

CHAPTER 6

EXISTING PLANS AND ORDINANCES

This Comprehensive Plan is intended, in part, to review the land use and related plans adopted by the City of Kenosha, update those plans as necessary to comply with the Comprehensive Planning Law, and to reflect changes that have occurred since the plans were adopted. Related plans include local Park and Open Space Plans, Sewer Service Area Plans, and Transit and Bicycle Plans. This Comprehensive Plan is also intended to refine and detail the regional land use and transportation plans. In addition, this plan takes into account planning objectives identified by local officials and also those reflected in adopted land use plans and regulatory ordinances. Accordingly, an important step in the planning process was a review of the existing framework of local plans and related land use regulations. This chapter presents a summary of that review.

PART 1: REGIONAL PLANS

Regional Land Use Plan

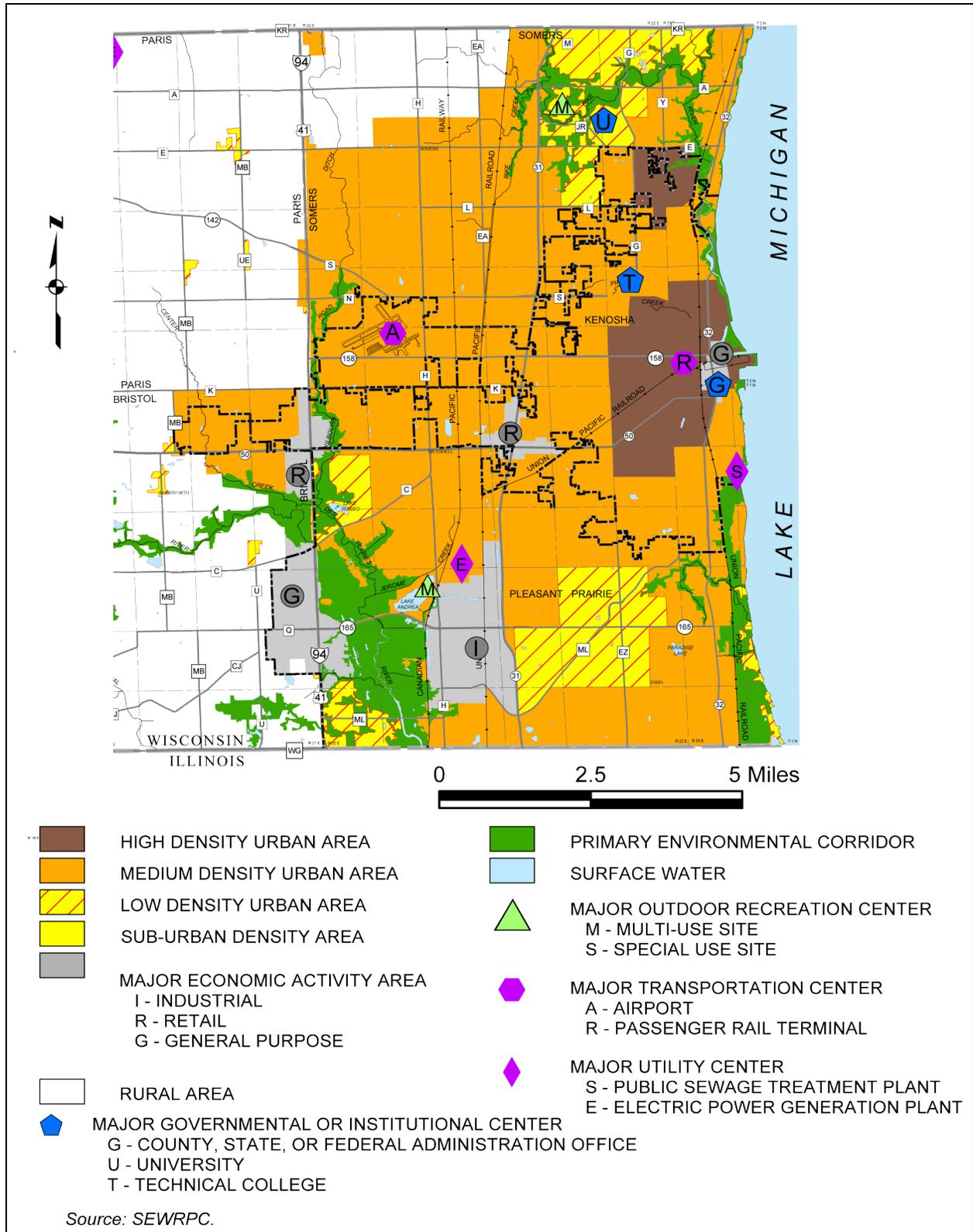
The Regional Land Use Plan sets forth the fundamental concepts that are recommended to guide the development of the seven-county Southeastern Wisconsin Region. The most recent version of the plan¹ was adopted by the Regional Planning Commission in 2006. The Regional Land Use Plan Map as it pertains to Kenosha County is shown on Map 6-1, page 2. The plan embodies the following vision for the Region over the course of the next three (3) decades:

- New urban land would be provided through the infilling and renewal of existing urban areas and through the orderly outward expansion of existing urban areas – resulting in a more compact and efficient urban settlement pattern, one that is readily served by basic urban services and facilities and that maximizes the use of existing urban service and facility systems.
- Residential development and redevelopment would occur in a variety of residential neighborhood types and in mixed use settings – with an emphasis on low, medium, and high residential densities.
- Growth in the economic base of the Region would be accommodated through the development and redevelopment of major economic activity centers as well as community-level and neighborhood-level centers.
- The land development needs of the Region would be met while preserving the best remaining elements of the natural resource base – most of which are located within the environmental corridors and isolated natural resource areas – and preserving the most productive farmland.
- Areas beyond the planned urban service areas and outside environmental corridors are recommended to remain in primarily agricultural or rural density residential use. Prime agricultural land is recommended to be preserved for farming. The plan also encourages the preservation of nonprime farmland for agricultural use. This could be in the form of traditional agricultural use or alternative agricultural uses such as smaller hobby or specialty farms. The regional plan recommends that the development of nonprime farmland in planned rural areas be limited to rural residential development at a density of no more than one (1) dwelling unit per five (5) acres. Where rural residential development is accommodated, the regional plan encourages the use of conservation subdivision design.

¹ Documented in SEWRPC Planning Report No. 48, A Regional Land Use Plan for Southeastern Wisconsin: 2035, June 2006.

MAP 6-1

2035 REGIONAL LAND USE PLAN AS IT PERTAINS TO KENOSHA COUNTY



The Regional Land Use Plan was designed to accommodate growth in population, households, and employment in the Region envisioned under the Commission's intermediate growth projections, including an 18 percent increase in population, a 24 percent increase in households, and a 12 percent increase in employment in the Region, and a 40 percent increase in population, a 48 percent increase in households, and a 24 percent increase in employment in Kenosha County through the year 2035.

Urban Land

Urban land is defined as:

- land devoted to high, medium, and low density residential
- commercial
- industrial
- governmental and institutional
- recreational
- transportation, communication, and utility uses.

Under the plan, urban development would occur within urban service areas served by public sanitary sewerage facilities and other public utilities and services. Urban development beyond planned urban service areas would be limited to low density residential development in areas already committed to such use, along with highway-oriented business uses, utility uses, and recreational uses that may, of necessity, have to be located beyond planned urban service areas.

Under the recommended plan, most new residential development would occur at high and medium densities, equating to an average lot size of about 15,000 square feet. About 28,000 housing units, or 95 percent of the total projected increase in housing units in the County between 2000 and 2035, would occur at high and medium densities. About 1,500 housing units, or five (5) percent of the projected increase, would occur at low density (equating to lot sizes between 15,000 and 65,000 square feet). Urban residential development would occur in a variety of residential neighborhoods providing a full complement of basic neighborhood amenities including a school, park, and shopping area, as well as in more mixed-use settings.

The plan envisions neighborhood, community, and regional commercial centers, including both mixed-use areas with a residential component and areas devoted more exclusively to commercial uses; and both community-level and regional industrial centers. The plan envisions a continuation of the trend toward mixing industrial and commercial activities in the same area. Under the plan, the largest commercial and industrial areas are identified as major economic activity centers – areas with concentrations of commercial and/or industrial land that would accommodate at least 3,500 total jobs or 2,000 retail jobs. The plan envisions three (3) major economic activity centers in the City of Kenosha in 2035: the City of Kenosha central business district, and the intersections of State Trunk Highways (STH) 50 and 31 and IH 94 and STH 50.

Sub-Urban Density Residential Land

Additional sub-urban density residential development – residential development at a density of 1.5 to five (5) acres per home – would be restricted to areas that have already been committed to such use through subdivision plats and certified surveys. Sub-urban density residential land is neither truly urban nor rural in character. Development at this density generally precludes the provision of centralized sanitary sewer and water supply service and other urban amenities. The regional plan does not recommend any additional development at this density.

Environmentally Significant Lands

The plan recommends the preservation of the Region's primary environmental corridors in essentially natural, open use. The plan further recommends the preservation of secondary environmental corridors and isolated natural resource areas, as determined in county and local plans. The plan recognizes that certain development may be accommodated in such areas without jeopardizing their overall integrity. Guidelines for uses in

environmental corridors from the regional plan are set forth in Table 8-1 in Chapter 8. The guidelines recognize that certain transportation and utility uses may of necessity have to be located within such areas and that limited residential and recreational uses may be accommodated in such areas. Residential development in environmental corridors would be limited to upland environmental corridors at an overall density of no more than one (1) dwelling unit per five (5) upland acres, with conservation subdivision designs strongly encouraged where residential development is accommodated. Under the guidelines, in lieu of rural density residential development, up to 10 percent of the upland corridor area may be disturbed in order to accommodate urban-density residential, commercial, industrial, or other urban development.

The regional plan recommends the preservation of all remaining natural areas and critical species habitat sites identified in the Regional Natural Areas and Critical Species Habitat Protection and Management Plan. Almost all of these sites are located within environmental corridors or isolated natural resource areas, and are mapped and described in Chapter 3.

Rural Lands

Areas of the Region beyond the planned urban service areas are recommended to remain in primarily agricultural use or rural density residential use. Prime agricultural land in this area – the land best suited for agricultural use – is recommended to be preserved for farming, with residential development generally limited to no more than one (1) dwelling unit per 35 acres. The regional plan recommends that counties in the Region, in cooperation with the concerned local units of government, carry out planning programs to identify prime agricultural land. The regional plan holds out the preservation of the most productive soils – soils in U.S. Natural Resources Conservation Service (NRCS) Agricultural Capability Class I and Class II² – as a key consideration in efforts to identify prime farmland, recognizing, however, that other factors, such as farm size and the overall size of the farming area, should also be considered. Most county planning in this regard was carried out more than 20 years ago and needs to be reviewed and updated.

The plan also encourages the preservation of nonprime farmland for agricultural use. This could be in the form of traditional agricultural use or alternative agricultural uses such as smaller hobby farms or specialty farms including community supported agricultural operations. The regional plan recommends that the development of nonprime farmland in planned rural areas be limited to rural residential development at a density of no more than one (1) dwelling unit per five (5) acres. Where rural residential development is accommodated, the regional plan encourages the use of conservation subdivision designs.

Regional Transportation System Plan

The Regional Transportation System Plan³ is intended to provide a vision for, and guide to, transportation system development in the Region for 20 or more years into the future. It is a multimodal plan of recommended transportation actions designed to address existing and anticipated future transportation problems and needs. The plan consists of five (5) principal elements: public transit, bicycle and pedestrian facilities, transportation systems management, travel demand management, and arterial streets and highways. Future needs for transit, street and highway, and other transportation improvements considered in the regional transportation planning process are derived from the future growth proposed in the Regional Land Use Plan. The 2035 Regional Transportation System Plan Elements are summarized in the following sections.

➤ **Public Transit Element**

The Public Transit Element of the 2035 Regional Transportation Plan envisions significant improvement and expansion of public transit in southeastern Wisconsin, including development within the Region of a rapid transit and express transit system, improvement of existing local bus service, and the integration of

² A map of NRCS Soil Capability Classes is included in Chapter 3. Chapter 3 also includes the land evaluation (LE) rating for farmlands in the County. LE ratings were developed by the NRCS based on soil type, slope, soil capability class, and soil productivity for producing crops.

³ Documented in SEWRPC Planning Report No. 49, A Regional Transportation System Plan for Southeastern Wisconsin: 2035, June 2006, and amended June 2007.

local bus service with the proposed rapid and express transit services. The proposed expansion of public transit in southeastern Wisconsin would represent a doubling of transit service by the year 2035.

The regional plan recommends the improvement and expansion of existing local bus transit service over arterial and collector streets in the City of Kenosha and surrounding areas. SEWRPC is working with the City on an update of the Kenosha Area Transit Development Plan, which will develop specific recommendations on changes to the City's transit system.

The Public Transit Element of the 2035 Regional Transportation Plan as it pertains to Kenosha County is shown on Map 11-1 in Chapter 11. Proposed rapid transit service in Kenosha County would consist of commuter rail service in the Kenosha-Racine-Milwaukee (KRM) corridor. The regional plan also provides for express transit service in Kenosha County. Express routes would be served by buses and would replace existing major local bus routes along STH 158, STH 31, and IH 94 within the City of Kenosha, including areas along the IH 94 corridor.

Rapid transit commuter rail in the KRM corridor was recommended for implementation at the conclusion of a Corridor Transit Alternatives Analysis Study. The Counties and Cities of Milwaukee, Racine, and Kenosha are currently addressing funding and refinement of the proposed commuter rail extension. The 2005-2007 State budget created a three-county Regional Transit Authority for Kenosha, Milwaukee, and Racine Counties, which would be the operator of the proposed commuter rail service. Map 11-2 in Chapter 11 displays the existing and potential future portions of the KRM commuter rail line identified in the 2035 Regional Transportation Plan. The regional plan also recognizes potential commuter rail corridors along the Canadian National Railway from the State line to the City of Burlington in the western part of Racine County, and along the Union Pacific railway line from the State line to STH 50, just east of IH 94.

➤ ***Bicycle and Pedestrian Facility Element***

The Bicycle and Pedestrian Facility Element of the regional plan is intended to promote safe accommodation of bicycle and pedestrian travel, and to encourage bicycle and pedestrian travel as an alternative to personal vehicle travel. The plan envisions that as the surface arterial street system of about 3,300 miles in the Region is resurfaced and reconstructed segment-by-segment, facilities for bicycle travel would be considered and implemented, if feasible, through bicycle lanes, widened outside travel lanes, widened shoulders, or separate bicycle paths. A system of off-street bicycle paths is also recommended to connect cities and villages with a population of 5,000 or more. The Bicycle Way System Element of the 2035 Regional Transportation Plan for Kenosha County is shown on Map 11-3 in Chapter 11. The regional plan recommends that county and local governments prepare bicycle system plans for their jurisdictions that would supplement and refine the regional plan. The City of Kenosha is the only local government in the County thus far that has adopted a local bicycle plan, which is summarized in Part 3 in this chapter (page 11), and shown on Map 11-4 in Chapter 11. Existing bikeways are inventoried in Chapter 4.

The pedestrian facilities portion of the proposed Bicycle and Pedestrian Facilities Plan Element is envisioned as a policy plan, rather than a system plan. It proposes that the various units and agencies of government responsible for the construction and maintenance of pedestrian facilities in Southeastern Wisconsin adopt and follow a series of recommended standards and guidelines with regard to the development of those facilities, particularly within urban neighborhoods. These standards include providing sidewalks in urban portions of the Region.

➤ ***Transportation Systems Management Element***

The Transportation Systems Management Element of the 2035 Regional Transportation Plan includes measures intended to manage and operate existing transportation facilities to their maximum carrying capacity and travel efficiency. Recommended measures include installing ramp-meters at all freeway on-ramps within the Region; providing variable message signs on the entire freeway system, and on surface

arterials leading to the most heavily used freeway system on-ramps; expanding the closed-circuit television network to the entire regional freeway system; enhancing reference markers on the entire regional freeway system; and evaluation and expansion of crash investigation sites to better serve the entire regional freeway system. Existing systems management facilities (crash investigation sites and monitoring equipment) are inventoried in Chapter 4.

➤ **Travel Demand Management Element**

The Transportation Demand Management Element of the 2035 Regional Transportation Plan includes measures intended to reduce personal and vehicular travel or to shift such travel to alternative times and routes, allowing for more efficient use of the existing capacity of the transportation system. Such measures are recommended in addition to the Public Transit and Pedestrian and Bicycle Plan Elements, and include development or expansion of high-occupancy vehicle preferential lanes, park-ride lots, transit pricing, personal vehicle pricing, travel demand management promotion, transit information and marketing, and detailed site-specific neighborhood and major activity center land use plans.

➤ **Arterial Street and Highway Element**

The Arterial Street and Highway Element of the Regional Transportation Plan includes recommendations for *functional* improvements; that is, roadway capacity maintenance, improvement, or expansion; and also makes recommendations on which unit of government (State, County, or local) should have *jurisdiction* over each arterial street and highway. The unit of government having jurisdiction over the street or highway is responsible for maintaining and improving the facility.

The arterial street and highway system capacity improvement and expansion recommendations of the year 2035 Regional Transportation Plan within Kenosha County are shown on Map 11-6 in Chapter 11 and listed in Table 6-1, page 7. The functional improvements are based on anticipated future land use development patterns and the related forecasts of future traffic volumes, not current traffic volumes. The improvements were recommended to address the residual congestion which would not be alleviated by proposed land use, public transit, bicycle and pedestrian facilities, systems management, and demand management measures proposed in the plan. Under the plan, there would be approximately 361 miles of arterial streets and highways in Kenosha County in 2035. Approximately 86 percent, or 312 miles, are recommended to be resurfaced and reconstructed to their same capacity. Approximately 46 miles, or 13 percent, are recommended for widening to provide additional traffic lanes, including 12 miles of freeways (the entire length of IH 94 through the County). The remaining four (4) miles, or about one (1) percent of the total arterial street and highway mileage, are proposed new arterial facilities.

New arterial facilities are proposed in the City of Kenosha, including a continuous north-south arterial facility at 39th Avenue between CTH L and 24th Street and a continuous east-west arterial facility connecting 85th Street between STH 32 and 7th Avenue.

The Regional Transportation Plan also makes recommendations for arterial street and highway system *jurisdictional* responsibility. The regional plan recommendations are refined through the preparation of a County Jurisdictional Highway System Plan. An updated Kenosha County Jurisdictional Highway System Plan will be prepared in 2009 and 2010 under the guidance of an advisory committee that includes representatives from each city, village, and town, the County, the Wisconsin Department of Transportation, and the Federal Highway Administration. Map 11-7 in Chapter 11 shows the jurisdictional highway system recommended by the Regional Transportation Plan, which will be reviewed and potentially modified by the Kenosha County Jurisdictional Highway Committee.

Regional Natural Areas Plan

The Natural Areas Plan⁴ identifies the most significant remaining natural areas, critical species habitats, geological sites, and archaeological sites in the Region, and recommends means for their protection and

⁴ Documented in SEWRPC Planning Report No. 42, A Natural Areas and Critical Species Habitat Protection and Management Plan for Southeastern Wisconsin, September 1997. The plan is currently being updated.

management. The plan identifies potential sites to be placed in public or private protective ownership, and other sites to be protected, insofar as it is possible, through zoning or other regulatory means without protective ownership. It also recommends that a detailed management plan be prepared and implemented for each site placed under protective ownership.

An inventory of natural areas, critical species habitat sites, and geological areas in the County is included in Chapter 3. Recommendations for the acquisition and management of natural areas, critical species habitat sites, and geological areas are presented in Chapter 8, the Agricultural, Natural, and Cultural Resources Element.

**TABLE 6-1
RECOMMENDED ARTERIAL STREET AND HIGHWAY FUNCTIONAL IMPROVEMENTS WITHIN
THE CITY OF KENOSHA IN THE YEAR 2035 REGIONAL TRANSPORTATION SYSTEM PLAN**

Recommended Jurisdiction	Improvement Type	Facility	Termini	Description
State	Widening	IH 94/USH 41	Racine County line to Illinois border	Widen from 6 to 8 traffic lanes
		STH 32	91 st Street at the City of Kenosha/Village of Pleasant Prairie border to Illinois border	Widen from 2 to 4 traffic lanes
		STH 50	IH 94 in the City of Kenosha/Village of Pleasant Prairie to 39 th Avenue in the City of Kenosha	Widen from 4 to 6 traffic lanes
		STH 50	39 th Avenue to 22 nd Avenue in the City of Kenosha	Widen from 2 to 4 traffic lanes
		STH 158	IH 94 in the Town of Somers to CTH H in the City of Kenosha	Widen from 4 to 6 traffic lanes
		STH 158	CTH H in the City of Kenosha/Town of Somers to STH 31 in the City of Kenosha	Widen from 2 to 4 traffic lanes
County	Widening	CTH G	CTH E in the City of Kenosha/Town of Somers to 16 th Street in the City of Kenosha	Widen from 2 to 4 traffic lanes
		CTH K	IH 94 in the Town of Somers to STH 31 in the Town of Somers/City of Kenosha	Widen from 2 to 4 traffic lanes
		CTH S	CTH H in the City of Kenosha/Town of Somers in STH 31 in the Town of Somers	Widen from 2 to 4 traffic lanes
Local				
City of Kenosha	Widening	104 th Avenue	STH 50 to STH 158 in the City of Kenosha	Widen from 2 to 4 traffic lanes
City of Kenosha	Expansion	39 th Avenue extension	CTH L in the Town of Somers to 24 th Street in the City of Kenosha/ Town of Somers	Construct 2 lanes on new alignment
Village of Pleasant Prairie		85 th Street extension	STH 32 in the City of Kenosha to 7 th Avenue in the Village of Pleasant Prairie	Construct 2 lanes on new alignment
County	Right-of-Way Reservation ^a	CTH E	STH 31 to STH 32 in the City of Kenosha and Town of Somers	Widen from 2 to 4 traffic lanes
		CTH K	IH 94 to USH 45 in the Towns of Bristol and Paris (City Growth Area)	Widen from 2 to 4 traffic lanes
		CTH S	IH 94 in the Town of Somers to CTH in the City of Kenosha/Town of Somers	Widen from 2 to 4 traffic lanes
		CTH Y	Racine County line and Town of Somers to CTH EE in the City of Kenosha/Somers	Widen from 2 to 4 traffic lanes

a Although the design year 2035 forecast average weekday traffic volumes are not expected to equal or exceed the design capacity of the facilities identified by the year 2035, the forecast average weekday traffic volumes are expected to approach the design capacity of these facilities by the year 2035, indicating a potential need to widen these facilities beyond 2035. Accordingly, the 2035 Regional Transportation System Plan recommends that, as local officials consider development proposals adjacent to these facilities, consideration be given to reserving sufficient right-of-way to accommodate that potential future widening need.

Source: SEWRPC 2035 Regional Transportation System Plan.

Water Quality Management Plan

In 1979, the Regional Planning Commission adopted an areawide Water Quality Management Plan⁵ for Southeastern Wisconsin as a guide to achieving clean and healthy surface waters within the seven-county Region. The plan has five (5) elements: a land use element; a point source pollution abatement element; a non-point source pollution abatement element; a sludge management element; and a water quality monitoring element.

⁵ Documented in the three-volume SEWRPC Planning Report No. 30, A Regional Water Quality Management Plan for Southeastern Wisconsin: 2000, as amended.

The Point Source Pollution Abatement Element of the Regional Water Quality Management Plan is of particular importance to land use planning. That plan element recommends major sewage conveyance and treatment facilities and identifies planned sewer service areas for each of the sewerage systems in Southeastern Wisconsin. Under Wisconsin law, major sewerage system improvements and all sewer service extensions must conform with the Water Quality Management Plan.

Sanitary sewer service areas in the City of Kenosha and the surrounding area are shown on Map 5-1 in Chapter 5 and in Table 6-2, page 8. Additional information regarding areas provided with sewer service and sewerage facilities is provided in Chapter 5.

TABLE 6-2

ADOPTED SEWER SERVICE AREA PLANS IN THE CITY OF KENOSHA: JUNE 2007

Sanitary Sewer Service Area	Report	Date of Adoption By:		
		Community	SEWRPC	WDNR
City of Kenosha and Environs (Includes the City of Kenosha, the Village of Pleasant Prairie, and portions of the Towns of Bristol, Paris ^a , and Somers – all tributary to the Kenosha Water Utility sewage treatment plant)	Community Assistance Planning Report No. 106, November 1985	12/02/85	12/02/85	08/31/87
	Amended March 1996 (Areawide)	04/17/95	03/06/96	06/06/96
	Amended December 2001 (Areawide)	11/26/01	12/05/01	06/05/02

a Although the Greater Kenosha sewer service area includes a small portion of the Town of Paris, the Town of Paris Board did not adopt the Sewer Service Area Plan, and does not support the inclusion of lands in the Town in the sewer service area.

Source: Local governments and SEWRPC.

Regional Water Supply Plan

The Commission is conducting a regional water supply study for the Southeastern Wisconsin Region. The Regional Water Supply Plan together with the above mentioned groundwater inventories and a ground water simulation model will form the SEWRPC Regional Water Supply Management Program. The preparation of these three elements includes interagency partnerships with the U.S. Geological Survey, the Wisconsin Geological and Natural History Survey, the University of Wisconsin-Milwaukee, the Wisconsin Department of Natural Resources, and many of the area’s water supply utilities.

The Regional Water Supply Plan will include the following major components:

- Water supply service areas and forecast demand for water use.
- Recommendations for water conservation efforts to reduce water demand.
- Evaluation of alternative sources of supply, recommended sources of supply, and recommendations for development of the basic infrastructure required to deliver that supply.
- Identification of groundwater recharge areas to be protected from incompatible development.
- Specification of new institutional structures necessary to carry out plan recommendations.
- Identification of constraints to development levels in subareas of the Region due to water supply sustainability concerns.

Regional Telecommunications Plan

The Regional Telecommunications Planning Program was initiated at SEWRPC in 2003 to provide a comprehensive Broadband Telecommunications Infrastructure Plan for the Region. Such an advanced infrastructure is necessary for Southeastern Wisconsin to compete in a global economy. Ten years after the 1996 Telecommunications Act, which was supposed to accelerate the introduction of high-speed communications systems, the United States has dropped from first to 15th in the world for percentage of residents with high-speed Internet access, according to the International Telecommunications Union (ITU). The country performs even more poorly in the ITU’s “digital opportunity” index which considers price and capacity as well as other factors, coming in 21st in international ranking. American broadband subscribers in the United States pay twice as much as those in Europe or Asia for one twentieth of the speed.

Prospects for future upgrades of the telecommunications infrastructure do not look promising. Nationally, approximately 98 percent of high-speed Internet connections come from cable or telephone companies. In Southeastern Wisconsin, the major cable company is Time Warner Cable and the primary telephone carrier is AT&T. These two (2) companies dominate broadband communications in the Region. Only AT&T under Project Lightspeed has current plans to expand their broadband infrastructure to the fourth generation performance standard of 20 megabits per second. Even this plan, however, will cover only 25 of the 147 communities in Southeastern Wisconsin, with no assurance that even these communities will be completely covered geographically.

It is in this context that SEWRPC launched its Telecommunications Planning Program. The first major planning effort took place in the area of wireless communications. Wireless communications has been the premier technology for growth and innovation over the past twenty years. It also offers the lowest infrastructure costs of any broadband communications technology.

SEWRPC Planning Report No. 51, *A Wireless Antenna Siting and Related Infrastructure Plan for Southeastern Wisconsin*, sets forth the basic principles and objectives that should be met by an advanced broadband telecommunications system, presents both infrastructure and performance inventories for the existing cellular/PCS mobile wireless networks operating in the Region, describes a recommended Wireless Telecommunications Plan for the Region, and sets forth an approach to implement the plan.

The Wireless Communications Plan consists of two (F2) levels of wireless networks – a Wireless Backhaul Network⁶ Plan and a Community-Level Wireless Access Network Plan. The plan sets forth an approach to implement both the Regional Wireless Backhaul Network and Community Level Wireless Network Plans. The proposed plan implementation process is intended to influence, rather than replace, existing competitive private sector, market-driven planning in order to promote the public interest within the Region.

A Regional Broadband Access Plan, which built upon the Wireless Telecommunications Plan, was completed in 2007.⁷ Upon implementation, this plan will support a mix of wireline and wireless networks that will provide fourth generation (4G) video, voice, and data communications services to the entire Region. A central feature of the recommended plan is the potential for cooperative efforts between the public and private sectors in which infrastructure costs are shared between the public safety and commercial networks. Implementation of the recommended plan will require county or multi-county action, although partial implementation can be achieved at the community or multi-community level.

PART 2: COUNTY AND MULTI-JURISDICTIONAL PLANS

Kenosha Urban Planning District Plan

Kenosha County, the City of Kenosha, the Village of Pleasant Prairie, and the Town of Somers worked with SEWRPC to prepare a comprehensive plan⁸ for that portion of the County east of IH 94, known as the Kenosha Urban Planning District, in the mid-1990s. The plan included Land Use, Transportation, and Park and Open Space Elements with a design year of 2010.

⁶ A backhaul network is designed to convey wireless communications data from multiple users in a relatively small service area to a centralized access point. Multiple access points in a larger service area in turn transmit wireless data to a cable Internet connection (gateway) maintained by a local exchange company. Information is also disseminated from the Internet to the access network, then to local users through the backhaul network.

⁷ Documented in SEWRPC Planning Report No. 53, A Regional Broadband Telecommunications Plan for Southeastern Wisconsin, October 2007.

⁸ Documented in SEWRPC Community Assistance Planning Report No. 212, A Comprehensive Plan for the Kenosha Urban Planning District, December 1995. The plan pre-dates the Comprehensive Planning Law and therefore does not meet all current State requirements for a comprehensive plan.

Des Plaines River Watershed Plan

The Des Plaines River Watershed Plan⁹ was adopted by the Kenosha County Board in October 2003, but not adopted by the City of Kenosha. The Des Plaines River Watershed encompasses 133 square miles in the southeastern portion of the County. The plan delineates new floodplain boundaries and updates existing boundaries along all streams in the watershed. Plan recommendations were developed for future land uses, park and open space needs, stormwater and floodplain management, water quality management, and fisheries management. The watershed plan also recommends the continued maintenance and preservation in open uses of primary and secondary environmental corridors and isolated natural resource areas, and the preservation and restoration of potential prairie areas.

IH 94 South Freeway Corridor Plan

The IH 94 South Freeway Corridor Plan¹⁰ sets forth a Land Use and Transportation System Development Plan for an approximately six-mile wide corridor on either side of IH 94 extending from the Wisconsin-Illinois State line north into the Cities of Franklin and Oak Creek in southern Milwaukee County. The plan included recommendations to modernize freeway interchanges; particularly the unbraiding, or separation, of all freeway on- and off-ramps in Kenosha County from the network of frontage roads. WisDOT has completed an environmental assessment and preliminary engineering for the IH 94 freeway segment in Kenosha and Racine Counties, including modernization of the interchanges. Plans for the new interchanges were incorporated into the freeway reconstruction study completed by SEWRPC in 2003.¹¹ The interchanges will be improved prior to or coincident with freeway reconstruction.

In accordance with Section 84.295(10) of the *Wisconsin Statutes*, deed restrictions have been placed on all properties affected by the new interchange designs. Property owners must notify WisDOT by registered mail at least 60 days prior to selling an affected parcel or constructing or altering a building on an affected parcel. A property owner is not prohibited from selling or developing an affected parcel, but no damages are paid for any construction or alterations made without the 60-day notice to the Wisconsin Department of Transportation (WisDOT). WisDOT also has the option of acquiring the parcel following the required notification.

The plan also recommends the reservation of larger areas for residential, commercial and industrial development to meet anticipated development needs further into the 21st century. Importantly, the recommended plan seeks to place new commercial and industrial development at strategic locations along the freeway, including in the vicinity of the STH 50 interchange, and conversely, seeks to avoid a pattern of continuous strip development along the 30-mile freeway corridor.

Highway Access and Development Plan for STH 50 Between IH 94 and 60th Avenue

Completed in 1986, this plan was developed cooperatively by the former Town of Pleasant Prairie, the City of Kenosha, and WisDOT in response to anticipated development along STH 50 between Interstate 94 and 60th Avenue. This plan recommends limited access along STH 50 as a key strategy to ensuring that the highway is able to properly handle the expected increase in traffic volumes typically associated with new development. Specifically, the plan recommends the number and location of private and public access points and median openings, as well as the location and configuration of frontage roads. Currently, WisDOT is conducting a study on STH 50 between IH 94 and 43rd Avenue to evaluate the need for additional lanes, to study access points to improve highway efficiency, and to analyze traffic at intersections. The outcomes of this study will be used to develop a Traffic Signal Plan, an Environmental Assessment (EA), a functional plan outlining the preferred option, and a Design Study Report (DSR). Additionally, study findings will be used in collaborative planning efforts between WisDOT, Kenosha County, the City of Kenosha, and the Village of Pleasant Prairie to create an Access Management Plan for additional developments along the corridor.

⁹ Documented in SEWRPC Planning Report No. 44, A Comprehensive Plan for the Des Plaines River Watershed, June 2003.

¹⁰ Documented in SEWRPC Planning Report No. 200, A Land Use and Transportation System Plan for the IH 94 South Freeway Corridor, Kenosha, Milwaukee, and Racine Counties, Wisconsin, December 1991.

¹¹ Documented in SEWRPC Planning Report No. 47, A Regional Freeway System Reconstruction Plan for Southeastern Wisconsin, May 2003.

Economic Summit Reports

In August 2001, the first Kenosha County Economic Summit¹² was hosted by the Blue Ribbon Strategic Plan Task Force, a subcommittee of the Kenosha County Workforce Development Board, appointed by the County Executive. The format of the Summit divided attendees into focus groups. The following recommendations were put forth by the infrastructure focus group: inventory the communications and technology assets owned by private companies; coordinate the development of a comprehensive plan; develop a set of “best practices” for infrastructure development; foster discussion on specific responsibilities of each level of government; explore funding opportunities for transportation infrastructure improvements; complete data sharing agreements among various levels of County government; and strengthen relationships with government and business counterparts in Lake and McHenry Counties in Illinois. Additional focus groups developed recommendations on topics including education, quality of life, economic base and diversification, income and ability to pay, and technology zones.

In March 2007, over 150 business, government, education, and community service leaders attended a second Kenosha County economic summit, “Solutions for the Future.”¹³ A subcommittee of the Kenosha County Workforce Development Board, appointed by the County Executive, developed the summit program. The morning session gave attendees information about the County's growth, economic issues to consider, and links with the Chicago region.

Attendees broke into focus groups charged with developing specific action plans that the County should consider to ensure that Kenosha County is poised to grow and have high-skill, high-wage jobs while maintaining and improving the quality of life. The following recommendations were put forth by the Infrastructure for the Future focus group:

- Support the expansion of commuter rail
- Fully fund infrastructure support
- Build telecommunications structure for broadband
- Improve lakefront access for quality of life

Additional focus groups developed recommendations on topics including: Meeting Employer Training Needs in a Non-Traditional Way; Employing the Hard-to-Employ; Supporting Entrepreneurship; Directions for Economic Development; and Recruitment and Retention. Recommendations were developed to: attract creative and non-traditional industries; engage and involve the younger generation (ages 24-45) especially in community leadership; rehabilitate the older infrastructure and add new infrastructure; develop a strategy for involving and attracting retirees; and develop a healthy downtown Kenosha.

PART 3: CITY PLANS

Local Land Use, Master, and Comprehensive Plans

Section 62.23 of the *Wisconsin Statutes* grants cities and villages the authority to prepare and adopt local master plans or plan elements, such as a community land use plan.

In 1999, the Wisconsin Legislature enacted legislation that greatly expanded the scope and significance of comprehensive plans within the State. The law, often referred to as Wisconsin's “Smart Growth” law, provides a new framework for the development, adoption, and implementation of comprehensive plans by city, village, and town units of government, as well as counties and regional planning commissions. The law, which is set forth in Section 66.1001 of the *Wisconsin Statutes*, requires that the administration of zoning, subdivision, and official mapping ordinances be consistent with a community's adopted comprehensive plan beginning on January 1,

¹² Documented in Kenosha County Economic Summit Report, November 2001, prepared by the Office of the Kenosha County Executive, Kenosha County Workforce Development Board, and the Blue Ribbon Strategic Plan Task Force.

¹³ Documented in the forthcoming Kenosha County Economic Summit Report, being prepared by the Office of the Kenosha County Executive, Kenosha County Workforce Development Board, and the Blue Ribbon Strategic Plan Task Force.

2010. Up until that date, county and local governments can continue to implement zoning, subdivision, and official mapping ordinances without having an adopted comprehensive plan; and are not required to administer and enforce local ordinances in conformance with locally-adopted plans.

City Land Use, Master, and Comprehensive Plans

A summary of existing land use, master, and comprehensive plans as well as neighborhood plans for the City of Kenosha is provided below.

City of Kenosha Neighborhood Development Plans

The City of Kenosha has embarked on a program for the preparation of neighborhood development plans for urbanizing areas on the periphery of the City. To date, plans have been prepared for the following neighborhoods: Bristol, Columbus, CTH HH, Downtown Land Use and Transportation Strategy, Green Bay Road/60th Street, HarborPark, Hillcrest, Kenosha Downtown, Kenosha Corridor Land Use Plan, Lincoln, McKinley-Roosevelt Railroad Corridor Area, Parkside South, Pike Creek, St. Peter's, South Sheridan, Tirabassi, Gateway, Washington Park, and Wilson. In addition to the neighborhood plans, a preservation plan has been adopted for the Library Park, Civic Center, Third Avenue, and Pearl Street historic districts.

Intergovernmental Agreements

The *Wisconsin Statutes* provide several options for neighboring cities, villages, and towns to cooperatively determine common boundaries and to develop agreements for shared services. Section 66.0307 of the *Wisconsin Statutes* allows any combination of cities, villages, and towns to determine the boundary lines between themselves under a cooperative plan. Section 66.0307¹⁴ envisions the cooperative preparation of a plan for the affected area by the local units of government concerned and prescribes in detail the contents of the cooperative plan. The cooperative plan must identify agreed-upon boundary changes and existing boundaries that will not change during the planning period; identify any conditions that must be met before a boundary change may occur; include a schedule of the period during which a boundary change shall or may occur; and specify arrangements for the provision of urban services to the territory covered by the plan. A boundary agreement can also be achieved under Section 66.0225,¹⁵ which allows two (2) abutting communities who are parties to a court action to enter into a written stipulation determining a common boundary. In addition, communities can agree upon common boundaries under Section 66.0301,¹⁶ the "Intergovernmental Cooperation" Statute. Units of government can also enter into agreements under this section to provide services to or share services with other units of government. Examples of cooperative agreements to provide or share services are provided in the Intergovernmental Cooperation Element (Chapter 14).

Intergovernmental agreements that affect future municipal boundaries are listed in Table 6-3, page 13, and affected areas are shown on Map 6-2, page 14.

City of Kenosha and Village of Pleasant Prairie

In 1984, the City of Kenosha and then-Town of Pleasant Prairie entered into a Cooperative Agreement to "square off" the boundary between the City and the Town, provide for orderly development of the boundary area, and establish development zones for the provision of sewer, water, and other government services. A second agreement signed in 1988 made changes to municipal boundaries, particularly in the northwest portion of Pleasant Prairie. Under the agreement, much of the former Town north of STH 50 was attached to the City, and remnants of the former Town of Pleasant Prairie along CTH K were attached to the Town of Somers. Due to several changes, including the incorporation of the Village of Pleasant Prairie in 1989, three (3) subsequent amendments to the agreement, and changes in the relationships between the City and Village with the Town of Bristol, the 1988 Cooperative Agreement was replaced by an updated Cooperative Agreement in 1997. The 1997 Cooperative Agreement¹⁷ established provisions for water supply, treatment, and storage; and for sewage conveyance and treatment between the City of Kenosha and Village of Pleasant Prairie. The agreement

¹⁴ Section 66.0307 was numbered as Section 66.023 prior to 1997.

¹⁵ Section 66.0225 was numbered Section 66.027, "Municipal Boundaries Fixed by Judgment," prior to 1997.

¹⁶ Section 66.0301 was numbered Section 66.30 prior to 1997.

also included provisions for Kenosha Water Utility sewer and/or water services to be provided through Village facilities to areas within a mapped “Village Supervised Drainage Area” south of CTH C in the Town of Bristol.

City of Kenosha and Town of Bristol

The City of Kenosha and Town of Bristol entered into a cooperative boundary agreement under Section 66.0307 in October 2000. The agreement involves the transition of territory in the Town of Bristol called the “City Growth Area” into the City of Kenosha. A portion of the City Growth Area was attached to the City upon approval of the agreement. Thereafter, and for the 30 years following the agreement, property owners within the remaining portion of the City Growth Area may petition the City for attachment. In October 2030, any property not already attached to the City of Kenosha will become attached. The Cooperative Agreement was based on prior agreements between the City and Town, including the provision of City water and sewer services to portions of the Town and limitations on the City’s use of zoning, subdivision, and official mapping as extraterritorial regulatory tools in the Town.

**TABLE 6-3
INTERGOVERNMENTAL AGREEMENTS IN THE CITY OF KENOSHA
AFFECTING MUNICIPAL BOUNDARIES: 2008**

Communities with Intergovernmental Agreements	Year Agreement Signed	Applicable Statute (see note)
City of Kenosha/Town of Pleasant Prairie	1988 ^a	66.023 ^b
City of Kenosha/Town of Bristol	2000; updated in 2005	66.0307
City of Kenosha/Town of Somers	2005 (updates earlier agreement)	66.0307

Note: Section 66.0307 (*Boundary Change Pursuant to Approved Cooperative Plan*) of the *Wisconsin Statutes* sets forth provisions that any combination of local governments (cities, villages, or towns) may voluntarily agree to boundary lines between themselves under a Cooperative Plan, if such plan is approved by the Wisconsin Department of Administration (DOA).

a The 1988 agreement, while not a Boundary Agreement, established a permanent boundary between the City of Kenosha and the Town of Pleasant Prairie, which incorporated as a Village in 1989.

b Renumbered as Section 66.0307 in 1997.

Source: Local governments and SEWRPC.

City of Kenosha and Town of Somers

The City of Kenosha and Town of Somers entered into a Cooperative Boundary Agreement under Section 66.0307 in August 2005. This agreement defined the ultimate, permanent boundary between the City and Town and established a “City Growth Area” within the Town and adjacent to the City which would be transferred over 30 years to the City of Kenosha. The plan consolidates a number of preexisting sanitary sewer and water agreements, and provides for extension of City sewer and water service to portions of the Town. The agreement also addresses revenue sharing, establishes limits on the City's exercise of land use controls within the Town, and requires City support of a possible future Town incorporation attempt.

City Park and Open Space Plans

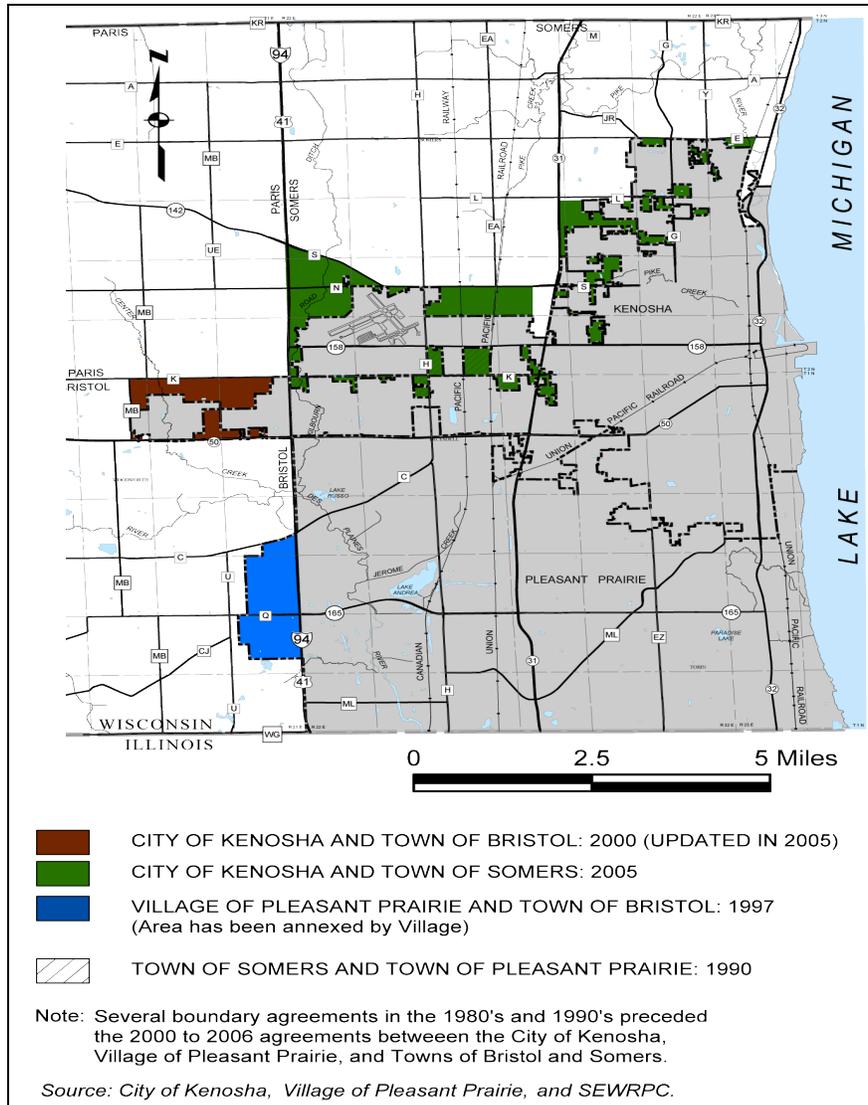
In addition to identifying needed recreational facilities, the plan is intended to establish or maintain eligibility for Federal Land and Water Conservation Fund and Wisconsin Stewardship Fund grant programs administered by the Wisconsin Department of Natural Resources.

The *City of Kenosha Comprehensive Outdoor Recreation Plan* was adopted in 2001. The plan evaluates and identifies existing park conditions, design safety issues, and other site design issues throughout the City’s park system, including a detailed facility inventory and analysis. The plan establishes individual park master plans for each of the City’s seven (7) lakefront parks, four (4) community parks, two (2) historic parks, 16 neighborhood parks, and 19 mini parks. Recommendations for the existing park system include, among others, improving

¹⁷ Parties to the agreement include the City of Kenosha, the Kenosha Water Utility, the Village of Pleasant Prairie, the Village Water Utility, the Village Sewer District D, the Village Sewer District No. 1, and the Village Sewer District F. The 1997 agreement was prepared under then-Section 66.20 of the Statutes, “Metropolitan Sewerage Districts” (now Section 200.01).

parking lots and recreational facilities, increasing accessibility and lighting, establishing recreational trails and vista points, and the continued protection of sensitive areas. The plan also recommends a new community park at the KAT site, an undeveloped city-owned parcel located in the central city, to mitigate demand for additional athletic fields. Community vision weighed heavily in the planning process and included numerous meetings with recreational organizations and neighborhood groups.

MAP 6-2
COOPERATIVE BOUNDARY AGREEMENT AREAS IN THE CITY OF KENOSHA
AND SURROUNDING AREAS: 2008



Local Bicycle and Pedestrian Plans

The City of Kenosha is the only local government in Kenosha County that has a separately documented bicycle plan. Developed in 2005, the *City of Kenosha Bicycle and Pedestrian Facilities Plan* provides a blueprint for improving the pedestrian and bicycle routes in the City for the purposes of improving safety; meeting increased needs of bicyclists and pedestrians, particularly in the wake of new development; improving the clarity and sense of route marking; and providing an understanding of the laws, rights and responsibilities of bicyclists, pedestrians, and motorists. The plan defines a color-coded system of interconnected paths to address the needs of recreational and commuting cyclists.

City of Kenosha 2010 – 2014 Consolidated Plan

The City of Kenosha completed the 2010 – 2014 Consolidated Plan in 2009, with the assistance of a consultant, Community Planning and Development Advisors/Urban Strategies. The Consolidated Plan develops a comprehensive vision for actions to achieve community objectives over a five (5) year period. The Plan consolidates the planning, application and reporting requirements of four (4) major HUD programs; the Community Development Block Grant Program (CDBG), HOME, Emergency Shelter Grant (ESG) Program and the Housing Opportunity for Persons with AIDS (HOPWA) Program. The City of Kenosha is an entitlement community only for the CDBG and HOME Programs.

As a means to provide assistance to low-moderate income persons, three (3) basic goals are outlined in the Plan: provide decent housing; provide a suitable living environment; and expand economic opportunities. The development of the Consolidated Plan was achieved through a Community Needs Survey, Focus Groups of 6-8 people (total of 38 people), analysis of available data, public comments, and an on-line survey.

The following priority needs were identified as a result of public input and analysis of existing data:

Community Development*Public Facilities & Improvements*

- Youth Centers
- Repair or replacement of blighting buildings
- Parks and Recreational Facilities
- Homeless Facilities
- Infrastructure (sidewalks, accessible ramps, road improvements)

Public Services

- Youth Services
- Homeless Services

Economic Development

- Small Business Development
- Small Business Expansion
- Job Creation

Other

- Neighborhood-Focused Revitalization (including needs in various categories)
- Fair Housing Services
- CDBG Administration

Homeless

- Affordable Housing (including permanent supportive housing and transitional housing)
- Supportive Services (employment training, literacy, healthcare, childcare, transportation)
- Additional effective ways to prevent or reduce homelessness

Housing*Owner Households with:*

- household income less than 50% of the median family income (MFI)
- cost burden greater than 30% of their monthly income
- homes that do not meet building code, energy, accessibility or lead paint standards

Existing rental buildings in need of repair

First time homebuyers with:

- household income between 50% to 80% of the median family income (MFI)
- inability to purchase a home

Non-Homeless/Special

Housing and Supportive Services for:

- Elderly
- Persons with disabilities, including physical, development, mental illness or alcohol or drug addiction

Based on the list of high priority needs, the City of Kenosha has identified that it will strive for the following goals and objectives between 2010 – 2014:

Goal #1: Improve Kenosha's Housing (28% of funds)

- Make small repairs to existing income-eligible owner-occupied housing to address emergency type needs (9% of funds)
- Bring existing owner-occupied housing into code and accessibility compliance (TIF funds)
- Assist income-eligible households into homeownership (14% of funds)
- Develop or improve rental housing for special needs and homeless population (5% of funds)

Goal #2: Strengthen Kenosha's Community Delivery Systems and Facilities (22% of funds)

- Increase programming for youth with possible emphasis on gang member reduction or prevention (6% of funds)
- Reduce incidents of homelessness (5% of funds)
- Increase or improve the quality of physical facilities available for services benefiting income-eligible households (11% of funds)

Goal #3: Improve Kenosha's Economic Opportunities for Lower Income Persons (10% of funds)

- Create or retain full-time permanent jobs at living wages (5% of funds)
- Improve rate of survival of micro-enterprises (5% of funds)

Goal #4: Increase the Viability of Selected Neighborhoods (20% of funds)

- Initiate improvement efforts in locally-selected geographical areas (20% of funds)

Goal #5: Plan and Manage the Overall CDBG Program and Carry Out Comprehensive Planning Activities (20% of funds)

- Administer CDBG Program and Undertake Comprehensive Planning Activities (20% of funds)

PART 4: LOCAL ORDINANCES

Good community development depends not only on quality planning at all levels of government, but on practical implementation measures as well. Land use and development regulations affect the type of uses allowed, as well as the detailed design and site layout of proposed developments. The following presents a summary of zoning, subdivision, and official mapping regulations adopted by Kenosha.

Zoning

A zoning ordinance is a public law that regulates and restricts the use of property in the public interest. The primary function of zoning should be to implement an adopted master or comprehensive plan. Indeed, Section 66.1001(3) of the *Wisconsin Statutes* requires that zoning, land divisions, and official mapping decisions made by local governments be consistent with local comprehensive plans as of January 1, 2010.

A zoning ordinance divides a community into districts for the purpose of regulating the use of land and structures; the height, size, shape, and placement of structures; and the density of housing. A zoning ordinance typically

consists of two (2) parts: a text setting forth regulations that apply to each of the various zoning districts, together with related procedural and administrative requirements; and a map delineating the boundaries of zoning districts.

Shoreland and Floodplain Regulations in Cities and Villages

Under Section 59.692 of the *Statutes*, County shoreland regulations continue to apply in areas annexed by a city or village after May 7, 1982, or incorporated after April 30, 1984, unless the city or village adopts shoreland regulations that are at least as restrictive as those included in the County ordinance. Where County regulations continue in effect, the city or village is responsible for enforcing the regulations.

In portions of cities and villages that were not subject to County shoreland zoning regulations prior to 1982, cities and villages are required to regulate wetlands of five (5) acres or larger within shoreland areas under Chapter NR 117 of the *Administrative Code*. Cities and villages are required to adopt regulations to enforce the minimum floodplain standards set forth in Chapter NR 116 of the *Administrative Code* within all floodplain areas of the city or village.

General Zoning in the City of Kenosha

Cities and villages are authorized to adopt general zoning regulations (that is, regulations for areas outside a shoreland or floodplain) by Section 62.23 of the *Statutes*.

The City of Kenosha Zoning Ordinance was adopted in 1924, and has subsequently been revised on numerous occasions. The ordinance includes 26 basic zoning districts and seven (7) overlay districts. The ordinance includes a shoreland-wetland overlay district that regulates uses in wetlands within the shoreland; and also includes a basic-use district regulating uses within the floodway and an overlay district regulating uses within flood-fringe portions of the 100-year floodplain. Map 6-3, page 21, depicts zoning districts in the City of Kenosha in April 2007. A summary of zoning district regulations is provided in Table 6-4, page 17.

Floodplain Map Modernization Project

The Federal Emergency Management Agency (FEMA), in partnership with the Wisconsin Department of Natural Resources (DNR), initiated a “Map Modernization Program” in Kenosha County in 2005 to update floodplain mapping throughout the County. FEMA has contracted with a private engineering firm to prepare a new county-wide Digital Flood Insurance Rate Map (DFIRM) that will cover incorporated and unincorporated areas of the County.¹⁸ A preliminary DFIRM was released in summer 2007. A letter of final determination is anticipated to be issued in late 2009. Within six (6) months of the issuance of that letter, the City of Kenosha will be required to update its zoning maps and ordinances to reflect the new floodplain delineations. At the end of the six-month period, FEMA will issue the final DFIRM.

TABLE 6-4

CITY OF KENOSHA ZONING ORDINANCE SUMMARY OF DISTRICT REGULATIONS: 2007

District	Typical Principal Uses	Typical Conditional Uses	Minimum Lot Area
RR-1 Rural Single-Family Residential	Single-family residences, foster homes, and community living arrangements with a capacity for eight (8) or fewer persons	Community living arrangements with a capacity for 15 or fewer persons and wind energy conversion systems	40,000 square feet
RR-2 Suburban Single-Family Residential	Single-family residences, foster homes, and community living arrangements with a capacity for eight (8) or fewer persons	Community living arrangements with a capacity for 15 or fewer persons	17,000 square feet
RR-3 Urban Single-Family Residential	Single-family residences and community living arrangements with a capacity for eight (8) or fewer persons	Community living arrangements with a capacity for eight (8) or more persons and planned developments	10,000 square feet
RS-1 Single-Family Residential	Single-family residences, elementary and secondary schools, fire and police stations, parks, and religious institutions	Community living arrangements with a capacity for eight (8) or more persons and planned developments	8,000 square feet

¹⁸ *In the Des Plaines and Pike River watersheds, where SEWRPC has completed relatively recent floodplain mapping studies under its Comprehensive Watershed Planning Program, the floodplain information developed under those studies is being used to prepare the new DFIRM map.*

District	Typical Principal Uses	Typical Conditional Uses	Minimum Lot Area
RS-2 Single-Family Residential	Single-family residences, elementary and secondary schools, fire and police stations, parks, and religious institutions	Community living arrangements with a capacity for eight (8) or more persons and planned developments	7,000 square feet
RS-3 Single-Family Residential	Single-family residences, elementary and secondary schools, fire and police stations, parks, and religious institutions	Community living arrangements with a capacity for eight (8) or more persons, transitional parking spaces and facilities, and transitional two-family residence ^a	Single-family = 5,000 sq. ft. Two-family = 6,000 ^a sq. ft.
RD Two-Family Residential	Two-Family residences, single-family residences, elementary and secondary schools, fire and police stations, parks, and religious institutions	Community living arrangements with a capacity for eight (8) or more persons, planned developments, and bed and breakfast establishments	8,000 square feet
RG-1 General Residential	Single-family residences, two-family residences, elementary and secondary schools, fire and police stations, parks, religious institutions, bed and breakfast establishments, and doctors' offices	Community living arrangements with a capacity for eight (8) or more persons, transitional parking spaces and facilities, and boarding houses with a capacity for eight (8) or fewer persons	Single-family = 5,000 sq. ft. Two-Family = 6,000 sq. ft.
RG-2 General Residential	Single-family residences, two-family residences, elementary and secondary schools, fire and police stations, parks, religious institutions, bed and breakfast establishments, and doctors' offices	Community living arrangements with a capacity for greater than 15 persons, multiple-family residences not to exceed five (5) dwellings, boarding houses, and transitional parking spaces and facilities	Single-family = 5,000 sq. ft. Two-family = 6,000 sq. ft. Multi-family = varies by structure type
RM-1 Multiple-Family Residential	Two-family residences, elementary and secondary schools, fire and police stations, parks, and religious institutions	Community living arrangements with a capacity for greater than 15 persons, multiple-family residences not to exceed 11 dwellings per lot, planned developments, mobile home parks, boarding houses, and transitional parking spaces and facilities	8,000 square feet
RM-2 Multiple-Family Residential	Two-family residences, elementary and secondary schools, fire and police stations, parks, and religious institutions	Multiple-family residences containing three (3) or more units per lot, community living arrangements with a capacity for greater than 15 persons, planned developments, mobile home parks, and boarding houses	25,000 square feet
RM-3 Elderly and Handicapped Housing	---b	Elderly and handicapped community living arrangements and related facilities	25,000 square feet
TRD-1 Traditional Single and Two Family Residential District	Single-family residences, two-family residences, foster family homes housing less than four (4) children and not exceeding eight (8) total occupants, and community living arrangements with a capacity for eight (8) or fewer persons	Community living arrangements with more than eight (8), but less than 15 persons; historic monuments; private parks; and playgrounds	5,000 square feet
TRD-2 Traditional Multiple Family Residential District	Community living arrangements for fewer than 15 persons	Multiple-family residences containing three (3) or more units, community living arrangements for greater than 15 persons, historic monuments, private parks and playgrounds	Varies by structure type
B-1 Neighborhood Business	Neighborhood level retail and service uses	Community living arrangements, bed and breakfast establishments, boarding houses, and multiple-family residences above first floor	---c
B-2 Community Business	Community level retail and service uses	Hotels and motels, community living arrangements, multiple-family residences above first floor, automobile service, recycling centers, self-service storage facilities, and bed and breakfast establishments	---c
B-3 Central Business	Downtown and Uptown retail, service, office, and institutional uses	Hotels and motels, community living arrangements, multiple-family residences above first floor, convention center, automobile service, recycling centers, boarding houses, bed and breakfast establishments, and drive-thru facilities	---c
B-4 Mixed-Use	---b	Single family attached residences, multiple-family residences, elderly residences, convenience retail and service stores, general merchandise and institutional/office	Varied by structure type
M-1 Light Manufacturing	Light manufacturing, warehousing, and wholesaling uses of a limited nature that do not create appreciable nuisances or hazards	Airports and heliports, storage yard, recycling centers, truck or freight terminals, and self-service storage facilities	---

District	Typical Principal Uses	Typical Conditional Uses	Minimum Lot Area
M-2 Heavy Manufacturing	Heavy manufacturing and industrial uses	Airports and heliports, hazardous waste sites and facilities, manufacturing and processing of hazardous materials, stock yards, recycling centers, waste disposal facilities, and truck or freight terminals	----
I-P Institutional Park	Cemeteries, cultural institutions, educational institutions, hospitals, public administrative offices, parks, public airports, and religious institutions	Arenas, auditoriums, exhibition halls, stadiums, community living arrangements, penal and mental health institutions, conference centers, bed and breakfast establishments, and financial institutions	----
A-1 General Agricultural	Dairy farming and general agriculture, one (1) farm dwelling, floriculture, greenhouses, orchards, animal hospitals, stables, kennels, and veterinary services	Air strips, housing for farm laborers, wind energy conversion systems, and second single-family farm residential dwellings	10 acres
A-2 Agricultural Land Holding	Dairy farming and general agriculture, one (1) farm dwelling, floriculture, greenhouses, orchards, animal hospitals, stables, kennels, and veterinary services	Air strips, housing for farm laborers, wind energy conversion systems, and second single-family farm residential dwellings	10 acres
C-1 Upland Resource Conservancy	Single-family residence, agricultural, hunting and fishing, and park and recreation areas	Wind energy conversion systems	5 acres
C-2 Lowland Resource Conservancy	Wild crop harvesting, cultivation of crops, and fishing and hunting	Park and recreation areas, railroad lines, and wetland enhancement projects	----
FW Floodway	Wild crop harvesting, hunting and fishing, farming not including the erection of structures, fish hatcheries and open recreational uses	Bridges and approaches, marinas, navigational structures, and municipal water supply and sanitary sewerage systems	----
FFO Floodplain Fringe Overlay	Any uses, except for buildings or structures, permitted in the underlying district	Any FW District conditional use and floodproofed residential, business, institutional, and manufacturing buildings or structures permitted in the underlying district	----
PCNO Pike Creek Neighborhood Overlay	----b	----d	
PDO Planned Development Overlay	Any uses permitted in the underlying district	Any conditional uses permitted in the underlying district	Single-family = 5,000 sq. ft. per dwelling unit (d.u.) Two-family = 3,000 sq. ft./d.u. Multi-family 1-story = 2,250 sq. ft./ d.u. Multi-family 2-story = 2,000 sq. ft./ d.u. Multi-family 3-story = 1,000 sq. ft./ d.u. Multi-family 4 or more story = 500 sq. ft./d.u.
HPO Historic Preservation Overlay	Any uses permitted in the underlying district	Any conditional uses permitted in the underlying district	----
HRPO Harborpark Overlay	----b	----e	----
SWO Shoreland Wetland Overlay	Hiking, fishing and hunting, harvesting of wild crops, cultivation of agricultural crops, silviculture, and pasturing livestock	----	----
AIR Airport Overlay	Any use permitted in the underlying district and air navigation facilities	----	----

Note: This table is a summary and should not be used as a guide to answer zoning-related questions. Refer to the City of Kenosha Zoning Ordinance and map for specific zoning information.

a A two-family residence is allowed as a conditional use on a lot adjacent to a less restrictive use.

b No principal uses permitted.

c Minimum lot size and yard requirements apply only in certain situations.

- d Conditional use permits are available only for permitted uses and permitted accessory uses in the underlying zoning districts. Conditional use permits are not available for prohibited uses listed in Section 3.30 E of the ordinance.
- e Conditional use permits are available only for permitted uses and permitted accessory uses in the underlying zoning districts. Conditional use permits are not available for prohibited uses listed in Section 3.29 E of the ordinance.

Source: City of Kenosha Zoning Ordinance and SEWRPC.

Extraterritorial Zoning Regulations

The *Statutes* authorize cities and villages to adopt extraterritorial zoning regulations for adjacent unincorporated areas, in cooperation with the adjacent town, within three (3) miles of a city of the first, second, or third class, and within 1.5 miles of a city of the fourth class or a village. Initiation of the extraterritorial zoning ordinance freezes existing zoning in the extraterritorial (town) area for two (2) years, while the city or village and affected town or towns jointly develop an extraterritorial zoning ordinance and map. A joint committee made up of three (3) representatives from the city or village and three (3) representatives from each affected town is formed to develop the ordinance. The time period can be extended for one (1) additional year at the end of the two-year period. No extraterritorial zoning regulations were in effect in the City of Kenosha in 2007.

Erosion Control and Stormwater Management

Stormwater management and construction site erosion control ordinances act to protect water quality and protect and promote health, safety, and general welfare by minimizing the amount of sediment and other pollutants carried to lakes, streams, and wetlands by stormwater and runoff discharged from construction sites or land disturbing activities.

Section 62.234 of the *Statutes* grants authority to cities to adopt ordinances for the prevention of erosion from construction sites and the management of stormwater runoff from lands within their jurisdiction. The City of Kenosha has adopted erosion control and stormwater management ordinances. These ordinances require persons engaging in land disturbing activities to apply erosion control practices, as set forth in the Wisconsin Storm Water Management and Post-Construction Technical Standards.¹⁹

Chapter NR 216 of the *Wisconsin Administrative Code*, which is intended to reduce the discharge of pollutants carried by stormwater, requires county and local governments in urbanized areas, which are identified based on population and density, to obtain a Wisconsin Pollutant Discharge Elimination System (WPDES) Stormwater Discharge Permit. The code requires that the designated county or local government meet State standards to control pollution that enters a municipal storm sewer system and develop a Storm Sewer System Map, a Public Information and Education Program, a Stormwater and Erosion Control Ordinance, an Illicit Discharge Detection Program, and a plan to reduce suspended solids. An annual report on progress in meeting the requirements must be submitted to the DNR.

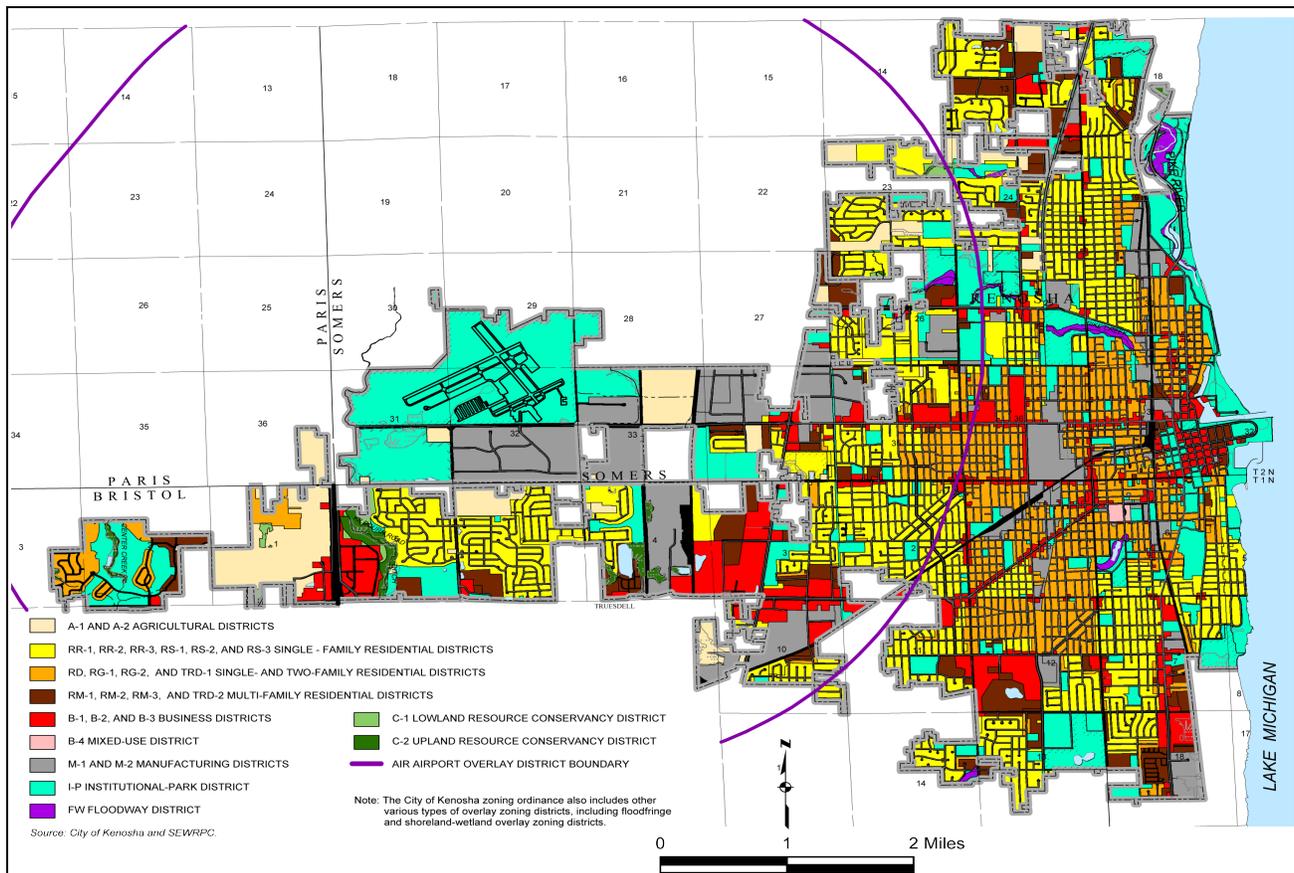
Chapter NR 151 of the *Wisconsin Administrative Code* requires that municipalities with a WPDES permit reduce the amount of total suspended solids in stormwater runoff by 20 percent by 2008 and by 40 percent by 2013, with respect to stormwater runoff from areas of existing development with no controls as of October 2004. Phase II of NR 216 requires municipalities outside urbanized areas with a population greater than 10,000 and a density over 1,000 persons per square mile to obtain a WPDES Stormwater Discharge Permit. As a result of Phase II requirements the City of Kenosha will be required to obtain permits.

In addition, regardless of whether a municipality is required to have a Stormwater Discharge Permit under Chapter NR 216, Chapter NR 151 requires that all construction sites that have one acre or more of land disturbance must achieve an 80 percent reduction in the amount of sediment that runs off the site. With certain limited exceptions, those sites required to have construction erosion control permits must also have post-development stormwater management practices to reduce the total suspended solids (sediment) that would otherwise run off the site by 80 percent for new development, 40 percent for redevelopment, and 40 percent for

¹⁹ Developed by the WDNR to replace the Wisconsin Construction Site Best Management Practice Handbook (April 1994), the *Storm Water Construction and Post-Construction Technical Standards* comprise a series of documents that specify the minimum requirements needed to plan, design, install, and maintain a wide array of conservation practices aimed at preserving the land and water resources of Wisconsin.

infill development occurring prior to October 1, 2012. After October 1, 2012, infill development will be required to achieve an 80 percent reduction. If it can be demonstrated that the solids reduction standard cannot be met for a specific site, total suspended solids must be controlled to the maximum extent practicable.

**MAP 6-3
GENERALIZED ZONING IN CITY OF KENOSHA: 2007**



Under the requirements of Chapter NR 151, by March 10, 2008, incorporated municipalities with average population densities of 1,000 people or more per square mile that are not required to obtain municipal Stormwater Discharge permits must implement Public Information and Education Programs relative to specific aspects of nonpoint source pollution control; municipal programs for management of leaf and grass clippings; and site specific programs for application of lawn and garden fertilizers on municipally-owned properties with over five (5) acres of pervious surface.

Land Division Regulations

A land division ordinance is a public law that regulates the division of land into smaller parcels. Land division ordinances provide for appropriate public oversight of the creation of new parcels and help ensure that new development is appropriately located; lot size minimums specified in zoning ordinances are observed; street rights-of-way are appropriately dedicated or reserved; access to arterial streets and highways is limited in order to preserve the traffic-carrying capacity and safety of such facilities; adequate land for stormwater management, parks, drainageways, and other open spaces is appropriately located and preserved; street, block, and lot layouts are appropriate; and adequate public improvements are provided. Cities and villages also have “extraterritorial” plat approval jurisdiction over subdivisions proposed in town areas near their corporate boundaries.

Chapter 236 of the *Wisconsin Statutes* sets forth general requirements governing the subdivision of land, including, among others, surveying and monumenting requirements, necessary approvals, recording procedures, and requirements for amending or changing subdivision maps. The *Statutes* also grant authority to county and local governments to review subdivision maps, commonly referred to as plats, with respect to local plans and ordinances. Section 236.45 authorizes county and local governments to adopt their own land division ordinances, which may be more restrictive than State requirements.

The City of Kenosha has adopted a Land Division Ordinance. Under Chapter 236, local governments are required to review and take action on plats for subdivisions. Subdivisions are defined in the *Statutes* as “a division of a lot, parcel, or tract of land by the owner thereof or the owner’s agent for purpose of sale or of building development, where the act of division creates five (5) or more parcels or building sites of 1.5 acres each or less in area; or five (5) or more parcels or building sites of 1.5 acres each or less in area are created by successive divisions within a period of five (5) years.” Local subdivision ordinances may be broader in scope and require review and approval of land divisions in addition to those meeting the statutory definition of a “subdivision,” including review of land divisions creating condominiums or fewer than five (5) lots.

The City of Kenosha ordinance applies to all lands within the limits of the City, to lands within the City's extraterritorial plat approval jurisdiction, and to those lands delineated by boundary agreements between the City of Kenosha and Town of Somers, and the City of Kenosha and the Town of Bristol, within “City Growth Areas” that are in the process of being attached to the City. Condominium plats are also considered subdivisions. A minor land division is any division of land resulting in not more than four (4) parcels or building sites; or the division of a block, lot, or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the exterior boundaries of the block, lot, or outlot.

Extraterritorial Platting Authority

Under Section 236.10 of the *Statutes*, a city or village may review, and approve or reject, subdivision plats located within its extraterritorial area if it has adopted a subdivision ordinance or an official map. Section 236.02 of the *Statutes* defines the extraterritorial plat review jurisdiction as the unincorporated area within three (3) miles of the corporate limits of a city of the first, second, or third class, or within 1.5 miles of the corporate limits of a city of the fourth class or a village. In accordance with Section 66.0105 of the *Statutes*, in situations where the extraterritorial plat approval jurisdiction of two (2) or more cities or villages would otherwise overlap, the extraterritorial jurisdiction between the municipalities is divided on a line, all points of which are equidistant from the boundaries of each municipality concerned, so that no more than one (1) city or village exercises extraterritorial jurisdiction over any unincorporated area. The extraterritorial plat review area for the City of Kenosha in 2007 is depicted in Map 6-4, page 23. The extraterritorial area changes whenever the City of Kenosha annexes land, unless the city has established a permanent extraterritorial area through a resolution of the common council or through an agreement with a neighboring village or town. The City of Kenosha may also waive its right to approve plats within any portion of its extraterritorial area by adopting a resolution that describes or maps the area in which it will review plats, as provided in Section 236.10(5) of the *Statutes*. The resolution must be recorded with the County Register of Deeds. The City of Kenosha has extraterritorial plat authority over adjacent land in unincorporated areas, unless waived under the terms of approved boundary agreements.

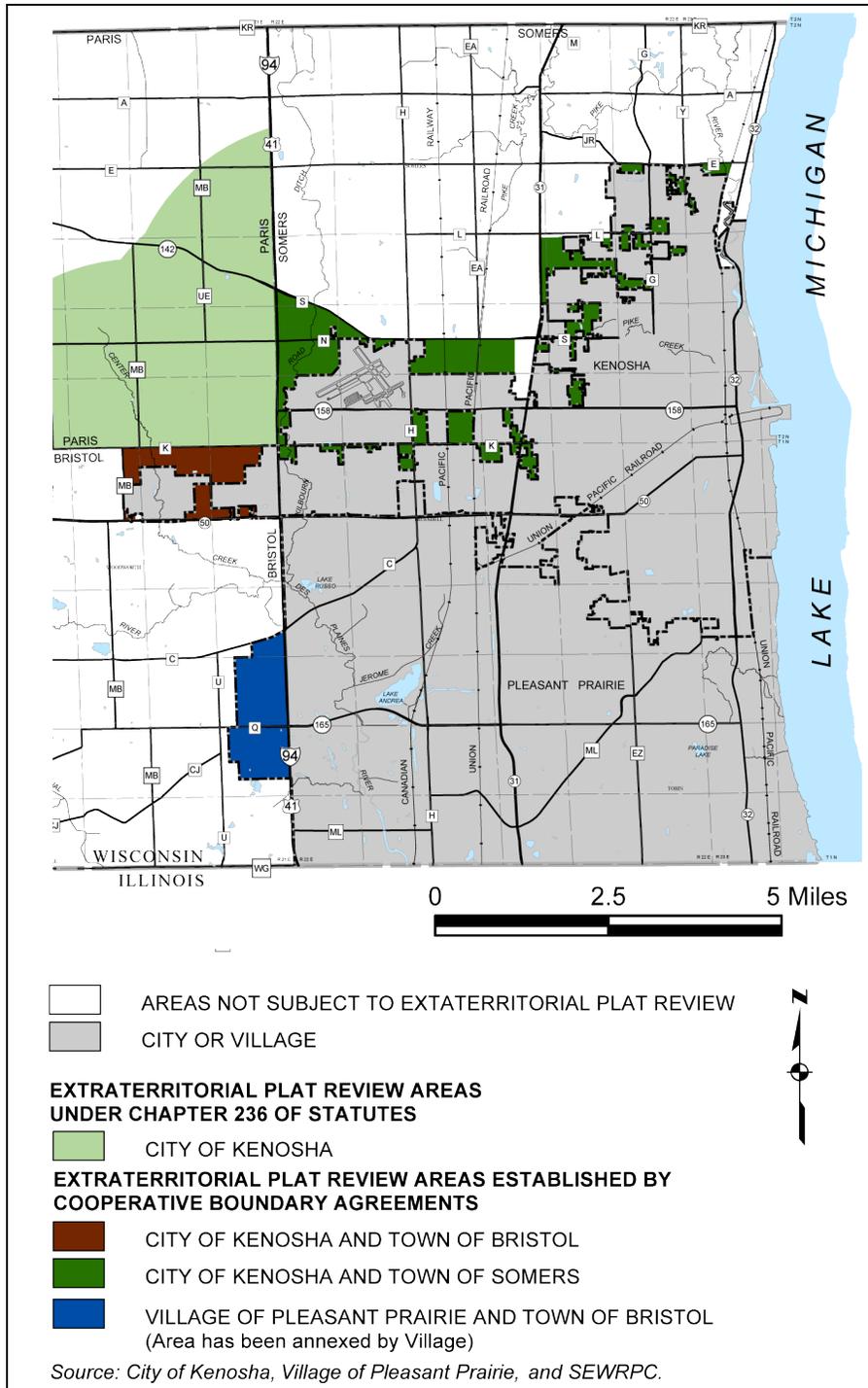
Official Mapping Ordinances

Section 62.23(6) of the *Wisconsin Statutes* allows the Common Council of any City to establish an official map for the precise identification of right-of-way lines and boundaries of streets, highways, waterways,²⁰ and parkways and the location and extent of railroad rights-of-way, public transit facilities, parks, and playgrounds. An official map is intended to be used as a precise planning tool for implementing master and comprehensive plans and for insuring the availability of land for the above features. The City of Kenosha must record a certificate showing that the City has established an official map with the Kenosha County Register of Deeds.

²⁰Waterways may be placed on the map only if included within a Comprehensive Surface Water Drainage Plan.

MAP 6-4

CITY AND VILLAGE EXTRATERRITORIAL PLAT REVIEW JURISDICTION IN THE CITY OF KENOSHA AND SURROUNDING AREAS: 2007



One of the basic purposes of the official map is to discourage the construction of structures and their associated improvements on land that has been designated for future public use. Local government subdivision ordinances can also require land shown on the official map to be dedicated for street, park, or other public use at the time land is subdivided. The official map is a plan implementation device that operates on a communitywide basis in advance of land development and can thereby effectively assure the integrated development of the street and

highway system. Unlike subdivision control, which operates on a plat-by-plat basis, the official map can operate over the entire community in advance of development proposals. The official map is a useful device to achieve public acceptance of long-range plans in that it serves legal notice of the government's intention well in advance of any actual improvements. The City of Kenosha has adopted an official map. The map was last updated in 2006.

SUMMARY

Southeastern Wisconsin, Kenosha County, and the City of Kenosha have a rich history of planning. Numerous plans have been developed at the regional level including a Regional Land Use Plan, Transportation System Plan, Natural Areas Plan, and Telecommunications Plan. Preparation of a Regional Water Supply Plan is underway. Plans developed at the County level include a Kenosha Urban Planning District Plan, Des Plaines River Watershed Plan, Jurisdictional Highway System Plan, Highway Access and Development Plan, and Freeway Corridor Plan. In addition, the City of Kenosha has adopted a Land Use, Master, or Comprehensive Plan as well as Park and Open Space Plans. These existing plans provided the foundation for developing this Comprehensive Plan for Kenosha.

The Comprehensive Planning Law requires that zoning, subdivision, and official mapping ordinances be consistent with a governmental unit's comprehensive plan as of January 1, 2010. As of that date, the City of Kenosha zoning and subdivision ordinances must be consistent with the comprehensive plan adopted by the Common Council. To assist in meeting this requirement, all City of Kenosha zoning, subdivision, and official mapping ordinances have been inventoried and summarized in this chapter. The Implementation Element (Chapter 15) identifies modifications to existing ordinances needed to implement the Comprehensive Plan presented in this report.

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