a mapped floodland shall be issued until the local official has notified, in writing, all adjacent municipalities, the Department of Natural Resources (DNR) and FEMA regional offices and required the applicant to secure all necessary State and Federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six (6) months after the date of the watercourse alteration or relocation, the Zoning Administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations, as required. C. Chapters 30 and 31, Wisconsin Statutes - Development. Development which requires a permit from the DNR under Chapters 30 and 31, Wisconsin Statutes, such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other Zoning Maps or this Ordinance are made according to Section 10.06. D. Public or Private Campgrounds. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions: 1. The campground is approved by the Wisconsin Department of Health and Family Services. 2. A Land Use Permit for the campground is issued by the Zoning Administrator. 3. The character of the river system and the elevation of the campground are such that a seventy-two (72) hour warning of an impending flood can be given to all campground occupants. 4. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this Section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the Kenosha County Emergency Government Coordinator and the Chief of Police for the City of Kenosha, which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation. 5. This agreement shall be for no more than one (1) calendar year, at which time the agreement shall be reviewed and updated (by the officials identified in subsection 4) to remain in compliance with all applicable regulations, including those of the Wisconsin Department of Health and Family Services and all other applicable regulations. 6. Only camping units are allowed. 7. The camping units may not occupy any site in the campground for more than one hundred eighty (180) consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of twenty-four (24) hours. 8. All camping units that remain on site for more than thirty (30) days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such

**COMMON COUNCIL
OFFICIAL PROCEEDINGS
February 4, 2008**

John M. Antaramian, Mayor Michael K. Higgins, City Clerk

authorization shall allow placement of a camping unit for a period not to exceed one hundred eighty (180) days and shall ensure compliance with all the provisions of this Section. 9. The City shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this Section. 10. All camping units that remain in place for more than one hundred eighty (180) days must meet the applicable requirements in Section 3.20, 3.21 or 17.02 for the floodland district in which the structure is located. 11. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued. 12. All service facilities, including, but not limited to, refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation. E. Areas To Be Regulated. This Ordinance regulates all areas that would be covered by the regional flood or base. Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map. Section Six: Sections 3.01 and 3.02 of the Zoning Ordinance for the City of Kenosha, Wisconsin, are repealed and recreated as follows: 3.01 ESTABLISHMENT For the purpose of this Ordinance, the City of Kenosha is hereby divided into basic use districts and overlay districts designated as follows:

RR-1 Rural Single Family Residential District
RR-2 Suburban Single Family Residential District
RR-3 Urban Single Family Residential District
Rs-1 Single Family Residential District
Rs-2 Single Family Residential District
Rs-3 Single Family Residential District
Rd Two Family Residential District
Rg-1 General Residential District
Rg-2 General Residential District
Rm-1 Multiple Family Residential District
Rm-2 Multiple Family Residential District
Rm-3 Elderly and Handicapped Housing District
B-1 Neighborhood Business District
B-2 Community Business District
B-3 Central Business District
B-4 Mixed-Use District
M-1 Light Manufacturing District
M-2 Heavy Manufacturing District
IP Institutional Park District
FW Floodway District
FFO Floodplain Fringe Overlay District
GFP General Floodplain District
PDO Planned Development Overlay District
SWO Shoreland Wetland Overlay District
A-1 General Agricultural District
A-2 Agricultural Land Holding District
C-1 Upland Resource Conservancy District
C-2 Lowland Resource Conservancy District
HPO Historic Preservation Overlay District
HRPO Harborpark Overlay District
PCNO Pike Creek Neighborhood Overlay District
TRD-1 Traditional Single and Two Family Residential District
TRD-2 Traditional Multiple Family Residential District
AIR Airport Overlay District

A. District Boundaries. Boundaries of these districts are hereby established as shown on the maps entitled "Zoning Map-City of Kenosha, Wisconsin", dated December 1, 1984, "Supplementary Floodland Zoning Map-City of Kenosha, Wisconsin", dated September 2, 1982, and "Final Wisconsin Wetland Inventory Map-Kenosha, Wisconsin", dated August 12, 1986, all maps which shall be considered to accompany and are herewith made a part of this Ordinance. Such boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey lines; lot or property lines; of streets, highways, alleys, easements, and railroad right-of-ways or such lines extended, unless otherwise noted on the Zoning Map. The boundaries of the FW Floodway District and the GFP General Floodplain District are designated as floodplains or A-Zones on the maps referenced in Section 3.02. The boundaries of the FFO Floodplain Fringe Overlay District shall be determined by the floodland limits shown on the supplementary Floodland Zoning Map. B. Street and Alley Vacations. Vacation of public streets and alleys shall cause the land vacated to be placed as a matter of law in the same district as the abutting land to which the vacated street or alley reverts. C. Annexations. Annexations to or consolidations with the City subsequent to the effective date of this Ordinance shall be placed in the A-2 Agricultural Land Holding District. Annexations or consolidations containing floodlands shall be placed in the following districts: 1. All floodways and FEMA unnumbered A Zones shall be placed in the FW Floodway District. 2. All other floodlands shall be placed in the FFO Floodplain Fringe Overlay District. 3. All lands located within the Shoreland District which are zoned County Upland or Lowland Conservancy District shall be placed within a City Upland or Lowland Conservancy District upon annexation. The Kenosha County Shoreland and Floodplain Zoning Provisions in effect on the date of annexation remain in effect administered by the City for all areas annexed by the municipality after May 7, 1982. These annexed lands are described on the municipality's official zoning map. The Kenosha County Shoreland and Floodplain Zoning Provisions are incorporated by reference for the purpose of administering this Section and are on file in the office of the Zoning Administrator. All plats or maps of annexations shall show the Regional Flood Elevation and location of the floodway. 3.02 MAPS A. Incorporation. The Official Zoning Map, the Supplementary Floodland Zoning Map, and the Kenosha Regional Airport Zoning and Height Limitation Map are incorporated herein by reference and are deemed a part of this Ordinance as if fully set forth herein. Said maps shall be available to the public in the Department of Housing and Neighborhood Services and Inspections and Department of City Development. The Flood Insurance Rate Map (FIRM), Panel Numbers 550209 (0001 to 0010) and 550523 (0001 to 0060), dated December 5, 1996, with corresponding profiles that are based on the Flood Insurance Study (FIS), dated December 5, 1996, are incorporated by reference and are deemed as part of this Ordinance as if fully set forth herein; said maps shall be on file in the office of the Department of City Development for the City of Kenosha, Wisconsin. B. Changes. Changes to Zoning District boundaries shall be designated on the Official Zoning Map. Changes to Floodland District boundaries shall be designated on the supplementary Floodland Zoning Map. Changes to Airport Overlay District boundaries shall be designated on the Kenosha Regional Airport Zoning and Height Limitation Map. Changes in the Floodland

**COMMON COUNCIL
OFFICIAL PROCEEDINGS
February 4, 2008**

John M. Antaramian, Mayor Michael K. Higgins, City Clerk

District boundaries shall not become effective until approved by the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA). Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. C. Conflicts. If more than one map or revision is referenced, the most restrictive information shall apply. D. Discrepancies. Discrepancies between boundaries on the Official Floodplain Zoning Map and actual field conditions shall be resolved using the criteria in paragraphs a. and b. below. If a significant difference exists, the Map shall be amended according to Section 10.06. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a Land Use Permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined, and for initiating any map amendments required under this Section. Disputes between the Zoning Administrator and an applicant over the district boundary line shall be settled according to Section 9 and the criteria in a. and b. below.

- a. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- b. Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department.
- c. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to Section 10.06 A.6.

Section Six: Section 3.20 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

3.20 FW FLOODWAY DISTRICT

A. Applicability. This Section applies to all floodway areas on the Floodplain Zoning Maps and those areas identified by the WDNR pursuant to a submission made in compliance with Section 3.21 D.2.

B. Permitted Uses. The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if they are not prohibited by any other Ordinance; they meet the standards in Sections 3.20 C. and 3.20 D.; all permits or certificates have been issued according to Section 8.05, and the use conforms with applicable standards of Section 3.20 C.

1. Agricultural Uses, such as farming, outdoor plan nurseries, horticulture, viticulture and wild crop harvesting.
2. Nonstructural Industrial and Commercial Uses, such as loading areas, parking areas and airport landing strips.
3. Nonstructural Recreational Uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of Subsection 3.20 C.4.
4. Uses or Structures Accessory to open space uses, or classified as historic structures that comply with Subsections 3.20 C. and D.
5. Extraction of sand, gravel or other materials that comply with Section 3.20 C.4.
6. Functional, Water-Dependent Uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Chapters 30 and 31, Wisconsin Statutes.
7. Public Utilities, Streets and Bridges that comply with Section 3.20 C.3.

C. Standards For Developments in Floodway Areas.

1. General.

- a. Any development in floodway areas shall comply with Section 2.08 and have a low flood damage potential.
- b. Applicants shall provide the following data to determine the effects of the proposal according to Section 2.08 A.:
 - (1) A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or,
 - (2) An analysis calculating the effects of this proposal on regional flood height.

c. The Zoning Administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for paragraph b. above.

2. Structures. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- a. The structure is not designed for human habitation and does not have a high flood damage potential;
- b. It must be anchored to resist flotation, collapse, and lateral movement;
- c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and,
- d. It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of a regional flood.

3. Public Utilities, Streets and Bridges. Public utilities, streets and bridges may be allowed by permit, if:

- a. Adequate floodproofing measures are provided to the flood protection elevation; and,
- b. Construction meets the development standards of Section 2.08 A.

4. Fills or Deposition of Materials. Fills or deposition of materials may be allowed by permit, if:

- a. The requirements of Section 2.08 A. are met;
- b. No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to Chapter 30, Wisconsin Statutes, and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344, has been issued, if applicable, and the other requirements of this Section are met;
- c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and,
- d. The fill is not classified as a solid or hazardous material.

D. Prohibited Uses. All uses not listed as permitted uses in Section 3.20 B. are prohibited, including the following uses:

1. Habitable structures, structures with high flood damage potential, or those not associated with permanent open space uses;
2. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
3. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
4. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Chapter COMM 83, Wisconsin Administrative Code;
5. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Chapters NR 811 and NR 812, Wisconsin Administrative Code;
6. Any solid or hazardous waste disposal sites;
7. Any wastewater treatment ponds or facilities, except those permitted under Section NR 110.15(3)(b), Wisconsin Administrative Code;
8. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the

From: Andy Palmen [mailto:andy@palmen.com]
Sent: Monday, August 15, 2011 2:12 PM
To: Keith Bosman (mayor@kenosha.org)
Cc: Frank Pacetti (fpacetti@kenosha.org)
Subject:

Keith-

I just wanted to send you a quick note. Thanks again for all the support getting Fiat to Kenosha!
We are off to a great start. The building turned out better than expected.

I also have to commend you and the city for a nice coordinated effort. I was especially impressed with Paula Blise and the team work that you have orchestrated at the city planning and development level. I found it refreshing that you have implemented a system where as we can coordinate through one person to work with the various city departments streamlining the communication process. It really made a difference based on past projects we have been involved in!

We will be having a Grand Opening soon and I will make sure to let you know when that is.

All the Best and Thanks again for everything!

Andy Palmen

SUMMARY OF QUALIFICATIONS

Educational Qualifications

2005 University of Wisconsin-Whitewater, Whitewater Wisconsin
Master of Business Administration (MBA) / Cum Laude / GPA 3.5666

1998 Carthage College, Kenosha, Wisconsin
Bachelor of Arts, Business Administration / Deans List

1997 AACE Certified Code Enforcement Administrator
1996 AACE Certified Zoning Enforcement Officer

➤ Experienced

Thirty-two years of progressive local government service associated with the City of Kenosha (1979 – present)

Fourteen years as Zoning Coordinator (Project Management position). As Project Manager of the Zoning Enforcement Division, solely responsible for monitoring and carrying out all tasks associated with the position. Took over all division responsibilities which were previously performed by former Zoning Administrator, in addition to all field-related and communication-oriented duties associated with the position. Extensive experience in the resolution and mediation of citizen and elected officials' issues, problems and/or concerns. Hands-on experience with interpretation of local government law, zoning, information systems, and public safety issues. Serve as lead author and representative in the development and implementation of sign code and code-enforcement related zoning ordinances, as well as zoning-related departmental policies and procedures. Represents the department to convey information and discuss zoning-related proposals for acceptance and approval by the Council. Provides staff support to the City of Kenosha Zoning Board of Appeals and lead. Responsible for all NSI zoning-related inquiries and complaints.

Utilize strong communication and written skills to collaborate daily with the business community, realtors association, building contractors, and others to provide assistance and insight pertaining to city rules and regulations. Promote a win-win approach.

Experience in public speaking, community and public relations; excellent written and verbal communications skills.

Outstanding performance in the ability to handle work pressure and adjust to changes in the work environment, as authenticated in annual Performance Appraisal Evaluations, associated with the Zoning Coordinator position.

Comprehensive knowledge of municipal law and enforcement procedures

➤ **Strong Leader /Initiative**

Demonstrated ability to develop and execute multiple projects while integrating internal and external resources. Utilize strong analytical and communication skills to galvanize thought-provoking dialogue with staff to ensure that the interpretation and application of city ordinances is administered fairly and consistently. Impressive track record of innovation and creative problem solving. Interface with other municipalities to examine and formulate progressive zoning procedures. Formulate ordinances and departmental policy as it applies to the zoning and/or code-enforcement function. Designed and implemented occupancy permitting and approval process which successfully coordinated this function between NSI, Water Utility, Public Works, Fire, Assessor and the Kenosha County Health Departments.

Creator of unique programs and processes that foster strong teamwork among staff members to fulfill assignments in a timely and efficient manner.

Demonstrated strong initiative, marketing and writing skills to procure, for the City of Kenosha, an \$181,600 DOT State Enhancement Funding/Grant. This accomplishment was an independent exercise, performed solely by the author.

Practitioner of empowerment style management; creating within the organization, more innovation, initiative, commitment, shared vision and principles. Proven leadership skills that draw broad support and earn the respect of team members, partners and participants. Impressive track record of innovation and creative problem solving.

Utilized as a point person by all levels of City personnel, the business community, Kenosha Board of Realtors, elected officials and citizens as a reference authority on General Code and Zoning rules and regulations.

➤ **Creative Vision**

Extraordinarily skilled in recognizing and projecting future needs by implementing pro-active solutions to potential problems. Used as a reference by other municipalities seeking to implement similar policies associated with Zoning Operations.

➤ **Budget & Finance**

Prepared the City of Kenosha Airport annual budget, and recommended cost-cutting measures to maintain and/or reduce expenditures.

➤ **Municipal Operations**

As the Kenosha Regional Airports' Administrative Coordinator, performed orientation, training and supervision of seasonal and temporary employees. Responsible for client/tenant relations, customer service, lease analysis and interpretation. Facilitated customer service operations with a 300+ airport tenant base to ensure harmony and circumvent potential conflicts. Assumed administrative responsibilities associated with the Airport Director's position, in his absence.

As Administrative Assistant within the City of Kenosha Public Works Department, mediated citizen concerns in connection with public works, waste, service and street department operations.

RESOLUTION NO. _____

BY: THE MAYOR

**TO REORGANIZE CERTAIN OPERATIONS OF THE CITY OF
KENOSHA WITH RESPECT TO THE DEPARTMENTS OF CITY
DEVELOPMENT AND NEIGHBORHOOD SERVICES AND
INSPECTIONS AND TO SUBSEQUENTLY CREATE THE
DEPARTMENT OF COMMUNITY DEVELOPMENT AND
INSPECTIONS**

WHEREAS, for the purpose of operating the City on a cost effective and efficient basis, it is desirable to reorganize certain operations with respect to the Departments of City Development and Neighborhood Services and Inspections; and

WHEREAS, the consolidation of the aforementioned departments results in the creation of the Department of Community Development and Inspections.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the following changes of operation of the City are adopted as provided and scheduled for implementation herein:

1. The Department of City Development and the position of Director of City Development shall be abolished upon s1.05 K. (1) and (2) of the Code of General Ordinances, entitled "Department of City Development," being repealed. A Copy of an Ordinance draft to that effect is attached hereto as Exhibit A and incorporated herein by reference.

2. The Department of Neighborhood Services and Inspections and the position of Director of Neighborhood Services and Inspections shall be abolished upon s1.05 N. (1) and (2) of the Code of General Ordinances, entitled "Department of Neighborhood Services and Inspections," being repealed. A Copy of an Ordinance draft to that effect is attached hereto as Exhibit A and incorporated herein by reference.

3. The Department of Community Development and Inspections and the position of Director of Community Development and Inspections is created under s1.05 K (1) and (2) upon the passage and publication of the Ordinance referenced in Exhibit A.

4. The Organization Chart and the Table of Organization for the Department of Community Development and Inspections shall be as set forth in Exhibits B and C, which are attached hereto and incorporated herein by reference.

5. The job description for the position of Director of Community Development and Inspections shall be as set forth in Exhibit F, which is attached hereto and incorporated herein by reference.

6. All positions/employees in the Departments of City Development and Neighborhood Services and Inspections shall be transferred to the Department of Community Development and Inspections upon s1.05 K (1) and (2) of the Code of General Ordinances being created. The position of Soil Erosion Inspector in the Department of Neighborhood Services and Inspections, shall be transferred to the Department of Public Works upon s1.05 of the Code of General Ordinances being created. Both actions are set forth in Exhibit C.

7. The incumbent of the position of Director of City Development shall be reclassified to the appropriate rate of pay and assume the duties of the position of Director of Community Development and Inspections as set forth in Exhibits D, E and F.

8. The Table of Organization for the City of Kenosha which is attached hereto as Exhibit C and is adopted as amended and incorporated herein by reference.

9. Personnel actions to be taken to implement those changes necessary for the consolidation of the Departments of City Development and Neighborhood Services and Inspections above are outlined in Exhibits C, D, and E which are attached hereto and incorporated herein by reference.

Adopted this ____ day of _____, 2011.

ATTEST: _____
Mike Higgins, City Clerk

APPROVED: _____
Keith G. Bosman, Mayor

EXHIBIT A

ORDINANCE NO. _____

SPONSOR: THE MAYOR

To repeal and recreate Section 1.05 K. as “Department of Community Development ”; to repeal Section 1.05 N. entitled “ Department of Neighborhood Services and Inspections”; to repeal and recreate Sections 1.15 B. and 1.15 C. entitled “Annexation Ordinances Preliminary Reports”; to repeal and recreate Paragraph 17.11 A.7 entitled “Enforcement”; to amend various sections of the Code of General Ordinances to reflect a change in name by substituting “Department of Community Development” for the “Department of City Development” and the “Department of Neighborhood Services and Inspections” or similar terminology wherever those phrases appear; to amend various sections of the Code of General Ordinances to reflect a change in name by substituting “Director of Community Development” for “City Planner” or similar terminology wherever that phrase may appear

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

Section One: Section 1.05 K. of the Code of General Ordinances for the City of

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

K. Department of Community Development.

1. The Department of Community Development shall be under the general supervision of the Mayor and City Administrator and the Public Safety and Welfare Committee. The department is charged with the duties of administering various programs and activities including, but not limited to, planning, zoning, Community Development Block Grant program, administers Home Investment Partnership Act (HOME) program, redevelopment, historic preservation programs, property maintenance, building inspection and Minimum Housing and Sign Code enforcement.

2. The Administrative Head of the Department of Community Development shall be the Director, who shall hold his/her office under Civil Service. Any vacancy occurring in said office shall be filled through appointment by the Mayor, subject to confirmation by the Common Council in accordance with the Civil Service System Ordinance and Personnel Rules and Regulations. The Director of Community Development shall serve as Secretary of the City Plan Commission and Redevelopment Authority of the City of Kenosha.

Section Two: Section 1.05 N. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed.

Section Three: Sections 1.15 B. and 1.15 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, are hereby repealed and recreated as follows:

1.15 ANNEXATION ORDINANCES PRELIMINARY REPORTS

B. Report of City Attorney. Within three weeks after the filing of a petition for annexation of territory to the City, the City Attorney shall examine the petition, notices, reports of City Plan Commission, City Engineer, and the State Department of Administration and give his written opinion to the Council as to whether there has been such compliance with the Wisconsin Statutes as to authorize the enactment of an Ordinance annexing the territory.

C. Report of City Engineer. Within three weeks after the filing of a petition for annexation of territory to the City, the City Engineer shall report to Council, in writing, as to the cost and benefits, if any to the City based on reports made to him by the heads of departments who are in a position to estimate such costs and benefits

Section Four : Paragraph 17.11 A.7 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

7. Enforcement. Occupancy Permits may be withheld with respect to any parcel of property within an approved Subdivision Plat or Certified Survey Map until the Department of Community Development certifies that the requirements of this Ordinance have been met. In the event any work specified in the Development Agreement is not completed in accordance with the Development Agreement and this Ordinance, the City and/or Kenosha Water Utility may do or cause said work to be done, and charge the cost thereof against any posted assurance or charge the benefited property through a special assessment where there is no applicable or insufficient assurance. Any guarantee or warranty shall remain in effect and be enforced to the full extent of the law.

Section Five: Chapters One; Two; Three; Four; Five; Eight; Nine; Ten; Eleven; Twelve; Thirteen; Fourteen; Fifteen; Sixteen; Seventeen; Twenty; Twenty-Two; Twenty-Seven; Twenty-Eight;

Thirty-Two; Thirty-Three; Thirty-Four and Thirty-Five of the Code of General Ordinances for the City of Kenosha, Wisconsin, are amended by substituting therein the phrases “Department of Community Development” for the “Department of City Development”, the “Department of Neighborhood Services and Inspections”, City Plan Division of the Department of City Development”, combinations and variations thereof, or similar terminology wherever those phrases appear.

Section Six: Chapters Two, Five and Seventeen of the Code of General Ordinances for the City of Kenosha, Wisconsin, are amended by substituting therein the phrase “Director of the Department of Community Development” for “City Planner” or similar terminology wherever those phrases appear.

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney

EXHIBIT B

DEPARTMENT OF COMMUNITY DEVELOPMENT & INSPECTIONS

DIRECTOR OF COMMUNITY DEVELOPMENT & INSPECTIONS *
 Jeffrey Labahn

<u>2011</u>	
Full-time	20
Part-time	2
Seasonal	1

**SUPERINTENDENT OF PLANNING,
 ZONING & DEVELOPMENT ***
 Richard Schroeder

**SUPERINTENDENT OF BUILDING INSPECTION
 AND PROPERTY MAINTENANCE ***
 Richard Hillesland

PLANNING & ZONING (3)

PLANNER I/II (1)
 Brian Reining
 PLANNING TECHNICIAN (1)
 Michael Calovi
 ZONING COORDINATOR (1)
 Paula Blise

COMMUNITY DEVELOPMENT (3)

C.D. SPECIALIST III (3)
 Anthony Geliche (CDBG)
 Zohrab Khaligian (REDEVELOPMENT)
 Michael Maki ** (HOME)

**PROPERTY/MAINTENANCE
 & INSPECTIONS (4)**

HOUSING INSPECTOR I/II
 Martha Swartz
 Louis Chiapetta
 Mark Sanchez
 John Dumke

**BUILDING INSPECTION
 COORDINATION (4)**

SENIOR BUILDING INSPECTOR (1)
 Vacant
 SENIOR ELECTRICAL INSPECTOR (1)
 Richard Baumann
 PLUMBING INSPECTOR II (1)
 Kevin Mikolas
 C.D. SPECIALIST III (1)
 Brian Wilke

CLERICAL SUPPORT (2)

SECRETARY III
 Kay Schueffner
 CLERK TYPIST I - PT (1)
 Vacant

CLERICAL SUPPORT (3)

SECRETARY II (1)
 Susan Zampanti
 CLERK TYPIST II (1)
 Gail Rohde
 CLERK TYPIST I - PT (1)
 Jolin Schmitz

**GRASS & WEEDS
 INSPECTOR (1)**
 Seasonal

* NOTE: New and/or revised job title/descriptions for reclassifications.
 ** Reclassification from Planner II.

EXHIBIT C

Table of Organization

Change the Table of Organization in the Departments of City Development, Neighborhood Services and Inspections, and Public Works to accept the following:

- (a) Eliminate the following positions from the Department of City Development: Director of City Development (funded and presently filled for 2011), Planner I/II (unfunded for 2011) and Community Development Specialist III (funded and presently vacant for 2011);
- (b) Eliminate the following positions from the Department of Neighborhood Services and Inspections: Director of Neighborhood Services and Inspections (funded and presently vacant for 2011); Supervisor of Building Inspection (funded and presently vacant for 2011); Supervisor of Property Maintenance (funded and presently vacant for 2011); Clerical Supervisor (funded and presently vacant for 2011); Senior Electrical Inspector (unfunded for 2011); and Senior Building Inspector (unfunded for 2011);
- (c) Transfer the existing position of Soil Erosion Inspector from Neighborhood Services and Inspections to the Department of Public Works;
- (d) Eliminate the Departments of City Development and Neighborhood Services and Inspections and create a consolidated Department of Community Development and Inspections; and
- (e) Create the positions of Director of Community Development and Inspections (see Exhibit F); Superintendent of Planning, Zoning & Development (see Exhibit G); and Superintendent of Building Inspection and Property Maintenance (see Exhibit H).

EXHIBIT D

Compensation Plan

Change the 2011 City compensation plan to codify changes as proposed in Exhibit A of this resolution for managerial, supervisory, professional and confidential employees as follows:

- (a) Create the salary pay range for the Director of Community Development and Inspections as \$6,957 – \$8,696 (derived from the average department head salary of those surveyed Wisconsin municipalities with combined planning and building inspection functions);
- (b) Create the salary pay range for the Superintendent of Planning, Zoning & Development as \$5,420 - \$6,640 (equivalent to salary pay range of Public Works division superintendents); and
- (c) Create the salary pay range for the Superintendent of Building Inspection and Property Maintenance as \$5,420 - \$6,640 (equivalent to salary pay range of Public Works division superintendents).

EXHIBIT E

Reclassifications

Subsequent to the changes as proposed in Exhibits A and B of this resolution, the following individuals are recommended for reclassification resulting from their expanded roles within the Department of Community Development and Inspections:

- Reclassification of Jeff Labahn to the position of Director of Community Development and Inspections. The recommendation having arisen from the expanded duties and responsibilities of managing the newly consolidated Department of Community Development and Inspections. *(Mr. Labahn will be placed at a salary level in accordance with Civil Service Rules).*
- Reclassification of Rich Schroeder to the position of Superintendent of Planning, Zoning & Development. The recommendation having arisen from the expanded duties and responsibilities of managing the newly consolidated Department of Community Development and Inspections. *(Mr. Schroeder will be placed at a salary level in accordance with Civil Service Rules).*
- Reclassification of Rick Hillesland to the position of Superintendent of Building Inspection and Property Maintenance. The recommendation having arisen from the expanded duties and responsibilities of managing the newly consolidated Department of Community Development and Inspections. *(Mr. Hillesland will be placed at a salary level in accordance with Civil Service Rules).*
- Reclassification of Mike Maki from the position of Planner I/II to Community Development Specialist III. The recommendation having arisen from the assumed duties of administering the HOME Program (formerly performed by Mark McCarthy, CD Specialist III) as well as continuing the oversight of historic preservation. *(Mr. Maki will be placed at a salary level in accordance with Civil Service Rules).*

Exhibit F

DIRECTOR OF COMMUNITY DEVELOPMENT and INSPECTIONS

DEPARTMENT: **Community Development and Inspections**

GENERAL OVERVIEW OF POSITION

This position is responsible for the administration, leadership and management of all Department of Community Development and Inspections personnel, programs and activities. The general areas of responsibility include, but are not limited to the following: comprehensive planning, current planning, zoning, mapping, historic preservation, redevelopment, housing construction and rehabilitation, Community Development Block Grant and HOME programs, Capital Improvement Programming, property maintenance, building inspection and code enforcement. The Director works under the administrative direction of the City Administrator and Mayor within the the described areas of responsibility to promote and improve the health, safety and general welfare of the residents and property owners throughout the City of Kenosha.

EXAMPLES OF ESSENTIAL FUNCTIONS: (illustrative only)

The Director is responsible to administer a department having a diverse staff with a wide range of program directives and activities. Therefore, the essential duties and responsibilities reflect the priorities of this position in the specific areas of administration, leadership, management and communication as follows:

- Develop, maintain and evaluate departmental goals and objectives pertaining to all program and activity areas of the department.
- Develop, maintain and evaluate departmental policies to effectively, efficiently and consistently implement the departmental goals and objectives.
- Prepare, assess and implement the Comprehensive Plan including neighborhood plans, master plans, redevelopment plans and various other strategic plans which direct the physical, social and economic development of the City of Kenosha.
- Prepare, analyze and administer the operating budget for the department as well as the preparation of the five-year Capital Improvement Plan for the City.
- Support and provide appropriate staff resources for the City Plan Commission, Redevelopment Authority of the City of Kenosha, Community Development Block Grant Committee, HOME Commission, Historic Preservation Commission, City Industrial Park and Business Park of Kenosha Committees, Board of Zoning Appeals and Board of Housing Appeals.
- Promote staff development through a systematic approach to training, mentoring and continuous learning programs to achieve desirable customer service on both an internal and external basis.
- Act as the primary liaison and representative of the department with the Common Council, Council Standing Committees, City Department Heads and public or private groups.
- Oversee State and Federal programs for which the department has primary responsibility including, but not limited to, Community Development Block Grant Program and HOME Program.
- Act as the personnel manager with regard to hiring, discharge, discipline, assignment and evaluation of all departmental employees.

- Interpret the Code of General Ordinances and Zoning Ordinance as it pertains to departmental programs and activities.

(NOTE: The duties listed above are intended as illustrations of the various types of work performed by persons in positions covered by this classification specification. This list is not all inclusive. The omission of a particular job duty does not mean that the duty is not one of the essential functions of the position. Management reserves the right to assign employees in this classification to duties not listed above, if the duties are fairly within the scope of responsibilities applicable to the level of work performed by employees in positions covered by this classification specification. This classification specification does not create an employment contract between the City and the employee and is subject to change by the City as the needs of the City and the department change over time.)

REQUIREMENTS

Training and Experience:

- Bachelor's degree in planning, public administration, engineering or related field from an accredited college or university.
Ten (10) years of progressively responsible experience, of which five (5) years are supervisory.
A combination of education and experience that provides equivalent knowledge, skills and abilities.

Knowledge, Abilities and Skills:

- Knowledge of the principles and practices of planning, zoning, development, redevelopment, housing, construction and maintenance; familiarity with land economics, urban design, municipal finance and other related subjects as applied to community development.
- Knowledge of the laws, ordinances and codes relating to land use and development regulations.
- Knowledge of administrative methods, principles and practices, including management budgetary development and administration and personnel management and administration.
- Ability to plan, direct and organize a comprehensive community development program.
- Ability to handle complaints and enforce compliance with applicable regulations.
- Ability to motivate, manage and supervise employees with varying levels of education and work experience.
- Ability to communicate effectively, orally and in writing and to prepare concise, accurate reports and written recommendations for changes, revisions, additions, deletions, or amendments to codes, ordinances, environmental and similar activities.
- Ability to maintain effective working relationships with officials, other departments, public agencies and the general public.
- Skill in the use of basic office equipment, personal computers and Geographic Information Systems.
- Ability to handle reasonably necessary stress.

Physical Requirements:

- Task is essentially sedentary, with occasional walking, bending, light lifting or other restricted physical activities including driving and physical field observations.

Environmental Requirements:

- Task is regularly performed without exposure to adverse environmental conditions.

Sensory Requirements:

- Task requires color perception and discrimination.
- Task requires visual perception and discrimination.
- Task requires oral and written communications ability.

Other Requirements:

- Possession of a valid driver's license and a good driving record.
- May be required to provide vehicle for use on the job.

FLSA Status: EXEMPT

Exhibit G

SUPERINTENDENT OF PLANNING, ZONING AND DEVELOPMENT

DEPARTMENT: Community Development and Inspections

GENERAL OVERVIEW OF POSITION

This position is responsible for the supervision of the personnel, programs and activities of the planning, zoning and community development aspects of the department. The specific areas of responsibility include, but are not limited to, the following: comprehensive planning, current planning, zoning, mapping, development, redevelopment, historic preservation, tax incremental financing, budgeting, Community Development Block Grant program, HOME program, housing construction and rehabilitation. The superintendent works under the administrative direction of the Director of Community Development and Inspections.

EXAMPLES OF ESSENTIAL FUNCTIONS (*illustrative only*)

The Superintendent is responsible to lead and manage a staff of professional, technical and clerical employees in the work areas of planning, zoning and community development. The essential duties and responsibilities are as follows:

- Manage the comprehensive planning program for the City of Kenosha which includes the Land Use Plan, neighborhood plans, downtown plan, and various other master plans.
- Coordinate the administration of the Zoning Ordinance including revisions to the zoning map and zoning text.
- Oversee the mapping, cartographic and geographic information systems program in support of department projects and activities.
- Provide direct support to the City Plan Commission as it pertains to agendas, staff reports, meetings and training.
- Facilitate the tracking of all departmental agenda items for Common Council and Standing Committee meetings.
- Coordinate quarterly meetings with Wisconsin Department of Transportation as primary liaison between City and State regarding both private developments and public improvement projects.
- Administer the Wetland, Floodplain and Shoreland programs in compliance with the Wisconsin Department of Natural Resources and Federal Emergency Management Agency standards.
- Prepare ordinances involving the Code of General Ordinance and Zoning Ordinance in regard to planning, platting, zoning, land use or other development issues.
- Assist Director in regard to departmental budget, operational and personnel issues.
- Manage staff assignments, evaluations, training and discipline issues.
- Coordinate planning, zoning and land use issue with other city departments, County, State and/or Federal agencies.
- Oversee the Historic Preservation Program and provide staff and resources to the Historic Preservation Commission.
- Provide policy guidance and administrative oversight to the Community Development Block Grant Program and CDBG Commission.
- Provide policy guidance and administrative oversight to the HOME program and HOME Commission
- Provide policy guidance and administrative oversight to the redevelopment program and the Redevelopment Authority of the City of Kenosha.

(NOTE: The duties listed above are intended as illustrations of the various types of work performed by persons in positions covered by this classification specification. This list is not all inclusive. The omission of a particular job duty does not mean that the duty is not one of the essential functions of the position. Management reserves the right to assign employees in this classification to duties not listed above, if the duties are fairly within the scope of responsibilities applicable to the level of work performed by employees in positions covered by this classification specification. This classification specification does not create an employment contract between the City and the employee and is subject to change by the City the needs of the City and the department change over time)

REQUIREMENTS

Training and Experience :

- Bachelor's degree in planning or related field from an accredited college or university with five (5) years of progressively responsible experience, of which two (2) years are supervisory; or a combination of education and experience that provides equivalent knowledge, skills and abilities. American Institute of Certified Planners (AICP) is desirable.

Knowledge, Skills and Abilities:

- Knowledge of the principles and practices of planning, zoning and community development; familiarity with land economics, urban design, municipal finance and other related subjects as applied to community development.
- Knowledge of the laws, ordinances, and codes relating to land use, zoning and development regulations.
- Knowledge of administrative methods, principles and practices, including management, budgetary development and administration and personnel management and administration.
- Ability to plan, direct, and organize a planning, zoning and community development program.
- Ability to handle complaints and enforce compliance with applicable regulations.
- Ability to motivate, manage, and supervise employees with varying levels of education and work experience.
- Ability to communicate effectively, orally and in writing and to prepare concise accurate reports and written recommendations for changes, revisions, additions, deletions, or amendments to codes, ordinances, environmental and similar activities.
- Ability to maintain effective working relationships with officials, other departments, public agencies, and the general public.
- Skill in the use of basic office equipment, personal computers and Geographic Information Systems.
- Ability to handle reasonably necessary stress.

Physical Requirements:

- Task is essentially sedentary, with occasional walking, bending, light lifting, or other restricted physical activities including driving and physical field observations.

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Environmental Requirements:

- Task is regularly performed without exposure to adverse environmental conditions.

Sensory Requirements:

- Task requires color perception and discrimination.
- Task requires visual perception and discrimination.
- Task requires oral and written communications ability.

Other Requirements:

- Possession of a valid driver's license and good driving record.
- May be required to provide a personal vehicle for use on the job.

FLSA Status: Exempt

Exhibit H

SUPERINTENDENT OF BUILDING INSPECTION and PROPERTY MAINTENANCE

DEPARTMENT: Community Development and Inspections

GENERAL OVERVIEW OF POSITION

This position is responsible for the supervision of the personnel, programs and activities of the building inspection and property maintenance aspects of the department. The specific areas of responsibility include, but are not limited to, the following: building inspection, plan review, permit review and issuance, property maintenance inspection, and seasonal weed and grass inspection. The superintendent works under the administrative direction of the Director of Community Development and Inspections.

EXAMPLES OF ESSENTIAL FUNCTIONS (*illustrative only*)

The Superintendent is responsible to lead and manage a staff of professional, technical and clerical employees in the work areas of building inspection and property maintenance. The essential duties and responsibilities are as follows:

- Manage the building inspection staff who make on-site inspections of new and existing projects consisting of, but not limited to structural, quality of materials, workmanship, proper permits and certifications.
- Oversees the plan reviews required in conjunction with building and other permit applications.
- Performs building inspections and plan reviews as needed in several trade specialties such as plumbing, electrical, mechanical, structural and finish.
- Resolves homeowner and contractor inquiries, complaints, violations and disputes; participates and responds to requests from other departments.
- Meets with architects, engineers, owners, builders and contractors to provide technical advice on City building standards and related permitting needs and procedures; develops new codes and ordinances.
- Attends meetings, conferences and seminars, makes presentations.
- Facilitates the City wide conditional use permit/site plan review and approval process as it pertains to building projects.
- Coordinates the housing inspection and code enforcement activities associated with the maintenance of existing occupied or vacant buildings and properties.
- Oversees the preparation of property maintenance inspectors reports and the subsequent activities pertaining to corrective action and compliance.
- Performs property inspections and code enforcement duties as needed.
- Reviews the establishment of re-inspection fees and special assessments.
- Conducts outreach to community groups, including landlords and other special interest groups.
- Assists Director in regard to departmental budget, operational and personnel issues.
- Manage staff assignments, evaluations, training and discipline issues.
- Provide policy guidance and administrative oversight to the building inspection and property maintenance programs.

(NOTE: The duties listed above are intended as illustrations of the various types of work performed by persons in positions covered by this classification specification. This list is not all inclusive. The omission of a particular job duty does not mean that the duty is not one of the essential functions of the position. Management reserves the right to assign employees in this classification to duties not listed above, if the duties are fairly within the scope of responsibilities applicable to the level of work performed by employees in positions covered by this classification specification. This classification specification does not create an employment contract between the City and the employee and is subject to change by the City the needs of the City and the department change over time)

REQUIREMENTS

Required Training and Experience :

- Bachelor's degree in architecture, engineering or related field from an accredited college or university with five (5) years of construction and building inspection experience, of which two (2) years are supervisory or a combination of education and experience that provides equivalent knowledge, skills and abilities is desirable.
Certified in multiple UDC certifications, of which Commercial Building Inspector and Commercial Building Inspector is highly desirable.

Required Knowledge, Skills and Abilities:

- Knowledge of modern practices and methods employed in building and related construction trades.
- Knowledge of modern supervisory practices and the ability to effectively utilize same.
- Knowledge of City and State Laws, regulations, codes and ordinances governing building standards, zoning and housing and certification and licensing of contractors.
- Ability to plan, organize, assign and direct to work of subordinates.
- Ability to verify and enforce violations cited by those in the field.
- Ability to prepare complex reports.
- Ability to consult with contractors, building owners, and the general public.
- Ability to issue violation and/or stop work orders when necessary and file reports on violations.
- Ability to read, understand and interpret plans, drawings, blueprints, specifications and related construction documents, and identify them to construction in progress.
- Ability to communicate effectively, both verbally and in writing.
- Ability to establish and maintain an effective working relationship with the general public, superiors, subordinates, and fellow employees.
- Knowledge of City code enforcement and municipal court procedures.
- Ability to consult with and enlist the cooperation of building owners, tenants, contractors, and the public.
- Skill in enforcing conformity with firmness, tact and impartiality.
- Ability to handle reasonably necessary stress.

Physical Requirements:

- Task involves frequent walking; standing; some lifting and carrying objects of moderate weighted (12-20 pounds); and/or the operation of vehicles, office, shop keyboard, or hand tools in which manipulative skills and hand-eye coordination are important ingredients of safe and/or productive operations. At times may require sustained, performance of heavier physical tasks such as walking over rough or uneven surfaces, bending, stooping and working in confined spaces.

Environmental Requirements:

- Task may require frequent exposure to adverse environmental conditions, such as: rodent/insect infestation, trip hazards and deteriorated structures.

Sensory Requirements:

- Task requires color perception and discrimination.
- Task requires sound perception and discrimination.
- Task requires depth perception and discrimination.
- Task requires texture perception and discrimination.
- Task requires visual perception and discrimination.
- Task requires oral and written communications ability.

Other Requirements:

- Possession of a valid driver's license and good driving record.
- May be required to provide a personal vehicle for use on the job.

FLSA Status: Exempt

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

SECTION 2.0 GENERAL PROVISIONS

2.01 CONFORMITY

No building, structure, land or water shall hereafter be used or developed, and no building, structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered or converted, except in conformity with all regulations specified in this Ordinance, for the zoning district in which such building, structure, land or water is located. In addition to the specific regulations of the respective zoning district, buildings, structures and uses of land and water shall be in conformance with the following general provisions.

2.02 USE REGULATIONS

A. Types of Uses. Only the following uses shall be allowed in a zoning district:

1. **"Permitted Uses"** specified for a district.
2. **"Permitted Accessory Uses"** specified for a district.
3. **"Conditional Uses"** specified for a district which shall require review and approval in accordance with the provisions of **§4.0** of this Ordinance.

4. "Temporary Uses":

a. Temporary construction buildings and structures and the storage of building materials and equipment specifically used during the construction of a residence on a lot in any residential district; roadside stands for the display and sale of agricultural products in the A-1 and A-2 Districts and any Business District; farmer markets in any Business or IP District; temporary cement batch plant on a lot in any district; the use of a lot in any district for the annual display and sale of Christmas trees and ornaments; and temporary carnivals and circuses, as defined by the City under Chapter 12 of the Code of General Ordinances, located in the B-2, B-3, M-1, M-2 or IP Districts, conducted for less than thirty (30) days. Temporary uses shall not exceed twelve (12) months duration and shall be subject to applicable City licensing requirements unless renewed. Each renewal period may not exceed twelve (12) months in duration.

b. The temporary use of a building or trailer for the purpose of operating a business or a building accessible to the public until a permanent conforming building is constructed shall be permitted only upon petition to and approval by the Common Council, subject to the imposition of reasonable conditions,

including, but not limited to, duration of use, operational plan and compliance with all City Codes and Ordinances. The Common Council may approve a temporary use and renewals thereof. The temporary use and each renewal thereof may be for a period not to exceed twelve (12) months.

c. Fees for temporary uses shall be based on the required Conditional Use Permit or Site Plan Review, as established by the Common Council, from time to time, by Resolution.

5. "Unlisted Permitted and Accessory Uses".

It is recognized that it is neither possible nor practicable to list all of the permitted and accessory uses in a district. Therefore, other uses, which in the judgment of the Administrator, are similar and compatible to the permitted or accessory uses permitted in the district, may be allowed in such district.

6. "Essential Municipal and Utility Services".

The provisions of this Ordinance shall not be so construed as to limit or interfere with the construction, installation, operation and maintenance of essential municipal and utility services, as defined, in any district. "Essential Municipal and Utility Services" shall not include Communication, Radio/Television/Relay Towers or Antennas.

B. Permits and Certificates Required. In addition to meeting the regulations outlined in the district in which the use is located, the following permits and certificates are required:

1. Building Permit. No building or structure shall hereafter be located, erected, moved, structurally altered, extended, or enlarged until after the property owner or his or her agent has secured a Building Permit from the Administrator. Applications for a Building Permit shall be made in accordance with the procedures outlined in **§8.0** of this Ordinance.

2. Certificate of Occupancy. No new building shall be used or occupied; no existing building which is hereafter structurally altered, relocated or reconstructed shall be used or occupied, no nonresidential building shall have a change in use or tenancy; and no vacant land shall be used until a Certificate of Occupancy has been issued by the Administrator. Applications for a Certificate of Occupancy shall be made in accordance with the procedures outlined in **Section 8** of this Ordinance.

3. Conditional Use Permit. A Conditional Use Permit which authorizes the use of a building, structure or land according to stated conditions, may be issued for those conditional uses specified in each

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

district in §3.0 of this Ordinance, provided that the provisions of §4.0 of this Ordinance are met. Applications for a Conditional Use Permit shall be made in accordance with the procedures outlined in §4.0 of this Ordinance.

4. Certificate of Compliance. No undeveloped land within the floodland districts shall be developed, occupied or used; and no building or structure hereafter erected, altered, moved or reconstructed within the floodland districts shall be occupied or used until the applicant or applicant's agent submits to the Administrator a certification by a registered professional engineer or land surveyor that the floodplain regulations set forth in this Ordinance have been fully complied with. Such certification shall include the first floor elevation of any building or structure erected, altered, moved or reconstructed on the site.

5. Other Permits. It is the responsibility of any property owner, or owner's agent to secure all other necessary permits required by any State, Federal or local agency.

6. Zoning Permits. The use of wetlands and the alteration of wetlands within the shoreland area of Kenosha shall be in full compliance with the terms of this Ordinance and other applicable local, State or Federal regulations. All permitted development shall require the issuance of a Zoning Permit unless otherwise expressly excluded by a provision of this Ordinance.

7. Impact Fees. The issuance of Building Permits, and Conditional Use Permits and conduct of Site Plan Review shall be conditioned upon the applicant paying an Impact Fee imposed in accordance with Chapter 35 of the Code of General Ordinances.

8. Certificate of No Past Due Real Estate Taxes or Special Assessments. The issuance of Building Permits, Conditional Use Permits, Occupancy Permits and Site Plan Review approval shall be conditioned upon applicant filing with the review authority a true and accurate certificate that there are no past due real estate taxes or special assessments with respect to the land which is the subject of development or use.

C. Shoreland Protection Provisions. Shoreland protection improvements are permitted in any district provided that such improvements meet all applicable Federal, State and City floodland regulations.

D. Restricted Uses. The following uses,

irrespective of whether in an otherwise appropriate City Conditional Use Permit, shall not be located within 2,640 feet (one-half mile) of any residential use, residentially zoned district, school, hospital or medical-surgical clinic, irrespective of whether any such residential use, residentially zoned district, school, hospital, or medical-surgical clinic is located within or without the City:

1. Infectious Medical Waste Disposal Facility, incinerator or other facility used to treat infectious medical waste prior to disposal, excepting generators thereof who engage in the lawful and incidental sterilization of their own infectious medical waste. The term "infectious medical waste" shall have the meaning provided in the State Statutes and State Administrative Code.

2. Hazardous waste treatment, storage, or disposal facility as a primary use. The term "hazardous wastes" shall have the meaning provided in the State Statutes and State Administrative Code.

3. Petroleum refining facility and petroleum storage facility in aboveground tanks which exceed one hundred fifty thousand (150,000) gallons.

4. Petroleum storage facility in above ground tanks as a standby fuel system exceeds one hundred fifty thousand (150,000) gallons.

5. Mining operations, including a quarry or stone mill or rock crushers.

6. Removal of metal from ore.

7. Explosives manufacturing and storage facility, including fireworks, except for temporary storage prior to planned lawful use.

8. Stockyards and rendering plants.

9. Motor vehicle race track.

10. Electric power generating plant, as a primary use.

11. Scrap salvage yard engaged in one or more of the following operations:

a. crushing or reduction by shredding or chipping of metal.

b. Reduction of scrap salvage into smaller pieces through the use of a ball or object dropped from a crane or apparatus.

c. Reduction of scrap salvage in size which causes vibration which may damage the property of another of which may be injurious to public health, safety and welfare.

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

12. Manufacture, processing or storage of nuclear/radioactive material as a primary use, excluding incidental use for medical or dental purposes.

13. Oil and gas drilling operations.

14. Pulp, paper or paperboard mills.

15. Sanitary landfills.

Distances shall be measured in a straight line from outside perimeter to outside perimeter of property line in closest proximity to each other. The 2,640 foot (one-half mile) distance herein provided shall, in the event it is determined to be unconstitutional, be read in decreasing segments of 500 feet until reaching such distance as is constitutional, with respect to each use.

16. Commercial raising of poultry for meat or eggs.

17. Incineration of tires and waste, excluding cremation, and excluding leaf burning authorized by Ordinance.

18. Storage of infectious medical waste, excepting temporary, on-site storage by generators.

E. Prohibited Uses. The following uses, irrespective of whether in an otherwise appropriate Zoning District and irrespective of whether the subject of a Conditional Use Permit, shall be prohibited:

1. Any use which requires a City, State or Federal license or permit as a condition of commencing or continuing operation under City, State or Federal law which has not been granted such a license or permit, or which failed to maintain such license or permit.

2. Any use which is prohibited by City, State or Federal law, rule or regulation.

3. Any sale of alcohol beverages through a service window from a drive-thru facility.

2.03 AREA AND YARD REGULATIONS

A. Minimum Frontage Requirement. All lots shall have frontage upon a public street or officially approved accessway of not less than ten (10') feet in width.

B. Restriction on Lot Area and Yard Reductions. No lot shall be reduced, diminished or maintained in any manner in which the yards, open

spaces or total lot area and width, shall be less than prescribed by this Ordinance, nor shall the density of dwelling units be increased in any manner except in conformity with the regulations herein established.

C. Yards. Every building or structure shall be located on a lot, as defined herein, and shall provide yards as specified in the zoning district. Such required yards shall meet the following regulations:

1. Every required front, side, rear and accessory yard shall be open and unobstructed from the ground to the sky, except for those projections permitted under **§2.03 D.** of this Ordinance.

2. A Lot - Double Frontage shall provide the required front yard on both streets, except where otherwise approved in conjunction with a Conditional Use Permit or Site Plan Review.

3. No part of a yard or other open space provided about any building or structure for purposes of complying with the provisions of this Ordinance shall be included as part of a yard or other open space required under this Ordinance for another building or structure.

D. Exceptions to Area and Yard Regulations.

1. **Rear Yard-Includes One-Half Alley.** In computing the depth of a rear yard where such yard opens into an alley, one-half (1/2) the width of such alley may constitute a portion of the required rear yard.

2. **Yards, Lot Area and Lot Width Regulations for Buildings Affected by Street Widening.** Where a building or structure is located on a lot, a portion thereof which is acquired for public use, such building or structure may be relocated on the same lot or premises although the yard, lot area and lot width regulations of this Ordinance cannot be met. Further, where only part of such a building or structure is acquired for public use, the remainder of such building or structure may be repaired, altered, reconstructed or remodeled.

3. **Projections into Yards.** The following uses are permitted to project into required yards, provided that all stated conditions are met:

a. Projections of sills, bolt courses and ornamental features provided, however, that none of the above projections shall project into a court more than six (6") inches, nor into a required side yard more than two (2') feet.

b. Fireplace structures and windows shall not project into any required front, side, street side or

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

rear yard more than one (1') foot.

c. Section 2.03 C.1. of this Ordinance shall not apply to porches existing prior to August 1, 1955; however, such porches shall be subject to the following restrictions and conditions:

(1) No more than thirty (30%) percent of any exterior wall may be permanently enclosed.

(2) For any exterior wall which is enclosed, a minimum of seventy (70%) percent of such wall shall be enclosed with materials which do not obstruct the vision of adjacent property owners.

(3) Self-supporting canopies or roofs over such porches located in the front yard may be installed, but shall not project more than four (4') feet into the required front yard.

d. Open or unenclosed porches existing on and after August 1, 1955, may only be enclosed or roofed in compliance with the yard regulations of the district in which it is located and only after first obtaining a Building Permit, which shall only be granted after approval of plans submitted for such enclosure or roofing. Any deviation from the plans approved for such permit shall constitute a violation of this Ordinance.

e. Open or enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers projecting into a yard not more than five (5') feet or into a court not more than three and one-half (3-1/2') feet, and the ordinary projections of chimneys and flues, where same are so placed as not to obstruct light and ventilation.

f. Unenclosed stairways or balconies, not covered by a roof or canopy, may extend into a required rear yard not more than four (4') feet, may extend into a required front yard not more than two and one-half (2-1/2') feet, but shall not extend into a required side yard.

g. Unenclosed Porches, Decks and Platforms.

(1) Unenclosed porches, decks and platforms not covered by a roof or canopy, which do not extend above the level of the first floor of the building, and which do not provide a minimum of four (4') feet of landing area, may extend or project into any required front, side or rear yard for not more than six (6') feet or a distance of not more than twenty (20%) percent of the required yard, whichever is less.

(2) Unenclosed porches, decks and platforms covered by a roof or canopy, which do not extend above the level of the first floor of residential structures located in the RS-3, RG-1 or RG-2 Districts, may extend or project into any required front yard for not more than six (6') feet. Unenclosed porches, decks and platforms covered by a roof or canopy, which do not extend above the level of the first floor of residential structures located in the RS-3, RG-1 or RG-2 Districts, may extend or project into any required side or rear yard for not more than six

(6') feet or a distance of not more than twenty (20%) percent of the required yard, whichever is less.

h. Openwork, architectural features or guard railings for safety protection around depressed ramps, may be located in any front, side or rear yard if maintained at a height not more than three and one-half (3-1/2') feet above the average ground level adjacent thereto. An openwork type railing not more than three and one-half (3-1/2') feet in height may be installed or constructed on any porch, platform or loading space mentioned in **§2.03 C.3.f.** of this Ordinance.

i. Signs in conformance with Chapter 15 of the Code of General Ordinances and as permitted in the respective zoning district.

j. Cornices, eaves and gutters may project into or over a required yard not more than one-third (1/3) of the width of the yard, but in no event more than two (2') feet.

k. Incidental structures and vegetation used for landscaping and decorating, such as flagpoles, ornamental light standards, lawn furniture, trees and shrubs.

l. Fences in conformance with the provisions of **§2.06** of this Ordinance.

m. Off-street parking areas as permitted in **§6.01** of this Ordinance. Notwithstanding the above provisions, all projections into yards which are located at corners or at the intersection of streets with alleys or driveways, shall meet the applicable provisions of **§2.06** of this Ordinance.

n. Barrier-free accessible ramps used for the purpose of egress and ingress by the physically challenged may be permitted to encroach into any front, rear, side and street-side yard subject to it being:

(1) Installed in a manner so that its overall length is the shortest distance possible to access the public sidewalk or private driveway, whichever is the point of ingress or egress.

(2) Installed in such a manner as will preserve existing landscaping or provide for replacement landscaping.

(3) Uncovered.

(4) Constructed of concrete and/or pressure-treated lumber.

(5) Not less than three (3') feet nor more than four (4') feet in width.

(6) Provided with a paved concrete or bituminous asphalt level platform at its base which measures a minimum of three (3') feet in the direction of travel and is at least as wide as the ramp it serves, except where a public sidewalk or private driveway serves said purpose.

(7) Installed in accordance with State and City laws, rules, regulations and Building Permits.

5. Floodway Lands Eligible for Meeting

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

Area Requirements. Where a lot is partially within the "FW" Floodway District and partially within any other adjoining district, that portion of the lot in the "FW" Floodway District may be utilized to meet the area regulations of the adjoining district.

2.04 HEIGHT REGULATIONS

Except as hereinafter provided, no building or structure shall be hereafter enlarged, erected, reconstructed or structurally altered to a height which exceeds the height limit established for the district wherein such building or structure is located.

A. Exceptions to Height Regulations.

1. Public Buildings. In the districts limiting the height of buildings or structures to thirty-five (35') feet or to forty-five (45') feet, public buildings; educational institutions, including public and private elementary and secondary schools, colleges and universities and related dormitories, and school administrative offices; religious institutions and hospitals, may be erected to a height not exceeding seventy-five (75') feet, provided that the building or structure is set back an additional foot on all sides for each foot such building exceeds thirty-five (35') or forty-five (45') feet, respectively, in height.

2. Architectural Projections. Parapet walls not exceeding four (4') feet in height, chimneys, flues, elevator bulkheads, penthouses, stacks, stage towers or scenery lofts, cupolas, domes, and spires, and necessary mechanical appurtenances may be erected to a height which exceeds the height limit established for the district; however, no architectural projection or any space above the height limit shall be allowed for the purpose of providing additional floor space.

3. Special Structures. Cooling towers, fire towers, petroleum tanks, grain elevators, smokestacks, monuments, water towers and electric power and transmission lines may be erected to a height which exceeds the height limit established for the district.

Utility substations, Communication Towers and Antennas may exceed the height limit established for the district, when so authorized by the Review Authority, but may in no event be higher than one hundred (100') feet or the Kenosha Regional Airport Height Limitation, whichever is more restrictive. Communication Towers and Antennas may be constructed to a height of one hundred fifty (150') feet, or the Kenosha Regional Airport Height Limitation, whichever is more restrictive, on a City-owned Site when so authorized by the Review Authority, provided a license or lease agreement

authorizing such Communication Tower has been approved by the City. Antenna Co-Locations may exceed these height limitations, but may not exceed the Kenosha Regional Airport Height Limitation, whichever is more restrictive, when so authorized by the Review Authority.

Radio/Television/Relay Towers and Antennas may be erected/constructed to a height of three hundred (300') feet or the Kenosha Regional Airport Height Limitation, whichever is more restrictive, as authorized by the Review Authority and in accordance with the spacing and setback requirements of **Section 4.06 D.13.** of this Ordinance.

4. Ornamental Appurtenances, Statues, and Monuments shall not exceed the height of the allowable accessory building height for that district, unless approved in conjunction with a Conditional Use Permit/Site Plan Review or a variance is granted by the Board of Zoning Appeals.

B. Establishing Height Measurements on Through Lots. On through lots, the height of a building or structure may be measured from the established curb grade on either street.

2.06 VISUAL CLEARANCE

A. Purpose. The primary purpose of this Section is to provide adequate visual clearance at intersections within the City for children, pedestrians and for drivers and operators of all motor vehicles, bicycles and other forms of conveyance so that they be observed by each other in a timely manner to lessen the possibility of accidents and to promote public safety within the City. The secondary purpose of this Section is to regulate fences in residential districts of the City.

B. General Regulations. No obstructions, such as buildings, structures, fences, parked vehicles or vegetation, which are constructed, erected, maintained or planted after November 5, 1984, shall be permitted in any District between the heights of three (3') feet and nine (9') feet above:

1. The triangular space formed by any two existing or proposed intersecting street right-of-way lines and a line joining points on such lines located a minimum of fifteen (15') feet from their intersection.

2. The intersection of any existing or proposed street right-of-way line with any existing or proposed alley right-of-way line or the line formed by the edge of any driveway, and a line joining points on such lines located a minimum of fifteen (15') feet from their

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

intersection.

Hereafter, the above regulations shall be referred to as "visual clearance" at intersections.

C. Exceptions. The following shall be excepted from the regulations of **§2.06 B.** of this Ordinance:

1. Buildings and structures, excluding fences, existing prior to November 5, 1984.

2. Authorized traffic signs and signals, utility poles and installations, railroad crossing signs and barricades, mailboxes, bus stops, flagpoles, decorative lamp poles, public fixtures, and similar items which do not substantially impair visual clearance.

3. Outdoor pole signs, which are permitted to be located in the visual clearance area under the provisions of Chapter 15 of the Code of General Ordinances and which are located on top of a single support pole not exceeding eight (8") inches in diameter.

4. Parking facilities constructed and maintained prior to the effective date of this Ordinance.

5. Unobscured four (4) foot wire fences located within the defined visual clearance area formed by the intersection of a private driveway and public right-of-way line.

D. Parked Vehicles. The visual clearance regulations of **Section 2.06 B.** of this Ordinance shall apply to parking facilities, as defined by this Ordinance. Such parking facilities shall be constructed and maintained in accordance with **Section 6.01** of this Ordinance, and Sections 5.08 and 7.131 of the Code of General Ordinances.

E. Natural Objects-Vegetation. Natural objects and vegetation such as trees and shrubs must be removed, trimmed or planted so as to provide, restore or maintain visual clearance as regulated in **§2.06 B.** of this Ordinance. Trees which, when mature, grow to a height of thirty (30') or more feet need not be removed from a visual clearance area, but must be trimmed so that the lower branches do not obstruct visual clearance from the ground to a height of nine (9') feet.

F. Fences. Fences constructed in any Zoning District, shall in addition to complying with the visual clearance general regulations of **§2.06 B.** of this Ordinance, conform to the following provisions:

1. Fences existing in any Residential District

prior to the effective date of this Ordinance which do not meet the regulations of **§2.06 B.** of this Ordinance are permitted to be:

a. Repaired for ordinary maintenance repairs solely limited to painting and cleaning.

b. Added to or altered, including the addition, replacement or relocation of boards, posts, and cross members provided that when additions or alterations are proposed for any portion of a fence which is within the visual clearance area, the nonconforming section of the fence shall meet the visual clearance regulations of **§2.06 B.** of this Ordinance.

c. Relocated provided that any relocation of any portion of a fence which is within the visual clearance area shall meet the visual clearance regulations of **§2.06 B.** of this Ordinance.

d. Reconstructed provided that any reconstruction of any portion of a fence which is within the visual clearance area shall meet the visual clearance regulations of **§2.06 B.** of this Ordinance.

2. Fences abutting alleys shall provide a minimum yard of two (2') feet from the lot line. However, in instances whereby residences/buildings provide a yard of five (5') feet or less from the alley, a yard of less than two (2') feet is permitted for a fence.

3. Fences shall not be more than six (6') feet in height. This provision shall not apply to fences existing prior to November 5, 1984; however, such fences shall not exceed eight (8') feet in height.

4.a. For corner lots, fences along a primary frontage, as defined in Section **12.0 B.** of this Ordinance, under "Frontage-Primary", shall not exceed three (3') feet in height in residentially zoned districts, except where the fence will be located along a lot line abutting a business, manufacturing or Institutional Park District, in which case such fence may exceed three (3') feet in height and need not meet the visual clearance provisions of Section **2.06 B.** of this Ordinance, for that portion of the fence along the abutting lot lines.

b. No fence shall be constructed in any required front yard of a B-1, B-2, or B-3 zoned district, unless said fencing is approved in conjunction with a Conditional Use Permit/Site Plan Review or a variance is granted by the Board of Zoning Appeals.

c. Fences on a Lot-Double Frontage, as defined in Section **12.0** of this Zoning Ordinance, shall be installed in accordance with the required front yard setback on both streets, except where otherwise approved in conjunction with a Conditional Use Permit or Site Plan Review.

5. Fences in street side yards, as defined, which are located along a lot line abutting a business,

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

manufacturing or Institutional-Park district need not meet the visual clearance provisions of **§2.06 B.** of this Ordinance, for that portion of the fence along the abutting lot lines.

6. The Administrator may prohibit or limit the location or construction of any fence when the location or construction may adversely impact the safe evacuation or Fire Department access, for the principal occupied building of the property upon which it is situated or upon abutting or neighboring properties.

7. No fence shall be constructed, altered, added to, replaced, or reconstructed within any district without first obtaining a permit therefor from the Administrator and accompanied by payment of the required fee. The permit fee shall be as provided in Section 9.08 of the Code of General Ordinances.

G. Barbed Wire Fence.

1. Barbed Wire Fence Prohibition. Except as provided in Subsections 2. and 3. hereof, no barbed wire fence shall be constructed, installed, added to, replaced or reconstructed within the City limits of Kenosha.

2. Exception. Barbed wire fences may be constructed, installed, added to, replaced or reconstructed in a M-1 or M-2 Zoning District under circumstances wherein no more than three (3) strands of barbed wire are horizontally situated above a fence of boards or woven wire not less than seventy-two (72") inches in height, excluding the barbed wire.

3. Existing Barbed Wire Fences. A barbed wire fence existing within the City or in a M-1 or M-2 Zoning District prior to the effective date of this Ordinance, shall be a legal, nonconforming use.

H. Administration. The Administrator, or designees, shall have the duty of establishing, restoring and maintaining visual clearance as regulated in this Section. When the Administrator has determined that visual clearance has not been established, restored or maintained, as required within this Section, the Administrator shall in writing notify the owner, operator or other party responsible for managing and/or maintaining the offending property that visual clearance must be provided or restored within fifteen (15) days from the date of notice. The notice shall further provide that the notified party or agent shall have the opportunity to be personally heard by the Administrator, upon request, within said fifteen (15) day period, relative to any factual issues which may be relevant. The failure

to request a hearing shall waive the opportunity to be heard. The fifteen (15) day compliance period may be extended upon request, for good and sufficient reason. The failure of the owner, operator or other responsible party to provide or restore visual clearance within the time prescribed shall authorize the Administrator to do or to have done such work as will provide or restore visual clearance, bill the owner, operator or the other responsible party for the actual costs of the service rendered, and demand payment be made within thirty (30) days of the billing date. The failure of the owner, operator or other responsible party to promptly pay said bill shall authorize the Administrator to charge the cost against the property as a special assessment, pursuant to the authority of §66.60, Wisconsin Statutes. The order of the Administrator may be appealed to the Board upon written notice of said appeal being served upon or sent by registered mail to the Administrator within ten (10) days after the date of his order.

I. Public Nuisance. Obstruction to visual clearance at intersections, as regulated by this Section, shall be deemed to be a public nuisance and the City Attorney is authorized to abate said nuisance.

J. Forfeiture. In addition to all other remedies stated or implied within this Ordinance, the failure to provide, restore or maintain visual clearance, where enumerated exceptions are not applicable, shall be the subject of a penalty, as outlined in **Section 11.0** of this Ordinance, imposed upon the owner, operator, or party responsible for the management and/or maintenance of the offending property.

2.07 GENERAL DEVELOPMENT STANDARDS

The City of Kenosha shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

the subdivision definition of this Ordinance.

2.08 GENERAL STANDARDS APPLICABLE TO ALL FLOODLANDS

A. Hydraulic And Hydrologic Analyses.

1. Except as allowed in **Section 2.08 A.3.**, no floodland development shall:

a. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or,

b. Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.

2. The Zoning Administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of subsection 3 are met.

3. Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this Ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with **Section 10.06**.

B. Watercourse Alterations. No Land Use Permit to alter or relocate a watercourse in a mapped floodland shall be issued until the local official has notified, in writing, all adjacent municipalities, the Department of Natural Resources (DNR) and FEMA regional offices and required the applicant to secure all necessary State and Federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six (6) months after the date of the watercourse alteration or relocation, the Zoning Administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations, as required.

C. Chapters 30 and 31, Wisconsin Statutes - Development. Development which requires a permit from the DNR under Chapters 30 and 31, Wisconsin Statutes, such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed

if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other Zoning Maps or this Ordinance are made according to Section 10.06.

D. Public or Private Campgrounds. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

1. The campground is approved by the Wisconsin Department of Health and Family Services.

2. A Land Use Permit for the campground is issued by the Zoning Administrator.

3. The character of the river system and the elevation of the campground are such that a seventy-two (72) hour warning of an impending flood can be given to all campground occupants.

4. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this Section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the Kenosha County Emergency Government Coordinator and the Chief of Police for the City of Kenosha, which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.

5. This agreement shall be for no more than one (1) calendar year, at which time the agreement shall be reviewed and updated (by the officials identified in subsection 4) to remain in compliance with all applicable regulations, including those of the Wisconsin Department of Health and Family Services and all other applicable regulations.

6. Only camping units are allowed.

7. The camping units may not occupy any site in the campground for more than one hundred eighty (180) consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of twenty-four (24) hours.

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

8. All camping units that remain on site for more than thirty (30) days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed one hundred eighty (180) days and shall ensure compliance with all the provisions of this Section.

9. The City shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this Section.

10. All camping units that remain in place for more than one hundred eighty (180) days must meet the applicable requirements in **Sections 3.20, 3.21** or **17.02** for the floodland district in which the structure is located.

11. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.

12. All service facilities, including, but not limited to, refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

E. Areas To Be Regulated. This Ordinance regulates all areas that would be covered by the regional flood or base. Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map.

**DELINQUENT PROPERTY TAXES COLLECTED FOR THE 2009 - 2010 - 2011 PERIOD
INITIATED BY
CERTIFICATE OF (OCCUPANCY PERMIT HOLDS)**

TOTAL COLLECTED: \$340,114.48

2009

LOCATION	DELINQUENT PROPERTY TAXES	PAID TO OBTAIN OCCUPANCY APPROVAL	PERMIT #	UNPAID
2907 - 63rd Street	\$4,715.17	√	137197	
5619 - 22nd Avenue	\$4,705.98	√	137893	
2111 - 56th Street	\$2,803.17	√	139715	
5725 - 6th Avenue (520 - 58th Street)	\$14,007.59	√ (2010 payment)	142232	
2929 - 75th Street	\$17,120.32	√	141288	
3922 - 75th Street	\$12,631.90	√	app submittal pending	
2207 - 60th Street	\$24,138.94	√	141885	
3806 - 30th Avenue	\$19,784.68	√	141883	
1515 - 30th Avenue	\$42,597.40	√	141884	
3402 - 60th Street	\$8,160.60 REMAINS UPAID 10/11	permit app rejected		√
5606 - 6th Avenue	\$18,393.64 PAID AS OF 10/11	permit app rejected		√
6814 - 39th Avenue	\$19,509.98	(2010 payment)	145485	√
PAID 2009	\$180,408.77			

2010

LOCATION	DELINQUENT PROPERTY TAXES	PAID TO OBTAIN OCCUPANCY APPROVAL	PERMIT #	UNPAID
3402 - 60th Street	\$8,356.71	√	142907	
723 - 58th Street	\$6,461.71	√	143597	
2901 - 60th Street	\$8,508.92	√	143207	
5621 6th Avenue	\$14,067.58	√	144456	
6814 - 39th Avenue	\$19,509.98	√	145485	
8053 Sheridan Road	\$4,159.09 UNPAID AS OF 10/11	app rejected 8.19.10		√
3636 80th Street	\$7,690.30 UNPAID AS OF 10/11	app rejected 10.28.10	146018	√
622 58 Street	\$7,549.00	√	145619	
7A 7513	\$1,511.10	√	146415	
PAID 2010	\$65,966.00			

2011

LOCATION	DELINQUENT PROPERTY TAXES	PAID TO OBTAIN OCCUPANCY APPROVAL	PERMIT #	UNPAID
6415 28th Avenue	\$4,465.00 UNPAID AS OF 10/11	app rejected 1.3.11	146577	x
716 58th Street	\$1,303.31	x	146611	
504 57th Street	\$8,063.40	x	147354	
5920 Sheridan Rd	\$69,378.00	x	147525	
6601 39th Avenue	\$14,995.00	x	149297	
PAID (as of 10/4/11)	\$93,739.71			

A-Frame Sandwich Board Sign (Annual Permit Fee)

1. One sandwich board sign is allowed per building or per tenant space within a shopping complex containing a row of various stores, businesses and restaurants that open onto a common parking lot.
2. Sandwich board signs shall not be illuminated or have reflective surfaces.
3. No additional items shall be affixed to the signs (i.e. balloons, streamers, flags, etc.)
4. Signs shall only be displayed during business operating hours.
5. The maximum sign area shall be four (4) square feet.
6. The total height of the sign and sign structure shall not exceed four (4) feet.
7. **Materials.** Durable, rigid, and structurally self-supporting materials shall be used. Sign material must comply with other applicable requirements in the sign ordinance. Signs shall be constructed of durable, weather-resistant materials. and finish, including aluminum, steel, wood, and other similar materials. Cardboard, paper, fabric, non rigid materials and other similar materials are prohibited. Signs must be constructed of materials that present a finished appearance. Rough cut plywood, corrugated plastic, corriboard (coroplast) are not acceptable materials. Painted or stained wood or metal is acceptable.
8. The sign letter should be professionally painted or applied. A yard sale or graffiti look with hand painted or painted stenciled letters is not acceptable, however, chalkboard signs shall be permitted.
9. Signs are restricted to private property.
10. Signs shall not be placed to impede or obstruct the general public or the exit of building occupants.
11. Signs shall not interfere with vision clearance area at corners and must be placed at least fifteen (15') from the corner (measured from street curb).
12. Signs shall not be placed more than ten (10) feet from the business entrance in which the sign advertises, at ground level.
13. Signs shall not be placed in private or public walking or wheelchair pathway areas.
14. The Administrator shall review sandwich board sign placements and shall not issue a permit for any location that may create a traffic or pedestrian hazard.
15. A One Hundred (\$100) annual sign permit fee shall be required for A-frame Sandwich Board signs. The permit term shall be from January 1 to December 31. Such permit is non-transferable.

PUBLIC SAFETY & WELFARE COMMITTEE

- MINUTES

Monday, June 8, 2009

The regular meeting of the Public Safety & Welfare Committee was held on Monday, June 8, 2009 in Room 202 of the Kenosha Municipal Building. The meeting was called to order at 6:28 pm. The following members were present: Chairman Jesse Downing, Alderman Donald Ruef, Stephen P. Casey, Kathy Carpenter, and Michael J. Orth. Staff members in attendance were Ron Bursek and Paula Blise.

It was moved by Alderman Carpenter, seconded by Alderman Casey, to approve the minutes of the meeting held on Monday, June 1, 2009. Motion passed 5-0.

1. Aldermanic Request for Trial for Stop Control for WB 65th Street at 92nd Avenue which is a "T" Intersection.
Public Hearing: No one spoke.
Alderman/Staff: Recommends approval.
It was moved by Alderman Casey, seconded by Alderman Carpenter, to approve items #1, #2, and #3 after being read. Motion passed 5-0.
2. Aldermanic Request for Trial for Stop Control for NB/SB 66th Street at 111th Avenue making it a 4-Way Stop.
Public Hearing: No one spoke.
Alderman/Staff: Recommends approval.
3. Application of Kamran M. Khan for a Loading Zone at 610 59th Street (59th Street Properties).
Public Hearing: No one spoke.
Alderman/Staff: Recommends approval. Chairman Downing had concerns with this because of the no parking on the one side of the street and now taking another space away for parking.
4. Informational Item: Signs in the Right-of-Way (Sandwich Signs) Paula Blise asked the committee for some guidance on changing the ordinance or how to enforce the current ordinance. She informed the committee that sandwich signs are prohibited with the exception of outdoor dining establishments, causing confusion with other businesses. Alderman Moldenhauer, 2nd District, informed the committee that a business had called him asking why they had to remove their sign and other establishments can have them out. Alderman Casey asked Paula what Jim Schultz's concerns were. She replied that they both were looking for guidance, right now enforcement is done on complaint basis only. Alderman Ruef would like to see all signs banned, it is a hazard when people are driving, they're looking at the signs and not paying attention to the road. Alderman Ruffolo, 4th District, informed the committee that signs in the right-of-way are illegal and that the ordinance that allows Outdoor Dining establishments to have menu signs, they should only be the menu nothing else. Alderman Ruffolo also had concerns with the language on signs, some can be offensive. Alderman Orth said that the material of a sign and the wording is important, A frame vs a yard sign. He also informed the committee that a business in Brookfield was opening and the City didn't like the color of their sign, so they changed the color. Signs in the walk way could be dangerous and how do we enforce it, do we call the police. He also said that if we allow businesses to have one (1) store front sign and than it begins to multiply. The city wants to project a positive image. Paula informed the committee that all temporary signs are prohibited.
It was moved by Alderman Casey, seconded by Alderman Carpenter, to receive and file. Motion passed 5-0.

ADJOURNMENT - *There being no further business to come before the Public Safety & Welfare Committee, it was moved, seconded and unanimously carried to adjourn at 6:43 pm.*